

Despatched: 11.02.13

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held in the Council Chamber, Council Offices, Argyle Road, Sevenoaks commencing at 7.00 pm on 19 February 2013 to transact the under-mentioned business.



Chief Executive

### **AGENDA**

#### **Apologies for absence**

1. **To approve as a correct record the minutes of the meeting of the Council held on 27 November 2012** (Pages 1 - 6)
2. **To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting**
3. **Chairman's Announcements**
4. **To receive any petitions submitted by members of the public.**
5. **Matters considered by the Cabinet and/or other committees:**
  - a) **Revenue Budget and Council Tax 2013/14** (Pages 7 - 52)
  - b) **Council Tax Discounts and Premium Resolution** (Pages 53 - 58)
  - c) **Treasury Management Strategy 2013/14** (Pages 59 - 90)
  - d) **Senior Management Reorganisation** (Pages 91 - 106)
  - e) **Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy** (Pages 107 - 160)
  - f) **Licensing of Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy** (Pages 161 - 192)

- g) **Allocations and Development Management Plan** (Pages 193 - 304)
- h) **Community Infrastructure Levy Charging Schedule** (Pages 305 - 322)
- i) **Monitoring Officer's Annual Report** (Pages 323 - 346)
- j) **Funding of Free Christmas Parking** (Pages 347 - 354)
6. **To consider the following reports from the Chief Executive or other Directors on matters requiring the attention of Council:**
- a) **Budget and Council Tax Setting 2013/14** *To Follow*
- b) **Pay Policy Statement** (Pages 355 - 366)
- c) **Employment Stability Policy** (Pages 367 - 378)
7. **To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.**
8. **To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.**
9. **To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.** (Pages 379 - 380)
10. **To receive a report from the Chairmen of the Select Committees on the work of the Committees since the last Council meeting.** (Pages 381 - 386)
11. **To receive a report from the Chairmen of the Performance and Governance Committee on the work of the Committee since the last Council meeting.** (Pages 387 - 388)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

DISTRICT COUNCIL OF SEVENOAKS

Minutes of the Meeting of the Sevenoaks District Council  
held on 27 November 2012 commencing at 7.00 pm

Present: Cllr Mrs. Morris (Chairman)

Cllr Pett (Vice-Chairman)

Cllrs Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Bosley, Mrs. Bosley, Mrs. Bracken, Brookbank, Butler, Clark, Mrs. Clark, Mrs. Cook, Cooke, Mrs. Davison, Davison, Mrs. Dibsdall, Dickins, Edwards-Winser, Eyre, Firth, Fittock, Fleming, Gaywood, Mrs. George, Grint, Hogarth, Horwood, Mrs. Hunter, London, Ms. Lowe, Maskell, McGarvey, Neal, Orridge, Mrs. Parkin, Mrs. Purves, Raikes, Ramsay, Mrs. Sargeant, Scholey, Searles, Miss. Thornton, Towell, Underwood and Walshe

Apologies for absence: Cllrs. Brown, Ms. Chetram, Mrs. Dawson, Piper, Miss. Stack and Williamson

36. To approve as a correct record the minutes of the meetings of the Council held on 16 October 2012 and 7 November 2012

The Chairman proposed that the minutes of the meetings of the Council held on 16 October 2012 and 7 November 2012 be approved as a correct record.

Resolved: That the minutes of the meetings of the Council held on 16 October 2012 and 7 November 2012 be approved and signed by the Chairman as a correct record.

37. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting

There were no additional declarations of interest.

38. Chairman's Announcements

Members were warmly invited to attend the Staff Carol Service at 11am on Thursday 20<sup>th</sup> December at St Luke's Church.

39. To receive any petitions submitted by Members of the Public.

No petitions were submitted.

40. Matters considered by the Cabinet and/or other Committees:

- (a) Community Governance Review

Councillor Fleming proposed and Councillor Mrs Bracken seconded that the recommendations outline on pages 7-8 of the agenda be agreed.

Councillor Grint addressed the Council as Ward Member for Halstead, Knockholt and Badgers Mount reporting that the majority of residents in Badgers Mount supported proposals for a Parish Council separate from Shoreham Parish Council.

Resolved: That

- (a) the draft recommendations to retain the existing boundaries and electoral arrangements of the Parishes of Chiddingstone, Cowden, Edenbridge, Farningham, Fawkham, Halstead, Hever, Horton Kirby & South Darenth, Kemsing and Knockholt be confirmed;
- (b) the draft recommendations in respect of the parishes of Ash-cum-Ridley and Hartley (Milestone School); Brasted and Westerham (High View Cottage); Crockenhill and Shoreham (no change to present arrangements); Eynsford and Shoreham (Austin Lodge Golf Course); Hextable and Swanley (Lower Road); Chevening, Dunton Green, Riverhead, Seal, Sevenoaks, Sevenoaks Weald and Sundridge with Ide Hill (no change to present arrangements); be confirmed;
- (c) the draft recommendation that no change be made to the electoral arrangements of Hartley Parish be confirmed;
- (d) the draft recommendation that the two properties North Lodge, Redleaf and Woodside Kennels transfer from Leigh Parish to Penshurst Parish be confirmed;
- (e) the properties Stursdon Farm, Mount Farm and Mount Farm Cottage transfer from Otford Parish into Shoreham Parish;
- (f) the draft recommendation to transfer the 8 Twitton properties currently in Shoreham Parish into Otford Parish be confirmed;
- (g) no change be made to the existing warded structure nor to the name of Penshurst Parish Council;
- (h) the Well Hill Hundreds ward remains a part of Shoreham Parish;
- (i) a separate parish of Badgers Mount be created;
- (j) Officers of the District Council discuss with Shoreham Parish Council the electoral arrangements of the reconstituted Parish of Shoreham and present the outcome to a future meeting of the Electoral Arrangements Committee; and
- (k) the draft recommendation for no change between the parishes of Shoreham and West Kingsdown in the vicinity of East Hill be confirmed.”

(b) Local Council Tax Support Scheme

Councillor Fleming proposed and Councillor Ramsay seconded that the recommendations outlined on pages 33-34 of the agenda be agreed.

Councillor Fleming reported that the legislation had ensured that all claimants of pensionable age would be protected under the scheme. In addition to this, in year 1 of the scheme, transitional protection would ensure that all residents of working age received a deduction of 8.5% on the amount of council tax support they were entitled to, as calculated on the basis of the current council tax benefit scheme.

Councillor Fittock, whilst acknowledging that the Council had to adhere to legislation, highlighted that the new Scheme was effectively taking money from the poorest groups within the District and expressed surprise that the Council's consultation was focused on all those in receipt of Council Tax Benefit and not simply those affected by the proposals.

Councillor Fleming clarified that the legislation required all those currently in receipt of Council Tax Benefit to be consulted. The legislation required local authorities to be "mindful of the vulnerable" but the Government had obviously seen a clear need for pensioners to be protected.

Resolved: That, having considered the equality impacts, as set out in the report, it be resolved that:

- (a) The Council introduce a local support for council tax scheme that all residents of working age receive a deduction on the amount of council tax support they are entitled to, calculated on the basis of the current council tax benefit scheme, of 18.5%.
- (b) In year 1 of the scheme, from 1 April 2013 to 31 March 2014 the Council applies transitional protection for all residents of working age eligible to receive council tax support. This transitional protection ensures that in year 1 only all residents of working age receive a deduction of 8.5% on the amount of council tax support they are entitled to, as calculated on the basis of the current council tax benefit scheme.
- (c) The Council applies to the Government's grant scheme for a financial contribution towards the transitional protection provided to residents once the grant scheme opens after 31 January 2013.
- (d) The Portfolio Holder for Value for Money is provided delegated authority to implement any consequential amendments to the local scheme as a result of the Government publishing its final regulations.

(c) Review of Member's Allowances

The Chairman reported that the item had been withdrawn as the Modern Local Government Group had asked Officers to undertake further investigations and report back to a later meeting.

(d) Revised Statement of Principles for Gambling Act 2005 Policy

Councillor Fleming proposed and Councillor Mrs Bracken seconded that the Statement of Licensing Policy be adopted by Full Council.

Resolved: That the Statement of Licensing Policy be adopted.

(e) Review of the Performance and Governance Committee Terms of Reference

Councillor Fleming proposed and Councillor Mrs Bracken seconded that the revised Terms of Reference for the Performance and Governance Committee be adopted.

Resolved: That the revised Terms of Reference for the Performance and Governance Committee be adopted.

41. To consider any questions by Members under paragraph 19.3 of part 2 (the Council and District Council Members) of the Constitution, notice of which have been duly given.

There were no questions.

42. To receive any questions from Members of the Public under paragraph 17 of part 2 (the Council and District Council Members) of the Constitution.

There were no questions.

43. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader introduced his report highlighting two specific items within the report:

1. Youth Service Transformation –this issue had been considered by the Locality Board. The Leader stressed that whilst joint commissioning of services with Kent County Council was still in its early stages he believed that locally commissioning services would become increasingly important in the future.
2. The signing of the White Oak Ward Charter for Cleaner and Safer Environments had been driven by community groups. The Leader had attended the signing which had demonstrated the power of communities when they worked together.

The Leader also offered congratulations to the Facilities Manager, Will Bowen, who would be leaving Sevenoaks District Council on 14<sup>th</sup> December 2012 to take up a new, more senior, post. The Leader commended Will's dedication to Sevenoaks District Council over a number of years and highlighted that Will's promotion had embodied the Sevenoaks ethos of growing its staff. The Council wished Will the best of luck in his new job.

Two Members asked the Leader if any work had been undertaken on reviewing different forms of governance as the Localism Act 2011 now allowed for this. The Members suggested that it may be helpful to set up a Member Working Group to consider all the available options and report back to Council in the Spring of 2013. The Leader responded that there were a number of options available and that all the options needed to be fully investigated. It had been agreed at the meeting of the Modern Local Government Group on 20<sup>th</sup> November 2012 that the Council's governance structure would be reviewed alongside the corporate officer restructure being considered by the Chief Executive Designate. The Leader stressed the need for a full governance review to be undertaken and suggested that the outcome of the review should be reported in six months.

44. To receive a report from the Chairmen of the Select Committees on the work of the Committees since the last Council meeting.

The Council received reports from the Chairmen of the following Select Committees:

- Environment Select Committee – 23<sup>rd</sup> October 2012
- Social Affairs Select Committee – 30<sup>th</sup> October 2012
- Services Select Committee – 1<sup>st</sup> November 2012.

45. To receive a report from the Chairmen of the Performance and Governance Committee on the work of the Committee since the last Council meeting.

The Council received a report from the Chairman of the Performance and Governance Committee on the work undertaken by the Committee at its meeting on 13<sup>th</sup> November 2012.

THE MEETING WAS CONCLUDED AT 7.29 pm

Chairman

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## REVENUE BUDGET AND COUNCIL TAX

### Council – 19 February 2013

Report of the: Chief Executive Designate

Status: For Decision

Key Decision: No

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**Executive Summary:** This report sets out the proposed budget and required level of Council Tax for 2013/14. The report details changes to the draft budget since the Cabinet meeting on 10 January.

The proposed net expenditure budget is £13.800m (£13.443m in 2012/13). Subject to any further changes this would result in a Council Tax increase of 1.98% in 2013/14, with the District's Council Tax being £185.49 for a Band D property for the year (£181.89 in 2012/13).

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**This report supports the Key Aim of** effective management of Council resources.

**Portfolio Holder** Cllr. Ramsay

**Head of Service** Group Manager – Financial Services – Adrian Rowbotham

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### Recommendation to Cabinet:

It is recommended to Council that:

- (a) The Summary of Council Expenditure and Council Tax set out in Appendix C be approved.
- (b) The 10-year budget 2012/13 to 2022/23 set out in Appendix A, including the growth and savings proposals set out in Appendix B, be approved and that where possible any variations during and between years be met from the Budget Stabilisation Reserve.
- (c) The changes to reserves set out in Appendix F be approved.

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### Background and Introduction

- 1 Members will be aware that the 2013/14 budget process started in September 2012 with consideration of a report on the Council's financial prospects. The Select Committees reviewed the budget and service plans in October and November and reported back to Cabinet on 6 December 2012. Cabinet received a further report on 10 January which contained details of the Government's provisional settlement figures for 2013/14 and 2014/15.

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- 2 The adoption of the 10-year budget over the last two years has resulted in a much more stable budget position than had previously been achieved.
- 3 This report includes a number of attachments:
  - Appendix A – 10-year budget;
  - Appendix B – Growth and savings;
  - Appendix C – Summary of Council Expenditure and Council Tax;
  - Appendix D – Summary Service Analysis in budget book format;
  - Appendix E – Analysis of pay costs;
  - Appendix F - Reserves
  - Appendix G – Risk analysis;
  - Appendix H – Financial Strategy (available on the website).

### Changes made since 10 January 2013

- 4 The Council Tax increase for 2013/14 has been reduced to 1.98% resulting in a Band D Council Tax of £185.49. This is the closest it can be below the 2% referendum limit and still be divisible by 9 which is best practice as Council Tax bands are set in units of 9 (e.g. Band D 9/9ths, Band E 11/9ths).
- 5 Members continue to have the option to freeze the Council Tax and apply for a grant from Government equivalent to a 1% increase in Council Tax. The option to freeze the Council Tax would require the Council to identify an additional £1.8m in savings or additional income over the duration of the 10-year budget.
- 6 For the remaining confirmed four years of the New Homes Bonus, £120,000 per annum will be transferred to the Budget Stabilisation Reserve instead of to the Big Communities Fund. This was requested by Cabinet on 10 January.

### Integration with other budget reports on the Cabinet Agenda

- 7 Separate reports on this Agenda set out the Asset Maintenance and Capital Programme Budget proposals, and Treasury Management Strategy. The attached revenue budgets take into account the recommendations and revenue implications set out in those reports.

### 2012/13 Outturn

- 8 Supported by the Finance Advisory Group, tight financial monitoring and control has been in place for a number of years and again for 2012/13. Given the constraints being placed on all budgets, and the savings planned for 2013/14 and future years, it is essential that the Council continues to operate on this basis.

- 9 The latest monitoring figures indicate a small favourable variance at the year end. However, it should be recognised that this has been a challenging budget year for a number of reasons, including reduced income streams and the continued impact of the recession. In spite of this, officers, with the support of the Finance Advisory Group, are continuing to ensure the year-end outturn remains within budget.
- 10 Key risk items in the current year include:
- Development Control income (£97,000 forecast shortfall in 2012/13),
  - Building Control income (£112,000),
  - Car Parking income (£100,000),
  - Land Charges income (£34,000).

**Estimated Income from Business Rates**

- 11 In previous years the estimate of the amount collected from business rates was not of great importance since it was all paid to central government. From 2013/14 the amount collected will have a direct bearing on the funding of this council.
- 12 The Council has to calculate by 31 January each year the amount it estimates it will collect from business rates in the following year. It is difficult to estimate this accurately due to the high number of outstanding appeals against the rateable value. The rateable value of the premises with appeals outstanding is £28m but it is not known when these appeals will be determined or the likelihood of success.
- 13 The following table is a summary of the estimated income from business rates in 2013/14:

Estimated Business Rate Income 2013/14	£m
Gross Rateable Value at 30/09/12	90.501
Net rate yield	33.677
Shared between:	
Central share	16.838
KCC share	3.031
KF&R share	0.337
SDC share *	13.471

## Agenda Item 5a

Total	33.677
*a tariff is applied to this figure to reduce it to £1.862m which is the Business Rates element of the Government Support amount included in the 10-year budget.	

- 14 The estimated share for this Council is at the same level as the safety net used in the calculation of Government Support included in the 10-year budget. It is hoped that actual income will be higher than this but bearing in mind the significant risks to the Council it is prudent to estimate at this level.
- 15 Any surplus or deficit at the end of the year will be taken into account when setting the budget for the following year.

### Medium Term Prospects

- 16 The 10-year budget includes previously agreed savings up to 2014/15 to help to achieve a balanced budget.
- 17 Looking at both national and local issues, the medium term prospects remain difficult, in that the Council is likely to be faced with a number of substantial additional financial pressures. These include:
- reduced Government support and the change to the Business Rates Retention Scheme;
  - the economic downturn has resulted in increased demand for some services and also reduced investment and other income;
  - expectations that Council Tax increases will remain low;
  - the ongoing effect of Welfare Reform changes (e.g. Localisation of Council Tax Support, Universal Credit).
- 18 The 10-year budget at Appendix A already reflects the impact of a number of these pressures on the Council's finances. Members will appreciate that there is considerable uncertainty over many of the financial assumptions for future years and that this is an evolving picture. Officers continue to track and analyse the latest information and views.

### Adequacy of Reserves

- 19 Ensuring the adequacy and sustainability of the Council's reserves continues to be a key part of the budget process. Individual balances have been reviewed as part of writing this report and the detailed work is set out in Appendix F. This review should ensure that all provisions and earmarked reserves are adequate for their purposes.

- 20 It is recommended that the Council hold a minimum General Fund reserve balance of 10% of its net Revenue Budget, for emergencies. The remainder of the General Fund reserve is the only resource not earmarked to a particular future need.

**2013/14 Budget and Council Tax**

- 21 After allowing for the savings previously agreed and the key changes made during this budget process, the resulting net expenditure for 2013/14 is £13.800m. As shown in Appendix C this results in Council Tax income of £8.728m, meaning that the District element of the Band D charge will be £185.49.
- 22 The other preceptors are yet to announce their increases. Members will be updated at the meeting with the latest information.

**Key Implications**

Financial

- 23 All financial implications are covered elsewhere in this report.

Community Impact and Outcomes

- 24 A balanced budget that includes the assessment and management of risk provides the Council with the financial stability required to plan and deliver its services to the community.

Legal, Human Rights etc.

- 25 There are no legal or human rights implications.

Equality Impacts

26

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes	Individual equalities assessments have been completed for all of the Service Change Impact Assessments (SCIAs) to ensure our decision making process was fair and transparent. The cumulative impact of these proposals show there will be impacts on diverse groups but the proposals reflect the fairest overall course of action to produce a balanced budget.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

## Agenda Item 5a

### Conclusions

- 27 Members will be aware that the Council continues to face financial pressure from the economic downturn and reductions in Government funding. Income is expected to remain depressed whilst demand for key services has remained high.
- 28 The future financial prospects for the public sector are increasingly difficult. However, this budget will ensure the Council is in a financially sustainable position.

### Risk Assessment Statement

- 29 The budget risk analysis is attached at Appendix G to this report. The Finance Advisory Group reviewed these risks as part of the budget process at its meeting on 23 January 2013.
- 30 An effective integrated policy and priority driven long-term financial and business process is required for the Council to deliver on its priorities and maintain a sustainable budget. It is also essential that continuous improvements are identified and implemented in order to take account of the changing climate within which the Council operates and to meet the expectations of both Government and the public on the quality of service demanded from this Council.
- 31 The risks associated with the 10-year budget approach include uncertainty around the level of shortfall and the timing of key announcements such as future grant settlements. The risk will be mitigated by continuing to review assumptions and estimates and by updating Members throughout the process.
- 32 The Council has in place a number of specific reserves and provisions to address identified risks.

### Appendices

Appendix A – 10-year budget

Appendix B – Growth and savings

Appendix C – Summary of Council Expenditure and Council Tax

Appendix D – Summary Service Analysis in budget book format

Appendix E – Analysis of pay costs

Appendix F – Reserves

Appendix G – Risk analysis

Appendix H – Financial Strategy (available on the website)

### Background Papers:

Report to Cabinet 10 January 2013 – Item 6 – Draft Budget 2013/14

## Agenda Item 5a

Report to Cabinet 6 December 2012 – Item 9 –  
Draft Budget 2013/14

Report to Environment Select Committee 23 October  
2012, Social Affairs Select Committee 30 October  
2012 and Services Select Committee 1 November  
2012 – 2013/14 Budget and Review of Service  
Plans

Report to Cabinet 13 September 2012 – Item 6 –  
Financial Prospects & Budget Strategy 2012/13 and  
Beyond

**Contact Officer(s):**

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**Dr. Pav Ramewal**  
**Chief Executive Designate**

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## Ten Year Budget - Revenue

	Budget 2012/13	Plan 2013/14	Plan 2014/15	Plan 2015/16	Plan 2016/17	Plan 2017/18	Plan 2018/19	Plan 2019/20	Plan 2020/21	Plan 2021/22	Plan 2022/23	Cumulative
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>Expenditure</b>												
Net Service Expenditure c/f	13,771	13,443	13,800	14,854	15,302	15,723	16,127	16,389	16,761	17,126	17,465	
Inflation	468	621	633	565	564	566	563	558	552	339	338	
Superannuation Fund deficit: actuarial increase	0	0	520	0	0	0	0	0	0	0	0	
Net savings (approved in previous years)	(796)	(404)	(119)	(117)	(143)	(162)	(301)	(186)	(187)	0	0	
<b>New growth and savings</b>	<b>0</b>	<b>140</b>	<b>20</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Net Service Expenditure b/f</b>	<b>13,443</b>	<b>13,800</b>	<b>14,854</b>	<b>15,302</b>	<b>15,723</b>	<b>16,127</b>	<b>16,389</b>	<b>16,761</b>	<b>17,126</b>	<b>17,465</b>	<b>17,803</b>	
<b>Financing Sources</b>												
Government Support (1)	(4,646)	(3,788)	(3,542)	(3,412)	(3,338)	(3,307)	(3,406)	(3,508)	(3,613)	(3,721)	(3,833)	
New Homes Bonus		(976)	(1,276)	(1,576)	(1,876)	0	0	0	0	0	0	
Govt Support - to be passed on to Towns/Parishes		(274)	(282)	(293)	(305)	(317)	(330)	(343)	(357)	(371)	(386)	
Govt Support - passed on to Towns/Parishes		274	282	293	305	317	330	343	357	371	386	
Council Tax	(9,251)	(8,728)	(8,990)	(9,350)	(9,724)	(10,113)	(10,518)	(10,939)	(11,377)	(11,832)	(12,305)	
Council Tax Support grant		(734)	(756)	(786)	(769)	(762)	(785)	(809)	(833)	(858)	(884)	
Interest Receipts	(173)	(229)	(234)	(356)	(375)	(351)	(317)	(286)	(260)	(239)	(221)	
Contributions to Reserves	330	787	474	477	479	362	365	367	370	373	376	
Contributions from Reserves	(536)	(795)	(580)	(580)	(580)	(580)	(580)	(580)	(580)	(580)	0	
<b>Total Financing</b>	<b>(14,276)</b>	<b>(14,463)</b>	<b>(14,905)</b>	<b>(15,584)</b>	<b>(16,183)</b>	<b>(14,752)</b>	<b>(15,241)</b>	<b>(15,756)</b>	<b>(16,294)</b>	<b>(16,858)</b>	<b>(16,867)</b>	
<b>Budget Gap (surplus)/deficit</b>	<b>(833)</b>	<b>(663)</b>	<b>(51)</b>	<b>(282)</b>	<b>(460)</b>	<b>1,375</b>	<b>1,148</b>	<b>1,005</b>	<b>832</b>	<b>607</b>	<b>936</b>	<b>3,614</b>
<b>Contribution to/(from) Stabilisation Reserve</b>	<b>833</b>	<b>663</b>	<b>51</b>	<b>282</b>	<b>460</b>	<b>(1,375)</b>	<b>(1,148)</b>	<b>(1,005)</b>	<b>(832)</b>	<b>(607)</b>	<b>(936)</b>	<b>(3,614)</b>
<b>Unfunded Budget Gap (surplus)/deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Remaining balance / (shortfall) in Budget Stabilisation reserve: 552

## Assumptions

Government Support: -14% in 13/14, -7% in 14/15, -4% in 15/16, -2% in 16/17, -1% in 17/18, +3% later years  
 Council Tax: 1.98% in 13/14, 3% in 14/15, 4% later years  
 Interest Receipts: 0.8% in 13/14 and 14/15, 1.2% in 15/16, 1.3% later years (based on Sector Bank Rate forecast + 0.3%)  
 Pay award: 1% in 13/14, 1.5% in 14/15, 2% later years  
 Other costs: 3.5% in 13/14, 3% in 14/15 1.75% later years  
 Income: 3.5% in all years

Note 1 Government Support includes Council Tax Freeze Grants

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Growth and Savings Agreed in Previous Years updated with changes presented to Cabinet on 06/12/12

SCIA			2011/12	2012/13	2013/14	2014/15
Year	No.		£000	£000	£000	£000
		<b>Community Development</b>				
2008/09	18	Community Development - Replace core salaries with external funding and reduce health budget 2011/12	(2)			
2008/09	20	Community Safety - Reduce Community Safety budget - crime reduction	(2)			
2008/09	21	Reduce Youth budget - SNAP, drugs/alcohol	(13)			
2008/09	22	Reduce grants budget	(3)			
2010/11	24	STAG agreement expiry			(25)	(75)
2011/12	1	Arts Development	(5)			
2011/12	2	Community Safety - external funding at risk	56			
2011/12	3	Grants	(25)	(20)		
2011/12	4	Health - reduced activity	(17)			
2011/12	5	Leisure - Asset Maintenance	(70)	(70)		
2011/12	5	Leisure - Asset Maintenance (amended Cabinet 06/12/12)			70	
2011/12	6	Leisure - reduced Management Fee	(80)	(80)		
2011/12	7	Sustainability - delete remaining cost	(4)			
2011/12	8	Tourism - reduced activity		(30)		
2011/12	9	West Kent Partnership	(2)			
2011/12	10	Youth - reduce activity, leave only statutory duty	(20)	(60)		
2011/12	11	Youth - 8-12's project		(23)		
2011/12	61	Community Development share of corporate targets	(3)	(2)		
		<b>Community Development Sub Total</b>	<b>(190)</b>	<b>(285)</b>	<b>45</b>	<b>(75)</b>
		<b>Development Services</b>				
2008/09	30	Development Control - staffing reduction	(41)			
2010/11	1	Development Control - various	(20)			
2010/11	33	Planning Policy - reverse one off income 2010/11	22			
2011/12	12a	Development Control - Conservation - deletion of consultants budget	(11)			
2011/12	12b	Development Control - Appeals - reduced use of external legal resources	(10)			
2011/12	12c	Development Control - Appeals - reduced use of consultants	(6)			
2011/12	13	Development Control - review processes and structure to reduce costs	(131)			
2011/12	14a	Development Control - Planning and Pre-Application Fees - extra income		(100)		
2011/12	14b	Development Control - S106 Monitoring - charge developers to monitor	(50)			
2011/12	14b	Development Control - S106 Monitoring - charge developers to monitor (amended Cabinet 06/12/12)			25	
2011/12	15	LDF preparation - reduce annual contribution to reserve based on cost reduction (reversing short-term saving made in 11/12)	(70)		70	
2011/12	15	LDF preparation - reduce annual contribution to reserve based on cost reduction (reversing short-term saving made in 11/12) (amended Cabinet 06/12/12)			(35)	
2011/12	61	Development Services share of corporate targets	(8)	(14)		
		<b>Development Services Sub Total</b>	<b>(325)</b>	<b>(114)</b>	<b>60</b>	<b>0</b>
		<b>Environmental and Operational</b>				
2010/11	2	Building Control - review of team	(5)			
2010/11	8	Licensing - Enlarge Partnership	(15)	(15)		
2010/11	36	Building Control - reverse one off income home condition survey	15			
2010/11	66	CCTV	(45)			
2011/12	16	Building Control - joint working and cost savings from team review	(74)			
2011/12	17	CCTV - Partnership Work/Other arrangement (with Contact Centre)				(50)
2011/12	17	CCTV - Partnership Work/Other arrangement (with Contact Centre) (amended Cabinet 06/12/12)				50
2011/12	18	Direct Services - review operations and reduce costs	(88)	(16)		
2011/12	20	Environmental Health - shared working	(150)			
2011/12	21	Minibuses - Deletion of service	(333)			
2011/12	22a	Parking - joint working	(26)			
2011/12	22b	Parking - reduce administrative costs		(13)	(14)	
2011/12	22c	Civil Enforcement - review structure	(34)			
2011/12	22d	Hollybush Outdoor Bowls Centre - transfer ownership to private club	(20)			
2011/12	22e	Further transfer of land playgrounds etc to Town/Parish Councils	(15)			
2011/12	23	Sencio Leisure parking fees reimbursement at Sevenoaks - cancel	(26)			
2011/12	24	Parking - additional income	(43)			
2011/12	25	On-street Parking - additional income	(35)			
2011/12	26	Direct Services - Public Conveniences	(62)			
2011/12	27	Direct Services - Street Cleansing reduction	(124)			
2011/12	28	Asset Maintenance (reduction for 3 years) - Playground equipment/CCTV equipment/depot/car parks (reversing short-term saving made in 11/12)	(31)			31
2011/12		Direct Services - Pest Control - review of service and removal of subsidy	(16)			
2011/12	61	Env & Ops share of corporate targets	(24)	(91)		
2013/14	1	Building Control - reduced income			50	

# Agenda Item 5a

Appendix B

## Growth and Savings Agreed in Previous Years updated with changes presented to Cabinet on 06/12/12

SCIA			2011/12	2012/13	2013/14	2014/15
Year	No.		£000	£000	£000	£000
2013/14	9	Environmental Health partnership - further savings				(30)
		<b>Environmental &amp; Operational Services Sub Total</b>	<b>(1,151)</b>	<b>(135)</b>	<b>36</b>	<b>1</b>
		<b>Finance and HR</b>				
2010/11	15	Concessionary Fares - Govt funding reduction	200			
2010/11	16	Members' Allowances - Phasing of new scheme	45	45		
2010/11	22	Internal Audit - reverse extra income DBC	10			
2010/11	41	Concessionary Fares - reverse reduced costs	60			
2011/12	30a	Finance - re-structure and review processes	(40)			
2011/12	30b	Finance/Direct Services - Rationalisation of financial systems and administration over sites		(50)		
2011/12	31	Human Resources - partnership working			(20)	
2011/12	31	Human Resources - partnership working (amended Cabinet 06/12/12)			20	
2011/12	32	Secretariat - review across council with view to reducing with senior management	(41)			
2011/12	33	Members' Allowances - next phased increase not implemented	(45)			
2011/12	37	Revenues & Benefits - joint working savings above target	(50)			
2011/12	38	Revenues and Benefits - Partnership - further efficiencies target (£60k split 50:50)			(30)	
2011/12	39	Civic Expenditure - delete budget except Chair/Vice Allowance	(68)			
2011/12	40	Lease Cars - cease scheme administration	(10)	(10)	(20)	
2011/12	41	Training Budget - reduce	(50)			
2011/12	42	Admin Support - reduce	(28)			
2011/12	61	Finance & HR share of corporate targets	(15)	(22)		
2012/13	1	Benefits - reduction in Admin grant		40		
2012/13	2	Benefits - contribution from Housing Benefits Subsidy Reserve		(40)		
2012/13	3	Members' Allowances - provision for Members IT allowance		6		
2012/13	5	Members' Allowances - underspend		(6)		
		<b>Finance &amp; HR Sub Total</b>	<b>(32)</b>	<b>(37)</b>	<b>(50)</b>	<b>0</b>
		<b>Housing and Communication</b>				
2010/11	47	Homeless - reverse one off rent in advance	10			
2010/11	47	Homeless - reverse one off deposit bonds	10			
2010/11	50	Housing initiatives - reverse one off support of under 18s	15			
2010/11	51	Gypsy site - Support -Hever Rd	7			
2010/11	56	Communications Officer - temporary cover by apprentice (reversal of short-term saving)		19		
2011/12	43	Housing Policy - Climate Change	(23)			
2011/12	44	Social Housing - West Kent Housing Contract Saving		(30)		
2011/12	45	Merge Private Sector and Social Housing	(55)			
2011/12	46	Disabled Facilities Grant reduction	(50)			
2011/12	47	Social Housing - Joint assessment referrals - stop contribution		(8)		
2011/12	58	Review of Policy, Performance and Communications functions - part	(35)			
2011/12	58	Policy, Performance and Communications - review of functions		(50)		
2011/12	61	Housing share of corporate targets	(5)	(4)		
		Reallocation of staffing expenditure between the Housing Improvement Grants capital scheme and revenue - this is offset by reducing the annual contribution from revenue to the Capital reserve by £32,000			32	
		<b>Housing &amp; Communication Sub Total</b>	<b>(126)</b>	<b>(73)</b>	<b>32</b>	<b>0</b>
		<b>IT and Facilities Management</b>				
2011/12	29	Contact Centre - shared services or reduction in service		(40)		
2011/12	48	Internet provision - reduce charges	(40)			
2011/12	49	Information Systems and IT Support - review staffing resources	(30)		(20)	(60)
2011/12	50	IT Support - reduce general costs	(41)			
2011/12	51	IT - Agresso and IDOX - reduce support costs	(23)	(50)		
2011/12	52	Facilities Management - staffing - review	(45)	(30)		
2011/12	53	FM - window cleaning, hand dryers, building cleaning, microfilming	(15)			
2011/12	53	FM - window cleaning, hand dryers, building cleaning, microfilming	(10)			
2011/12	61	IT & FM share of corporate targets	(7)	(7)		
		<b>IT &amp; FM Sub Total</b>	<b>(211)</b>	<b>(127)</b>	<b>(20)</b>	<b>(60)</b>
		<b>Legal and Democratic Services</b>				
2008/09	17	Democratic Services - reorganise to reduce service/costs	(17)			
2008/09	62	Policy and Perf - review of team tasks	(35)			
2010/11	21	Equalities - Tunbridge Wells BC contract ends		(15)		
2011/12	34	Central offices target savings	(5)			
2011/12	35	Property - review processes and restructure team	(75)		(75)	

Growth and Savings Agreed in Previous Years updated with changes presented to Cabinet on 06/12/12

SCIA			2011/12	2012/13	2013/14	2014/15
Year	No.		£000	£000	£000	£000
2011/12	35	Property - review processes and restructure team (amended Cabinet 06/12/12)			35	
2011/12	36	Property - income from Tandridge	(13)			
2011/12	54	Legal Services - Partnership Working	(25)			
2011/12	55	Democratic Services Manager - Partnership Working	(20)			
2011/12	56	Land Charges income loss (personal searches)	22			
2011/12	57	Legal Services - additional income (S106)	(30)			
2011/12	61	Legal & Democratic share of corporate targets	(5)	(10)		
2013/14	3	Planning - Legal/Barrister fees			20	
2013/14	4	Land Charges - reduced income			40	
2013/14	5	Audit fees			(40)	
2013/14	6	Argyle Road rents - KCC/MOAT			(20)	
2013/14	7	Argyle Road rents - Police			(15)	
		<b>Legal &amp; Democratic Services Sub Total</b>	<b>(203)</b>	<b>(25)</b>	<b>(55)</b>	<b>0</b>
		<b>Corporate</b>				
2010/11	1	Review of senior management - part	(75)			
2010/11	58	Partnership working - corporate target	(200)			
2011/12	59	Review of senior management or joint management			(302)	
2011/12		Market supplements - continuation of phased removal	(100)			
2011/12	62,63	Staff terms and conditions - savings reprofiled as agreed by Council 18/10/11				35
2013/14	8	Market related supplements - reduction			(10)	
		<b>Corporate Sub Total</b>	<b>(375)</b>	<b>0</b>	<b>(312)</b>	<b>35</b>
		<b>Total</b>	<b>(2,613)</b>	<b>(796)</b>	<b>(264)</b>	<b>(99)</b>

= changes agreed by Select Committees and Cabinet (October/November 2012)

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**Summary of Council Expenditure & Council Tax**

	<i>2012/13</i> <i>Budget Net</i> <i>Expenditure</i> <i>£000</i>	<b>2013/14</b> <b>Budget Net</b> <b>Expenditure</b> <b>£000</b>
<b>Service expenditure before Support Services and Capital Charges including trading accounts (see Appendix D)</b>	13,688	14,013
Capital Charges and Support Services charged outside the General Fund	(245)	(213)
<b>Sub Total</b>	13,443	13,800
<b>Non allocated expenditure:</b>		
Collection Fund adjustment	0	0
<b>Net Service Expenditure excluding Capital Charges</b>	<b>13,443</b>	<b>13,800</b>
Government Grant	(4,186)	(3,788)
New Homes Bonus	0	(976)
Government Support to be passed to Parishes	0	(274)
Government Support passed to Parishes	0	274
Council Tax Requirement - Sevenoaks DC	(9,251)	(8,728)
Council Tax Support Grant	0	(734)
Government support to offset Council Tax freeze	(460)	0
<b>Grant &amp; Council Tax income</b>	<u>(13,897)</u>	<u>(14,226)</u>
<b>Net Expenditure after Grant &amp; Council Tax, before interest</b>	<b>(454)</b>	<b>(426)</b>
Less: Interest and Investment income	(173)	(229)
<b>Amount to be met from Reserves</b>	<u><b>(627)</b></u>	<u><b>(655)</b></u>
<b>Contributions (to) / from reserves</b>		
Earmarked Reserves		
Capital	(330)	(298)
Reorganisation	0	(100)
Budget Stabilisation	(885)	(1,052)
New Homes Bonus	0	215
Financial Plan	588	580
Planned contribution from Gen Fund Res	0	0
	<u>(627)</u>	<u>(655)</u>

# Agenda Item 5a

Appendix C

	2011/12	2012/13	2013/14
Taxbase	50,575	50,860	47,053
	£	£	£
Council Tax @ Band D	181.89	181.89	185.49

## Council Tax Summary

Band D charge

			%	
Kent County	1,047.78	1,047.78	69.7	
Kent Fire	67.95	67.95	4.5	
Kent Police	138.68	138.68	9.2	
	<u>1,254.41</u>	<u>1,254.41</u>	<u>83.5</u>	0.00
Sevenoaks District	181.89	181.89	12.1	
Average Town/Parish	66.56	66.56	4.4	
	<u><b>1,502.86</b></u>	<u><b>1,502.86</b></u>	<u>100.0</u>	<u><b>0.00</b></u>

## Interest Receipts Summary

Investment interest		206		260
Mortgage and other interest		2		2
Allocations to Provisions		<u>(35)</u>		<u>(33)</u>
Net Revenue contribution		<u>173</u>		<u>229</u>



Head of Service	Actuals		Proposed
	11/12 £'000	Budget 12/13 £'000	Budget 13/14 £'000
Community Development	1,140	979	1,014
Development Services	1,413	1,307	1,405
Environmental and Operations	2,528	2,752	2,880
Finance and Human Resources	3,584	3,929	4,029
Housing and Communications	944	875	929
IT and Facilities Management	2,052	2,049	2,103
Legal and Democratic Services	1,837	1,861	1,700
	<u>13,498</u>	<u>13,752</u>	<u>14,060</u>
Direct Services	-0	-64	-64
As Budget Book	<u>13,498</u>	<u>13,688</u>	<u>13,996</u>
Items outside General Fund		-245	-196
		<u>13,443</u>	<u>13,800</u>

Summary	£'000
Budget for 12/13	13,443
Inflation	621
Previous Years Savings	-436
SCIA 2013/14	140
Change in contribution to reserves	32
	<u>13,800</u>

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
Pay Costs	9,099	9,464	9,574
Pay Costs Externally Funded	73	78	112
Premises and Grounds	1,420	1,246	1,281
Transport	60	59	62
Supplies and Services	2,777	2,591	2,651
Agency and Contracted	4,545	3,604	3,721
Agency and Contracted - Direct Services	3,408	3,484	3,630
Agency and Contracted - Partnership payments	2,876	2,709	2,769
Transfer Payments - Benefits	32,538	31,146	25,998
Transfer Payments - Other	529	83	45
Departmental Management and other Heads of Service	651	632	634
Funds drawn from/to Reserves	-430	115	147
Income	-8,527	-7,527	-7,757
Income - Housing Benefits	-33,198	-31,805	-26,658
Recharges	-3,002	-2,796	-2,871
Asset Maintenance	678	671	719
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>13,498</b>	<b>13,752</b>	<b>14,060</b>

Net Service Expenditure analysed by Head of Service

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>Community Development</b>			
8 to 12 project	23	0	0
All Weather Pitch	-2	-2	-2
Community Activity	20	0	0
Community Safety	191	207	209
Community Development Service Provisions	-15	-2	-2
The Community Plan	50	58	70
Economic Development	43	41	44
Grants to Organisations	185	179	183
Health Improvements	41	41	45
Leisure Contract	339	248	281
Leisure Development	20	20	20
Administrative Expenses - Community Development	8	13	14
STAG Community Arts Centre	100	100	75
Sustainability	16	4	0
Tourism	52	24	28
Youth	71	48	49
<b>Total Service Expenditure</b>	<b>1,140</b>	<b>979</b>	<b>1,014</b>

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>Community Development</b>			
Pay Costs	431	354	365
Pay Costs Externally Funded	73	78	112
Premises and Grounds	74	60	71
Transport	3	9	9
Supplies and Services	158	118	137
Agency and Contracted	734	556	515
Departmental Management and other Heads of Service	24	24	24
Funds drawn from/to Reserves	50	0	0
Income	-407	-220	-220
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>1,140</b>	<b>979</b>	<b>1,014</b>

Analysis of budget changes between 12/13 and 13/14	£'000
Base Budget 2012/13	979
Inflation	60
Planned Savings agreed previous years	
SCIA 24 (10/11) Stag agreement expiry	-25
<b>Approved Budget 2013/14</b>	<b>1,014</b>

Net Service Expenditure analysed by Head of Service

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>Development Services</b>			
Bridleways / Footpath Diversions	2	1	0
Conservation	45	47	50
Planning Policy	428	435	417
LDF Expenditure	-0	0	0
Planning - Appeals	166	163	188
Planning - Counter	-0	-1	-0
Planning - Development Control	499	362	446
Planning - Enforcement	253	269	272
Administrative Expenses - Development Control	21	30	31
<b>Total Service Expenditure</b>	<b>1,413</b>	<b>1,307</b>	<b>1,405</b>

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>Development Services</b>			
Pay Costs	1,623	1,794	1,809
Premises and Grounds	3	1	1
Transport	0	0	1
Supplies and Services	90	64	66
Agency and Contracted	177	64	87
Departmental Management and other Heads of Service	59	60	61
Funds drawn from/to Reserves	-15	42	77
Income	-525	-719	-696
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>1,413</b>	<b>1,307</b>	<b>1,405</b>

Analysis of budget changes between 12/13 and 13/14	£'000
Base Budget 2012/13	1,307
Inflation	47
<b>Planned Savings agreed previous years</b>	
SCIA 15 (2011/12) LDF Preparation	70
SCIA 15 (2011/12) LDF cost reduction	-35
SCIA 14b (2011/12) Income S106 monitoring	25
SCIA 59 (2011/12) Senior Management Review	-30
<b>SCIAs 2013/14</b>	
SCIA 3 (2013/14) Planning - Legal/Barrister Fees	20
Minor Adjustments	1
<b>Approved Budget 2013/14</b>	<b>1,405</b>

Net Service Expenditure analysed by Head of Service

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>Environmental and Operations</b>			
Asset Maintenance Car Parks	0	15	16
Asset Maintenance CCTV	15	11	12
Asset Maintenance Countryside	8	5	5
Asset Maintenance Direct Services	19	26	27
Asset Maintenance Playgrounds	3	8	8
Asset Maintenance Public Toilets	13	8	8
Building Control Discretionary Work	0	0	-0
Building Control	-14	-130	-84
Car Parks	-1,555	-1,597	-1,663
CCTV	275	245	244
Civil Protection	10	28	32
Dangerous Structures	21	22	23
Dartford Environmental Hub (SDC Costs)	0	-0	0
On-Street Parking	-297	-389	-403
Trade Waste (VAT)	-552	0	0
EH Commercial	18	251	262
EH Animal Control	62	43	1
EH Environmental Protection	669	351	396
Emergency	57	60	62
Estates Management - Grounds	81	94	95
Licensing Partnership Hub (Trading)	0	-0	0
Licensing Partnership Members	0	0	0
Licensing Regime	25	-14	-3
Minibus	1	0	0
Parks and Recreation Grounds	123	91	97
Parks - Rural	56	81	80
Environmental Health Partnership	0	0	0
Public Transport Support	1	1	0
Refuse Collection	2,161	2,204	2,284
Administrative Expenses - Building Control	6	9	9
Administrative Expenses - Community Director	5	14	14
Administrative Expenses - Health	15	24	25
Administrative Expenses - Transport	5	9	9
Street Naming	4	13	13
Street Cleansing	1,214	1,177	1,216
Support - Health and Safety	12	17	18
Support - Direct Services	25	50	52
Taxis	-16	-12	-16
Public Conveniences	55	37	41
<b>Total Service Expenditure</b>	<b>2,528</b>	<b>2,752</b>	<b>2,880</b>

## Agenda Item 5a

## Appendix D

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>Environmental and Operations</b>			
Pay Costs	2,292	2,268	2,253
Premises and Grounds	466	415	409
Transport	35	30	32
Supplies and Services	510	556	583
Agency and Contracted	549	270	267
Agency and Contracted - Direct Services	3,310	3,386	3,528
Agency and Contracted - Partnership payments	255	880	885
Transfer Payments - Other	259	0	0
Departmental Management and other Heads of Service	28	34	35
Funds drawn from/to Reserves	-96	0	0
Income	-5,014	-4,392	-4,407
Recharges	-124	-768	-782
Asset Maintenance	58	73	76
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>2,528</b>	<b>2,752</b>	<b>2,880</b>

Analysis of budget changes between 12/13 and 13/14	£'000
Base Budget 2012/13	2,752
Inflation	89
Planned Savings agreed previous years	
SCIA 22b (2011/12) Parking - reduce administration costs	-14
<b>SCIAS 2013/14</b>	
SCIA 1 (2013/14) Income - Building Control	50
<b>Other Adjustments between Heads of Service</b>	
Asset Maintenance	3
<b>Approved Budget 2013/14</b>	<b>2,880</b>



Net Service Expenditure analysed by Head of Service

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>Finance and Human Resources</b>			
Benefits Admin	1,276	828	863
Benefits Grants	-659	-659	-659
Dartford Partnership Hub (SDC costs)	-524	0	0
Housing Advances	3	5	5
Local Tax	208	154	127
Members	313	395	407
Misc. Finance	2,036	2,155	2,276
Dartford Partnership Implementation & Project Costs	-0	0	-30
Administrative Expenses - Corporate Director	2	5	7
Administrative Expenses - Chief Executive	6	20	13
Administrative Expenses - Finance	17	39	42
Administrative Expenses - Personnel	14	13	14
Support - Audit Function	126	139	145
Support - Exchequer and Procurement	134	140	135
Support - Finance Function	147	234	222
Support - General Admin	177	147	139
Support - Nursery	2	0	0
Support - Personnel	208	225	233
Treasury Management	99	90	90
<b>Total Service Expenditure</b>	<b>3,584</b>	<b>3,929</b>	<b>4,029</b>

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>Finance and Human Resources</b>			
Pay Costs	2,027	2,247	2,281
Premises and Grounds	106	122	123
Transport	2	5	4
Supplies and Services	794	840	849
Agency and Contracted	2,406	2,197	2,504
Agency and Contracted Partnership payments	2,621	1,829	1,885
Transfer Payments - Benefits	32,538	31,146	25,998
Transfer Payments - Other	7	0	0
Funds drawn from/to Reserves	-163	0	0
Income	-915	-750	-998
Income - Housing Benefits	-33,198	-31,805	-26,658
Recharges	-2,705	-1,902	-1,960
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>3,520</b>	<b>3,929</b>	<b>4,029</b>

Analysis of budget changes between 12/13 and 13/14 £'000

Base Budget 2012/13 3,929

Inflation 214

Planned Savings agreed previous years

SCIA 38 (2011/12) Revenues and Benefits - Partnership - further efficiencies target (£60k split 50:50) -30

SCIA 40 (2011/12) Lease Cars - Cease scheme administration -9

SCIA 59 (2011/12) Senior Management Review -30

SCIAs 2013/14

Other Adjustments between Heads of Service

Transferred to ICT -6

Asset Maintenance salaries returned to General Fund -39

Approved Budget 2013/14 4,029

Net Service Expenditure analysed by Head of Service

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>Housing and Communications</b>			
Home Improvement Agency (prev. Care and Repair)	39	39	0
Consultation and Surveys	0	2	3
Energy Efficiency	16	6	22
External Communications	113	143	147
Gypsy Sites	-6	-20	-23
Homeless	194	104	113
Housing	394	367	436
Housing Initiatives	8	8	8
Homelessness Prevention	0	0	0
Needs and Stock Surveys	15	13	13
Housing Option - Trailblazer/HERO Project	0	0	-0
Private Sector Housing	164	195	189
Administrative Expenses - Housing	11	13	17
Support - General Admin	-10	0	0
Leader Programme	5	4	4
<b>Total Service Expenditure</b>	<b>944</b>	<b>875</b>	<b>929</b>

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>Housing and Communications</b>			
Pay Costs	641	732	781
Premises and Grounds	26	26	18
Transport	1	0	0
Supplies and Services	118	87	91
Agency and Contracted	254	158	198
Departmental Management and other Heads of Service	23	23	26
Funds drawn from/to Reserves	324	156	116
Income	-444	-307	-302
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>944</b>	<b>875</b>	<b>929</b>

Analysis of budget changes between 12/13 and 13/14	£'000
Base Budget 2012/13	875
Inflation	32
Planned Savings agreed previous years	
Salaries Contra to Disabled Facilities Grant	22
<b>SCIAS 2013/14</b>	
<b>Approved Budget 2013/14</b>	<b>929</b>

## Net Service Expenditure analysed by Head of Service

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>IT and Facilities Management</b>			
Asset Maintenance IT	300	300	290
Administrative Expenses - IT	16	25	25
Support - Contact Centre	407	408	427
Support - Central Offices - Facilities	259	252	260
Support - General Admin	280	263	258
Support - IT	739	749	789
Support - Local Offices	50	53	55
<b>Total Service Expenditure</b>	<b>2,052</b>	<b>2,049</b>	<b>2,103</b>

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>IT and Facilities Management</b>			
Pay Costs	1,196	1,197	1,253
Premises and Grounds	15	14	14
Transport	6	7	8
Supplies and Services	917	717	710
Agency and Contracted	94	102	106
Departmental Management and other Heads of Service	41	41	41
Funds drawn from/to Reserves	-112	0	0
Income	-405	-329	-318
Asset Maintenance	300	300	290
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>2,052</b>	<b>2,049</b>	<b>2,103</b>

**Analysis of budget changes between 12/13 and 13/14** **£'000**

Base Budget 2012/13 2,049

Inflation 52

**Planned Savings agreed previous years**

SCIA 40 (2011/12) Lease Cars - Cease scheme administration -1

SCIA 49 (2011/12) Information Systems and IT Support - review staffing resources -20

**SCIAS 2013/14**

**Other Adjustments between Heads of Service**

IT Software 17

Transferred from Finance 6

**Approved Budget 2013/14** **2,103**

Net Service Expenditure analysed by Head of Service

	Actuals 11/12	Budget 12/13	Proposed Budget 13/14
	£'000	£'000	£'000
<b>Legal and Democratic Services</b>			
Action and Development	11	6	7
Asset Maintenance Argyle Road	30	50	50
Asset Maintenance Other Corporate Properties	34	30	30
Asset Maintenance Hever Road	0	0	6
Asset Maintenance Leisure	143	92	165
Asset Maintenance Support & Salaries	101	115	95
Asset Maintenance Sewage Treatment Plants	13	11	8
Bus Station	10	13	14
Civic Expenses	14	14	15
Corporate Management	879	908	930
Corporate Savings	0	-48	-300
Committee Admin	85	102	103
Elections	68	67	71
Equalities Legislation	13	17	17
Estates Management - Buildings	-48	-113	-96
Housing Premises	-8	-9	-8
Land Charges	-116	-121	-91
Markets	-281	-240	-241
Performance Improvement	5	6	6
Register of Electors	118	131	135
Administrative Expenses - Legal and Democratic	58	77	79
Administrative Expenses - Property	1	4	4
Support - Central Offices	410	426	405
Support - Legal Function	242	236	233
Support - Property Function	56	88	65
<b>Total Service Expenditure</b>	<b>1,837</b>	<b>1,861</b>	<b>1,700</b>

	Actuals 11/12 £'000	Budget 12/13 £'000	Proposed Budget 13/14 £'000
<b>Legal and Democratic Services</b>			
Pay Costs	889	870	832
Premises and Grounds	730	608	644
Transport	12	7	7
Supplies and Services	190	210	216
Agency and Contracted	382	355	146
Departmental Management and other Heads of Service	450	449	446
Funds drawn from/to Reserves	-58	0	0
Income	-1,079	-937	-945
Asset Maintenance	320	298	353
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>1,837</b>	<b>1,861</b>	<b>1,700</b>

Analysis of budget changes between 12/13 and 13/14 £'000

Base Budget 2012/13 1,861

Inflation 121

**Planned Savings agreed previous years**

SCIA 5 (2011/12) Asset Maintenance 70

SCIA 35 (2011/12) Property - review processes and restructure Original -75

SCIA 35 (2011/12) Property - review processes and restructure Revision 35

SCIA 40 (2011/12) Lease Cars - Cease scheme administration -5

SCIA 59 (2011/12) Senior Management Review -242

**SCIAs 2013/14**

SCIA 4 (2013/14) Land Charges Income 40

SCIA 5 (2013/14) Audit Fees -40

SCIA 6 (2013/14) Argyle Rents KCC/MOAT -20

SCIA 7 (2013/14) Argyle Rents Police -15

SCIA 8 (2013/14) Market Related Supplements -10

**Other Adjustments between Heads of Service**

IT Software -17

Asset Maintenance -3

Approved Budget 2013/14 1,700



	Actuals	Budget	Proposed Budget
	11/12	12/13	13/14
	£'000	£'000	£'000
<b>Direct Services</b>			
Pay Costs	2,778	2,848	2,913
Premises and Grounds	0	207	214
Transport	0	2,393	2,477
Supplies and Services	-4	878	909
Agency and Contracted	0	-138	-138
Agency and Contracted - Direct Servic	0	0	0
Departmental Management and othe	0	0	0
Funds drawn from/to Reserves	0	0	0
Support Services	143	118	122
Capital Financing	47	54	54
Income	-2,964	-6,423	-6,613
Asset Maintenance	0	0	0
<b>Total Service Expenditure</b>	<b>0</b>	<b>-64</b>	<b>-64</b>

Analysis of budget changes between 12/13 and 13/14

Base Budget 2012/13	net	-64
Inflation		135
Inflation recharged to services		-135
Planned Savings agreed previous years		0
SCIAS 2013/14		0
Other adjustments		0
<b>Approved Budget 2013/14</b>		<b>-64</b>

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PAY COST ESTIMATES SUMMARY 2013/2014

Line No.		2012/13 BUDGET	2012/13 BUDGET FTE	2013/14 PROPOSAL	CHANGE		2013/14 BUDGET FTE
					£	%	
<b>Chief Executive's Department</b>							
1	Chief Executive, P.A. & Secretarial	205,519	3.00	207,511	1,992	0.97%	3.00
		<b>205,519</b>	<b>3.00</b>	<b>207,511</b>	<b>1,992</b>	<b>0.97%</b>	<b>3.00</b>
<b>Corporate Resources Department</b>							
2	Director, P.A. & Secretarial	282,000	6.38	286,774	4,774	1.69%	6.38
2a	Human Resources	233,187	5.72	240,225	7,038	3.02%	6.54
3	Finance	2,253,709	76.95	2,234,483	(19,226)	(0.85%)	60.46
4	Legal & Democratic Services	639,259	14.95	641,751	2,492	0.39%	15.34
5	Information Technology & Facilities Management	1,197,222	23.43	1,252,521	55,299	4.62%	41.30
		<b>4,605,377</b>	<b>127.43</b>	<b>4,655,754</b>	<b>50,377</b>	<b>1.09%</b>	<b>130.02</b>
<b>Community &amp; Planning Services Department</b>							
6	Director, P.A. & Secretarial	169,161	2.00	171,825	2,664	1.57%	2.00
7	Community Development	357,920	8.54	368,787	10,867	3.04%	8.54
8a	Operational Services	504,238	13.20	503,780	(458)	(0.09%)	12.63
8b	Operational Services (TASK)	2,848,231	102.78	2,912,590	64,359	2.26%	101.14
9	Environmental Health	589,046	12.57	604,486	15,440	2.62%	12.57
10	Licensing	327,547	9.41	290,925	(36,622)	(11.18%)	8.81
11	Development Services	1,798,092	48.37	1,812,940	14,848	0.83%	47.19
12	Building Control	379,056	7.81	384,314	5,258	1.39%	7.81
13	Housing & Communications	610,906	14.89	629,788	18,882	3.09%	14.89
14	Parking & Amenity Services	477,795	15.56	478,811	1,016	0.21%	14.61
		<b>8,061,992</b>	<b>235.13</b>	<b>8,158,246</b>	<b>96,254</b>	<b>1.19%</b>	<b>230.19</b>
<b>Other Salary Costs</b>							
15	Vacancy Savings	(100,000)	-	(100,000)	0	0.00%	-
16	Performance Award Contingency	48,000	-	48,000	0	0.00%	-
17	Market Premium Review	52,272	-	42,272	(10,000)		-
	<b>SUB-TOTAL</b>	<b>12,873,161</b>	<b>365.56</b>	<b>13,011,783</b>	<b>138,622</b>	<b>1.08%</b>	<b>363.21</b>
18	Community Development (Ext Funded)	78,039	2.54	112,196	34,157	43.77%	2.54
19	Operational Services (Ext Funded)	-	-	-	0		-
20	Operational Services TASK (Ext Funded)	-	-	-	0		-
21	Development Services (Ext Funded)	-	-	-	0		-
22	Housing (Ext Funded)	185,945	5.81	196,461	10,516	5.66%	6.00
	<b>GRAND TOTAL</b>	<b>13,137,146</b>	<b>373.91</b>	<b>13,320,440</b>	<b>183,294</b>	<b>1.40%</b>	<b>371.75</b>

NOTES

1) Externally funded posts (lines 18 to 22) have been excluded from earlier lines. The income will show elsewhere in the 2013/14 budget.

Note that the figures in the above table may vary slightly from the detailed analysis sheets because of this.

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**Statement of Reserves and Provisions**

1. This appendix sets out details of the reserves and provisions held by the council. These balances have been subject to a detailed review as part of the budget process. **The items in bold show the changes that are being recommended.**
2. One of the requirements of the Financial Planning Strategy is to have flexible use of the Budget Stabilisation Reserve. The fund would incorporate any annual under-spends and absorb any annual over-spends. **It is recommended that any favourable variance achieved in the 2012/13 budget is put into this reserve.**
3. The New Homes Bonus has now been included in the 10-year revenue budget for the first time, as it has been confirmed that it will be received until 2016/17. **It is recommended that the balance held in this reserve at 01/04/12 of £215,000 be transferred to the Budget Stabilisation Reserve and that £120,000 per annum from the New Homes Bonus received in 2013/14 to 2016/17, be transferred to the Budget Stabilisation Reserve.** These actions will help to ensure the sustainability of the 10-year budget.
4. The annual contribution from revenue to the Capital Reserve is currently £330,000. On an annual basis, Housing are reducing the amount of staffing expenditure charged to the Housing Improvement Grants capital scheme which has contributed to the annual cost of this scheme reducing. Therefore, less funding is now required for this scheme. **It is recommended that the annual contribution from revenue to the Capital Reserve be reduced by £32,000 to £298,000.**
5. The Housing Benefit Subsidy Reserve has grown over recent years due to the favourable method in calculating the Benefit Subsidy received from Government. Therefore, it is now possible to reduce the balance in this reserve to fund the changes shown below. **It is recommended that £294,000 be transferred from the Housing Benefit Subsidy Reserve.**
6. As a consequence of the Senior Management restructure, a proportion of the Reorganisation Reserve will be used to fund the one-off cost of these changes. It is advisable that this reserve is topped up to help support any future reorganisations that may take place. **It is recommended that a further £100,000 be transferred to the Reorganisation Reserve.**
7. Due to the ongoing reduction in the Council's revenue budget, there is less scope for any ad hoc expenditure resulting from emergencies to be offset by underspends elsewhere, therefore it would be prudent to increase the amount held in the Action and Development Reserve. **It is**

- recommended that £100,000 be transferred to the Action and Development Reserve.**
8. A provision of £211,000 was set up in 2011/12 for possible costs relating to Municipal Mutual Insurance Ltd (MMI), as a solvent run-off of the company was now less likely to be achieved. More recent information suggests that the provision should be increased to £305,000. **It is recommended that £94,000 be transferred to the MMI Provision.**
  9. No movement on the General Fund Reserve is currently planned in 2013/14.
  10. The following table set out the reserves and provisions held by the Council at 1<sup>st</sup> April 2012.

	01/04/12	Purpose (some further details are included in the Statement of Accounts 2011/12)
<b>Provisions</b>	<b>£000</b>	
Edenbridge Relief Road	1,546	Future compensation costs in relation to the scheme. A full and final settlement has now been made.
Accumulated Absences	152	Absorbs the difference that would otherwise arise on the General Fund Balance from accruing for compensated absences (e.g. annual leave) earned but not taken in the year.
Municipal Mutual Insurance	211	A solvent run-off of MMI is now unlikely which may result in Councils being liable to clawback of monies paid out.
Other	34	To cover potential restitutionary claims in respect of personal search fees of the land register.
Sub Total	<b>1,943</b>	
<b>Capital Receipts</b>		
Capital Receipts	<b>708</b>	Balance from previous asset sales and mortgage repayments. Can be used to fund future capital expenditure.
<b>Earmarked Reserves</b>		
Action and Development	296	To fund ad hoc expenditure, e.g. resulting from an emergency.
Asset Maintenance	1,000	To fund emergency works to assets.
Big Community Fund	103	To fund local projects.
Budget Stabilisation	2,765	To support decisions required to continue to produce a balanced budget in future years.
Carry Forward Items	222	For specific items agreed by Cabinet, e.g. if a project has slipped between years.
Community Development	470	External funding received for ongoing and future projects.
Financial Plan	5,812	Funds moved from the Asset Maintenance and Employer's Superannuation Reserves to support the 10-year budget.
First Time Sewerage	915	Transferred from a provision for potential liabilities relating to earlier sewerage installations.
Homelessness Prevention	134	For preventing homelessness.
Housing Benefit Subsidy	1,351	Provides a cushion against large movements in the subsidy claim each year.
IT Asset Maintenance	121	To fund future IT asset maintenance costs.
Local Plan/LDF	565	To help support the Local Plan and Local Development Framework.
New Homes Bonus	215	Due to the uncertainty of future Government funding an element of NHB is being kept separate.
Pension Fund Valuation	349	To contribute towards the expected downturn at the next pension fund actuarial valuation.
Rent Deposit Guarantees	181	To support the homeless etc, by providing their initial deposit and guarantee for a property.
Re-organisation	478	To fund actions taken to achieve annual budget savings.
Vehicle Insurance	287	Own vehicle damage for the commercial vehicle fleet. Contributions are made from the trading accounts.
Vehicle Renewal	292	Vehicle replacement for the commercial vehicle fleet. Contributions are made from the revenue trading accounts each year.
Others	542	Mainly reserves where contributions are made annually from revenue, to meet specific periodic costs - e.g. district elections, community safety audit, civic expenses transport.
Sub Total	<b>16,098</b>	
<b>General Fund</b>	<b>3,713</b>	Acts as a working balance to meet unexpected issues during the year, for which a minimum of 10% of net service expenditure recommended. It also meets any planned deficits on the revenue account.
<b>TOTAL</b>	<b>22,462</b>	

**Definitions:**

**Provisions** – cash set aside for liabilities or losses which are known obligations, but are uncertain as to amounts or dates. Expenditure can be charged direct against the Provision without being reflected in the Revenue Account.

**Capital Receipts** – cash received from the sale of assets (normally land and buildings) and the repayment of grants and advances (e.g. mortgage repayments). Such receipts can only be used to repay debt, or to finance capital investment.

**Earmarked Reserve** – amounts set aside for purposes falling outside the definition of Provisions. Expenditure should not be charged direct to reserves, but shown in the Revenue Account with the transfer to or from the reserve distinguished from service expenditure. For each reserve the purpose, usage and basis of transactions should be clearly identified.

**Unallocated Reserve** – the General Fund balance. Sums not set-aside for a specific purpose. The only transaction should be the surplus or deficit on the General Fund each year.



**Risk Factors 2013/14**

<b>Issue</b>	<b>£ Scale</b>	<b>Likelihood 1 (low) – 5 (high)</b>	<b>Impact 1 (low) – 5 (high)</b>	<b>Total Score</b>	<b>Potential Annual Impact and Sensitivity Analysis</b>	<b>Risk Areas</b>	<b>Controls and Actions in place</b>
Pay Costs	£13m total costs	2	4	8	1% pay increase = £130k. Budget assumptions: 1% pay award, 0.9% incremental increase which will reduce each year.	Largest single item of cost. Complex drivers across the organisation.	Strict monitoring of both financials and staff numbers. New salary bands introduced from 1 April 2012 will reduce the costs of annual increments. Formal sickness & overtime monitoring. Separate control on agency staff. Part of National Agreement.
Pensions Funding	£23m deficit	1	4	4	1% change in employers contribs = £105k. Revaluation to take effect from 14/15	Deficit on County Fund. Future actuarial results. Government review.	£520,000 included in 10-year budget in 2014/15 to contribute towards any revaluation increase.
Major Service Income areas					See below by income type	Income subject to local economic conditions. Some very large single-source income targets (see below).	Strict monitoring, with trend analysis.

Issue	£ Scale	Likelihood 1 (low) – 5 (high)	Impact 1 (low) – 5 (high)	Total Score	Potential Annual Impact and Sensitivity Analysis	Risk Areas	Controls and Actions in place
- Land Charges	£0.2m	4	1	4	20% reduction would be £37k.	Low activity levels in the housing market. National legal action now underway in relation to Personal Search companies recouping monies expended under the previous legislation.	A provision of £34k is held for the national legal action. Continue to monitor.
- Development Control	£0.7m	3	3	9	20% reduction would be £140k.	Low activity levels in the housing market and general economic conditions.	Current year income is below target. Continue to monitor.
- Building Control	£0.5m	4	3	12	20% reduction would be £100k	Low activity levels in the housing market and general economic conditions.	Current year income is below target. Continue to monitor.
- Car Parks	£2.1m	2	4	8	20% reduction would be £421k	General economic conditions	Current year income is below target. Continue to monitor.
- On-Street Parking	£0.7m	3	3	9	20% reduction would be £130k	General economic conditions. Reverts to KCC control	Continue to monitor and review.

<b>Issue</b>	<b>£ Scale</b>	<b>Likelihood 1 (low) – 5 (high)</b>	<b>Impact 1 (low) – 5 (high)</b>	<b>Total Score</b>	<b>Potential Annual Impact and Sensitivity Analysis</b>	<b>Risk Areas</b>	<b>Controls and Actions in place</b>
Partnership working and partner contributions		3	2	6	Impact on individual projects is high.	Partner actions delayed. Agreed funding not received by SDC. Partnerships ending.	Separate accounting arrangements. Written partnership agreements.
External Funding Awards	£0.5m	3	2	6	Up to £400k Impact on individual projects is high	Time limited.	Exit strategies in place.
Changes in service demand		3	3	9	Impacts will vary depending on service.		Service planning in place Continue to lobby Government where changes are due to new Gov't requirements.
Interest Rates	£0.173m 12/13 budget	2	4	8	£85k per 0.5%.	Large cash variance from small rate changes. Reducing availability of suitable counter parties	Use of professional advisers
Investments	£36m balance at March 2011	1	5	5		Financial institutions going into administration.	Investment strategy regularly reviewed by FAG and P&G Cttee.

<b>Issue</b>	<b>£ Scale</b>	<b>Likelihood 1 (low) – 5 (high)</b>	<b>Impact 1 (low) – 5 (high)</b>	<b>Total Score</b>	<b>Potential Annual Impact and sensitivity Analysis</b>	<b>Risk Areas</b>	<b>Controls and Actions in place</b>
Asset base maintenance	£1.0m	1	1	1	Annual budget is based on 25% of assessed maintenance.	Unexpected problems occurring with financial implications. Reducing budget levels.	Reserve funds set aside. 10 year maintenance planning carried out. Policy of reducing asset liabilities wherever possible.
Capital Investment resources	£0.7m balance at March 2012	2	2	4	Risks taken into account in the Capital Programme report.	Capital receipt levels low.	External funding sought wherever possible. Capital Investment priorities in place. Property Review being pursued to secure asset sales.
Disposal of surplus assets	£1.7m budget in plan (13/14)	2	2	4	Risks taken into account in the Capital Programme and Asset Maintenance report.	Planning conflict. Resources required to bring sites forward.	Land Owner/Planning protocols in place. In-house property team. Planned Property Review disposal programme.
Government Grant	£4.6m in 2012/13	5	4	20	£46k per 1% change	Government continues to reduce grant. Impact of business rates retention policy. Only 1 year settlement in 2015/16. Austerity measures extended to 2017/18.	Adequate level of General Reserve held.

<b>Issue</b>	<b>£ Scale</b>	<b>Likelihood 1 (low) – 5 (high)</b>	<b>Impact 1 (low) – 5 (high)</b>	<b>Total Score</b>	<b>Potential Annual Impact and sensitivity Analysis</b>	<b>Risk Areas</b>	<b>Controls and Actions in place</b>
Council tax capping	£9.3m CTAX income in 12/13	4	3	12	£93k per 1% capping reduction	Council tax freeze offers from Govt. Council tax increases limited to 2% Impact on council tax base from Local CTAX schemes.	Draft 10-year budget includes council tax increase assumptions for future years.
Future Service Changes by Government		4	4	16		Additional services without consequent resources, e.g. Maint. of trees on common land.	Monitor proposals. Respond to consultation with local view.
Fuel cost increases for Direct Services	£0.5m	5	2	10	10% increase would be £50k	Changes in global oil prices.	Continue to monitor fuel usage and efficiency. Vehicle replacement programme.
Changes to external framework		2	2	4		Abolition of Audit Commission, change of external auditors	Plan responses to new initiatives well in advance. Ensure Council organisation design can meet challenges.

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**COUNCIL TAX DISCOUNTS AND PREMIUM - RESOLUTIONS**

**COUNCIL – 19 FEBRUARY 2013**

Report of the: Chief Executive Designate

Status: For Decision

Also considered by: Cabinet – 7 February 2013

Key Decision: No

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**Executive Summary:** The purpose of the report is to formally determine the level of council tax discounts (if any) to be applied from 1 April 2013 to prescribed classes of dwellings and to formally determine the percentage level of additional council tax payable in respect of long-term empty dwellings.

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**This report supports the Key Aim of** effective management of Council resources

**Portfolio Holder** Cllr. Ramsay

**Head of Service** Group Manager - Financial Services – Adrian Rowbotham

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**Recommendations to Council:**

- (a) That from 1 April 2013, the council tax discount applied to second homes (prescribed Classes A & B) in accordance with Section 11A of the Local Government Finance Act 1992, is set at 0%.
  - (b) That from 1 April 2013, the council tax discount applied to unoccupied and substantially unfurnished dwellings (prescribed Class C) in accordance with Section 11A of the Local Government Finance Act 1992, is set at 100% for a maximum period of three months and that following the expiry of the three month period; the discount is set at 0%.
  - (c) That from 1 April 2013, the council tax discount applied to vacant dwellings requiring or undergoing major repairs, undergoing structural alteration or which have undergone such repairs/alterations (prescribed Class D) in accordance with Section 11A of the Local Government Finance Act 1992, is set at 100% for a maximum period of twelve months.
  - (d) That from 1 April 2013, in accordance with Section 11B of the Local Government Finance Act 1992, no council tax discount shall be applied to dwellings that are unoccupied and substantially unfurnished for more than two years and that the council tax payable on such properties is increased from 100% to 150% (except for those properties which fall into prescribed Classes E & F).
-

**Reason for recommendations:** Legislation has changed to allow Council's to amend discounts currently offered on certain classes of property.

The Local Council Tax Support Scheme approved by Council on 27 November 2012 included reducing the exemption on Class C empty properties from 6 months to 3 months which will help to fund the scheme.

The other changes proposed in this report should help to persuade property owners to bring those properties back into use earlier which will reduce the housing shortage. When this is not the outcome, a small amount of additional Council Tax income will be received.

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### **Introduction**

1 On 31 October 2011 the Department for Communities and Local Government issued a consultation paper entitled Technical Reforms of Council Tax. The consultation sought views on replacing certain council tax exemptions with locally determined discounts, allowing authorities to charge up to 100% council tax on second homes and allowing authorities to levy an 'empty homes premium' on dwellings that have been empty for two years or more.

The Local Government Finance Act 2012, which was given Royal Assent on 31 October 2012, set out the framework for the operation of the new discounts with details to be contained in subsequent regulations.

### **Background**

#### Discounts

- 2 The Council Tax (Prescribed Classes of Dwellings)(England) Regulations 2003 set out three classes of dwellings:
- Class A - unoccupied, furnished dwellings where occupation is restricted by a planning condition preventing occupancy for a continuous period of at least 28 days in the year
  - Class B – unoccupied, furnished dwellings where no planning condition prevents occupation
  - Class C – unoccupied and substantially unfurnished dwellings
- 3 The Council previously determined that a 10% discount should be applied in respect of Classes A and B and that no discount should be applicable in respect of Class C. The dwellings that fell into Class C at this point were homes that had been empty in excess of six months, since for a shorter period, such properties attracted an exemption from council tax.
- 4 Section 11 of the Local Government Act 2012 amended Section 11A of the Local Government Finance Act 1992 to give billing authorities the power to determine



the level of council tax discounts to be applied for classes of dwellings prescribed by the Secretary of State.

- 5 The Council Tax (Exempt Dwellings) (England) (Amendment) Order 2012 amended the Council Tax (Exempt Dwellings) Order 1992, removing two classes of exemption (Classes A and C).

Class A exempted empty dwellings requiring or undergoing major repair work or undergoing structural alteration or having undergone such repairs/alterations for a maximum period of twelve months (uninhabitable exemption). Class C covered empty homes for a maximum period of six months.

- 6 The effect of the removal of the exemption for properties that have been empty for up to six months is that they now fall into Class C of the prescribed classes of dwellings. As such the Council is now able to determine the level of discount to be applied (if any) and the period for which it should apply.

- 7 The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 added an additional class, Class D to the original regulations:

- Class D – unoccupied and substantially unfurnished dwellings requiring or undergoing major repair work or undergoing structural alteration or having undergone such repairs/alterations

- 8 Class D effectively replaced the now defunct 'uninhabitable' exemption and gave billing authorities the power to determine the level of discount to be applied (if any). Unlike Class C, there is no discretion to vary the period for which a discount can be given and the legislation prescribes a maximum period of twelve months for which the discount must be applied.

### Determinations of discounts effective from 1 April 2013

#### Classes A & B

- 9 Determinations of the level of discount to be applied for each of the prescribed classes of dwellings A to D must be set by the Council.
- 10 As stated in paragraph 3, the current level of discount for Classes A and B is set at 10%, this being the minimum discount permitted under the previous legislation. Whilst any reduction in discounts for these classes will impact on both 'true' second home owners and landlords of furnished lets, nevertheless officer recommendation is to set the level of discount from 1 April 2013 at 0%.

#### Class C

- 11 The Council wishes to encourage taxpayers to bring empty dwellings back into use at the earliest opportunity but recognises that a period of 100% discount is equitable to allow taxpayers the opportunity to either make the property ready for sale or for letting as appropriate. Officer recommendation is therefore to set the level of discount for this Class at 100% for a maximum period of three months and after the expiry of the three month period to reduce the discount to 0%.

## Agenda Item 5b

### Class D

- 12 The Council recognises that some properties will require major repairs to render them habitable and that this cannot necessarily be completed within a three month timeframe. In addition, recent changes made by Government to planning rules, are aimed at making it easier for taxpayers to take steps to undertake major home improvements.
- 13 Reductions in either the discount available to such dwellings could result in fewer developers coming forward to renovate 'uninhabitable' properties or go against the intentions of Government in relaxing the planning rules. Officer recommendation is therefore to set the level of discount at 100% for a maximum period of twelve months. At the end of the twelve month period, the property will cease to fall under Class D and will come under Class C, attracting no further discount.

### **Council Tax Premium**

- 14 Section 12 of the Local Government Finance Act 2012 inserted Section 11B into the Local Government Finance Act 1992 to give billing authorities the power to set a higher amount of council tax for 'long-term' empty dwellings.
- 15 A dwelling is considered to be a 'long-term' empty dwelling if it has been unoccupied and substantially unfurnished for a continuous period of at least two years.
- 16 The Secretary of State reserved the right to prescribe classes of 'long-term' empty dwellings where authorities may not levy a premium. The Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 added two prescribed classes of dwellings which cannot be charged a higher amount of council tax:
- Class E – dwellings that are empty whilst the taxpayer resides in accommodation provided by the Ministry of Defence as part of their employment
  - Class F - annexes in a property which are being used as part of the main property

### **Determination of percentage of additional council tax to be levied on 'long-term empty' dwellings from 1 April 2013**

- 17 The power to impose a maximum 50% premium on dwellings that have been empty in excess of two years is seen as an incentive to encourage taxpayers to bring these properties back into use as quickly as possible. Officer recommendation is therefore that no council tax discount shall be applied to dwellings that are unoccupied and substantially unfurnished for more than two years and that the council tax payable on such properties be increased from 100% to 150% (save for those properties which fall into prescribed Classes E & F).

### **Key Implications**

Financial

- 18 The table below shows the number of cases and financial effect of the proposed changes.

Type of Discount	Cases (as at 01/12/12)	Additional Council Tax (based on 2011/12 full year data)	Sevenoaks DC share of (c) (12%)
(a)	(b)	(c)	(d)
	No.	£000	£000
Second Homes	272	43	5
Class C (3-6 months)	350	169	20
Premium if unoccupied for over 2 years	139	132	16
Total	761	344	41

- 19 The reduction in the exemption on Class C empty properties from 6 months to 3 months was included in the Council Tax Support scheme approved by Council on 27 November 2012. The Major Precepting Authorities share of this saving will be used towards the funding being passed on to this Council to help administer the new scheme.

Community Impact and Outcomes

- 20 There are no community impacts arising from this report.

Legal, Human Rights etc.

- 21 All legal implications are as set out in the body of the report.

Resource (non-financial)

- 22 Additional work may be generated for the Revenues Service where taxpayers declare changes in circumstances in order to 'avoid' additional council tax.

Equality Impacts

- 23

Consideration of impacts under the Public Sector Equality Duty:

## Agenda Item 5b

Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	There is no evidence to suggest that the recommendations of this report will disadvantage any equalities group.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		n/a

### Conclusions

- 24 The changes recommended in this report should help to make the Local Council Tax Support Scheme sustainable as well as encouraging owners of empty properties to return them to use.

### Risk Assessment Statement

- 25 Officers have obtained a thorough understanding of the new legislation that allows the Council to make the changes recommended in this report.
- 26 Taxpayers may react to these changes in a way that results in extra work for the Revenues Service.

**Appendices** none

**Background Papers:** none

**Contact Officer(s):** Adrian Rowbotham Ext 7153  
Sue Cressall Ext 7041

**Dr. Pav Ramewal**  
**Chief Executive Designate**

**TREASURY MANAGEMENT STRATEGY 2013/14**

**Council – 19 February 2013**

Report of the: Chief Executive Designate

Status: For Decision

Also considered by: Performance and Governance Committee - 8 January 2013

Finance Advisory Group - 24 January 2013

Cabinet - 7 February 2013

Key Decision: No

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**Executive Summary:** The Local Government Act 2003 (the Act) and supporting regulations requires the Council to 'have regard to' the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council's capital investment plans are affordable, prudent and sustainable.

The Act therefore requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy (as required by investment guidance issued subsequent to the Act). This sets out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

Members' particular attention is drawn to paragraphs 57-59 of the report, which deal with changes to the investment criteria in the light of recent credit rating downgrades.

As a result of discussions at meetings of the Performance and Governance Committee and the Finance Advisory Group, the following changes to the existing strategy have been agreed:

- 1) Lending limits for Lloyds Banking Group plc and Royal Bank of Scotland Group plc to be increased from £6m to £8m;
- 2) Building societies with assets in excess of £9bn are to be included in the lending list with a maximum investment limit of £2m and maximum duration of three months; and
- 3) Investments in any single institution or institutions within a group of companies to be limited to 25% of the total fund at the time an investment is placed.

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**This report supports the Key Aim of effective management of Council resources.**

**Portfolio Holder** Cllr. Ramsay

**Head of Service** Group Manager – Financial Services – Mr Adrian Rowbotham

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### **Recommendation:**

That Council approve the Treasury Management Strategy for 2013-14 as set out in this report.

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**Reason for recommendations:** To ensure that an appropriate and effective annual Treasury Management Strategy is drawn up in advance of the forthcoming financial year, which meets both legislative and best practice requirements.

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### **Background**

1. The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.
2. The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.
3. CIPFA defines treasury management as:  
  
*"The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks."*

### **Introduction**

#### Reporting requirements

4. The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals. These reports are required to be adequately scrutinised by committee before being recommended to the Council. This role is undertaken by the Finance Advisory Group and the Performance and Governance Committee.
5. Prudential and Treasury Indicators and Treasury Strategy (This report) - The first, and most important report covers:
  - the capital plans (including prudential indicators);
  - a Minimum Revenue Provision Policy (MRP) (how residual capital expenditure is charged to revenue over time);

- the Treasury Management Strategy (how the investments and borrowings are to be organised) including treasury indicators; and
  - an investment strategy (the parameters on how investments are to be managed).
6. A Mid Year Treasury Management Report – This will update members with the progress of the capital position, amending prudential indicators as necessary, and whether the treasury strategy is meeting the strategy or whether any policies require revision.
  7. An Annual Treasury Report – This provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

### Treasury Management Strategy for 2013/14

8. The strategy for 2013/14 covers two main areas:

#### *Capital Issues*

- the capital plans and the prudential indicators;
- the minimum revenue provision (MRP) strategy.

#### *Treasury management Issues*

- the current treasury position;
  - treasury indicators which will limit the treasury risk and activities of the Council;
  - prospects for interest rates;
  - the borrowing strategy;
  - the investment strategy; and
  - creditworthiness policy.
9. These elements cover the requirements of the Local Government Act 2003, the Chartered Institute of Public Finance and Accountancy (CIPFA) Prudential Code, the Department of Communities and Local Government (CLG) MRP Guidance, the CIPFA Treasury Management Code and the CLG Investment Guidance.

### Training

10. The CIPFA Code requires the responsible officer to ensure that Members with responsibility for treasury management receive adequate training in treasury management. This especially applies to members responsible for scrutiny. Training was last undertaken in 2010 and further training will be arranged as required.

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11. The training needs of treasury management officers are reviewed periodically.

### Treasury management consultants

12. The Council uses Sector Treasury Services Limited (Sector) as its external treasury management advisors.
13. The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external service providers.
14. It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and subjected to review.

### **Capital Issues**

#### **The Capital Prudential Indicators 2013/14 – 2015/16**

15. The Council's capital expenditure plans are the key driver of treasury management activity. The outputs of the capital expenditure plans are reflected in prudential indicators, which are designed to assist Members' overview and confirm capital expenditure plans.

### Capital Expenditure

16. This prudential Indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. Members are asked to approve the capital expenditure forecasts:

	2011/12	2012/13	2013/14	2014/15	2015/16
	Actual	Estimate	Estimate	Estimate	Estimate
	£000	£000	£000	£000	£000
Capital Expenditure	2,348	1,423	1,253	1,253	1,253

17. Other long term liabilities. The above financing need excludes other long term liabilities, such as PFI and leasing arrangements which already include borrowing instruments.
18. The table below summarises the above capital expenditure plans and how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a funding need (borrowing).



	2011/12	2012/13	2013/14	2014/15	2015/16
	Actual	Estimate	Estimate	Estimate	Estimate
	£000	£000	£000	£000	£000
Capital Expenditure	2,348	1,423	1,253	1,253	1,253
<b>Financed by:</b>					
Capital receipts	119	197	0	0	0
Capital grants	1,085	396	396	396	396
Capital reserves	330	330	207	207	207
Revenue	814	500	650	650	650
<b>Net financing need for the year</b>	<b>2,348</b>	<b>1,423</b>	<b>1,253</b>	<b>1,253</b>	<b>1,253</b>

The Council's Borrowing Need (the Capital Financing Requirement)

19. The second prudential indicator is the Council's Capital Financing Requirement (CFR). The CFR is simply the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's underlying borrowing need. Any capital expenditure above, which has not immediately been paid for, will increase the CFR.
20. The CFR does not increase indefinitely, as the minimum revenue position (MRP) is a statutory annual revenue charge which broadly reduces the borrowing need in line with each asset's life.
21. The CFR includes any other long term liabilities (e.g. finance leases) brought onto the balance sheet. Whilst these increase the CFR, and therefore the Council's borrowing requirement, these types of scheme include a borrowing facility and so the Council is not required to separately borrow for these schemes. The Council currently has £0.2m of such schemes within the CFR.
22. The Council is asked to approve the CFR projections below:

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	2011/12	2012/13	2013/14	2014/15	2015/16
	Actual	Estimate	Estimate	Estimate	Estimate
	£000	£000	£000	£000	£000
<b>Capital Financing Requirement</b>					
Total CFR	185	164	143	122	101
Movement in CFR	-21	-21	-21	-21	-21

<b>Movement in CFR represented by:</b>					
Net financing need for the year (above)					
<u>Less</u> MRP/VRP and other financing movements	-21	-21	-21	-21	-21
<b>Movement in CFR</b>	<b>-21</b>	<b>-21</b>	<b>-21</b>	<b>-21</b>	<b>-21</b>

Note:- The MRP / VRP includes finance lease annual principal payments

### Minimum Revenue Provision (MRP) Policy Statement

23. The Council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (the minimum revenue provision - MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision - VRP).
24. CLG Regulations have been issued which require the full Council to approve an MRP Statement in advance of each year. A variety of options are provided to councils, so long as there is a prudent provision. The Council is recommended to approve the following MRP Statement:
25. For capital expenditure incurred before 1 April 2008 or which in the future will be Supported Capital Expenditure, the MRP policy will be based on CFR.
26. These options provide for an approximate 4% reduction in the borrowing need (CFR) each year.
27. From 1 April 2008 for all unsupported borrowing (including PFI and finance leases) the MRP policy will be the Depreciation method – MRP will follow standard depreciation accounting procedures. This provides for a reduction in the borrowing

need over approximately the asset’s life. Repayments included in annual PFI or finance leases are applied as MRP.

Core Funds and Expected Investment Balances

28. The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or other budget decisions to support the revenue budget will have an on-going impact on investments unless resources are supplemented each year from new sources (asset sales etc.). Detailed below are estimates of the year end balances for each resource and anticipated day to day cash flow balances.

Year End Resources	2011/12 Actual £000	2012/13 Estimate £000	2013/14 Estimate £000	2014/15 Estimate £000	2015/16 Estimate £000
Fund balances / reserves	19,811	20,405	20,282	20,125	19,611
Capital receipts	708	1,423	3,060	3,886	3,905
Provisions	1,944	363	363	363	363
Other	0	0	0	0	0
<b>Total core funds</b>	<b>22,463</b>	<b>22,191</b>	<b>23,705</b>	<b>24,373</b>	<b>23,879</b>
Working capital*	22,463	22,191	23,705	24,373	23,879
Under/over borrowing	0	0	0	0	0
<b>Expected investments</b>	<b>22,463</b>	<b>22,191</b>	<b>23,705</b>	<b>24,373</b>	<b>23,879</b>

\*Working capital balances shown are estimated year end; these may be higher mid year

Affordability Prudential Indicators

29. The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council’s overall finances. The Council is asked to approve the following indicators:

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### Ratio of Financing Costs to Net Revenue Stream

30. This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs, net of investment income) against the net revenue stream.

	2011/12 Actual	2012/13 Estimate	2013/14 Estimate	2014/15 Estimate	2015/16 Estimate
	-3%	-1%	-2%	-2%	-3%

The estimates of financing costs include current commitments and the proposals in the budget report.

### Incremental Impact of Capital Investment Decisions on Council Tax.

31. This indicator identifies the revenue costs associated with proposed changes to the three year capital programme recommended in this budget report compared to the Council's existing approved commitments and current plans. The assumptions are based on the budget, but will invariably include some estimates, such as the level of Government support, which are not published over a three year period.

	2011/12 Actual	2012/13 Estimate	2013/14 Estimate	2014/15 Estimate	2015/16 Estimate
Council tax band D	£0.23	£0.54	£-0.19	£-0.19	£-0.19

### **Treasury Management Issues**

32. The capital expenditure plans set out above provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

### **Current Portfolio Position**

33. The Council's treasury portfolio position at 17 December 2012 appears in Appendix A.

**Treasury Indicators: Limits to Borrowing Activity**

The Operational Boundary

34. This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt.

Operational boundary	2012/13 Estimate £000	2013/14 Estimate £000	2014/15 Estimate £000	2015/16 Estimate £000
Debt	5,000	5,000	5,000	5,000
Other long term liabilities	0	0	0	0
<b>Total</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>

The Authorised Limit for external debt

35. A further key prudential indicator represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by the full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.
36. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.
37. The Council is asked to approve the following Authorised Limit:

Authorised limit	2012/13 Estimate £000	2013/14 Estimate £000	2014/15 Estimate £000	2015/16 Estimate £000
Debt	5,000	5,000	5,000	5,000
Other long term liabilities	0	0	0	0
<b>Total</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>

### **Prospects for Interest Rates**

38. The Council has appointed Sector Treasury Services Limited as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. Appendix B draws together a number of current City forecasts for short term and longer fixed interest rates. Appendix C contains Sector's latest economic background report.
39. The economic recovery in the UK since 2008 has been the worst and slowest recovery in recent history, although the economy returned to positive growth in the third quarter of 2012. Growth prospects are weak and consumer spending, the usual driving force of recovery, is likely to remain under pressure due to consumers focusing on repayment of personal debt, inflation eroding disposable income, general malaise about the economy and employment fears.
40. The primary drivers of the UK economy are likely to remain external. 40% of UK exports go to the Eurozone so the difficulties in this area are likely to continue to hinder UK growth. The US, the main world economy, faces similar debt problems to the UK, but urgently needs to resolve the fiscal cliff now that the Presidential elections are out of the way. The resulting US fiscal tightening and continuing Eurozone problems will depress UK growth and is likely to see the UK deficit reduction plans slip.
41. This challenging and uncertain economic outlook has several key treasury management implications:
  - The Eurozone sovereign debt difficulties provide a clear indication of high counterparty risk. This continues to suggest the use of higher quality counterparties for shorter time periods;
  - Investment returns are likely to remain relatively low during 2013/14 and beyond;
  - Borrowing interest rates continue to be attractive and may remain relatively low for some time. The timing of any borrowing will need to be monitored carefully;
  - There will remain a cost of carry – any borrowing undertaken that results in an increase in investments will incur a revenue loss between borrowing costs and investment returns.

### **Borrowing Strategy**

42. It is anticipated that there will be no capital borrowings required during 2013/14.

### **Annual Investment Strategy**

#### Investment Policy

43. The Council's investment policy has regard to the Department of Communities and Local Government (CLG) Guidance on Local Government Investments ("the Guidance") and the 2011 revised CIPFA Treasury Management in Public Services

Code of Practice and Cross Sectoral Guidance Notes (“the CIPFA TM Code”). The Council’s investment priorities will be security first, liquidity second, then return.

44. In accordance with the above, and in order to minimise the risk to investments, the Council has below clearly stipulated the minimum acceptable credit quality of counterparties for inclusion on the lending list. The creditworthiness methodology used to create the counterparty list fully accounts for the ratings and watches published by all three ratings agencies with a full understanding of what the ratings reflect in the eyes of each agency. Using the Sector ratings service banks’ ratings are monitored on a real time basis with knowledge of any changes notified electronically as the agencies notify modifications.
45. Further, the Council’s officers recognise that ratings should not be the sole determinant of the quality of an institution and that it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as “Credit Default Swaps (CDS)” and overlay that information on top of the credit ratings. This is fully integrated into the credit methodology provided by Sector in producing its colour codings which show the varying degrees of suggested creditworthiness.
46. Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.
47. The aim of the strategy is to generate a list of highly creditworthy counterparties which will also enable diversification and thus avoidance of concentration risk.
48. The intention of the strategy is to provide security of investment and minimisation of risk.
49. Investment instruments identified for use in the financial year are listed in Appendix D under the ‘Specified’ and ‘Non-Specified’ Investments categories. Counterparty limits will be as set below.

### **Creditworthiness Policy**

50. This Council applies the creditworthiness service provided by Sector. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moodys and Standard and Poors. The credit ratings of counterparties are supplemented with the following overlays:
  - credit watches and credit outlooks from credit rating agencies;
  - CDS spreads to give early warning of likely changes in credit ratings;
  - sovereign ratings to select counterparties from only the most creditworthy countries.

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51. This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the duration for investments. The Council will therefore use counterparties within the following durational bands:
- Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
  - Orange 1 year
  - Red 6 months
  - Green 3 months
  - No Colour not to be used
52. The Sector creditworthiness service uses a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just one agency's ratings.
53. Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalent) of short term rating F1, long term rating A, viability rating of A- and a support rating of 1. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.
54. All credit ratings will be monitored regularly. The Council is alerted to changes to ratings of all three agencies through its use of the Sector creditworthiness service.
- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
  - in addition to the use of credit ratings the Council will be advised of information in movements in Credit Default Swap against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.
55. Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on government support for banks and the credit ratings of that supporting government.

### Country limits

56. The Council has determined that it will only use approved counterparties from the UK or the EU which also have a minimum sovereign credit rating of AA- from Fitch. The list of countries that qualify using this credit criteria as at the date of this report are shown in Appendix E. This list will be added to, or deducted from, by officers should ratings change in accordance with this policy.



### Other Creditworthiness Issues

57. The Council's current investment policy further limits the one proposed by Sector as follows:-
- a. Maximum investment period of 1 year.
  - b. Investments are limited to 25% of the total fund to any single institution or institutions within a group of companies.
  - c. Total investments in any one foreign country are limited to 15% of the total fund.
  - d. Investments are limited to £5m per counterparty excluding call accounts and £6m including call accounts.
  - e. UK-based institutions to be used as a first preference.
58. In the last cycle of meetings, officers have suggested a change to some of these limits in order to provide more flexibility when placing investments and to take greater advantage of the better rates offered by the nationalised or semi-nationalised UK banks. The proposal for the 2013/14 investment policy is as follows:
- a. Maximum investment period of 1 year.
  - b. Investments in any single institution or institutions within a group of companies are limited to 25% of the total fund, at the time the investment is placed.
  - c. Total investments in any one foreign country are limited to 15% of the total fund, but UK-based institutions to be used as first preference.
  - d. Investments are limited to £5m per counterparty excluding call accounts and £6m including call accounts except for Lloyds Banking Group plc and Royal Bank of Scotland Group plc, where the limits will be £8m for each with no distinction between fixed deposits and call accounts.
  - e. If the Council's own banker, Barclays, falls below Sector's minimum credit rating requirements, it will nevertheless continue to be used, although balances will be minimised in both monetary size and duration.
  - f. Building societies that do not meet Sector's minimum credit rating requirements will nevertheless be included provided they have assets in excess of £9bn. At the time of writing this report, the relevant societies are Yorkshire, Coventry, Skipton and Leeds (the Nationwide is already included by virtue of its credit ratings). The maximum investment per counterparty is limited to £2m and the maximum duration of any single investment 3 months.
59. These proposed changes were discussed at meetings of the Performance and Governance Committee on 8 January 2013 and the Finance Advisory Group on 24

## Agenda Item 5c

January 2013. The original proposal in paragraph b. was for a 40% limit, but following further analysis, a limit of 25% was deemed appropriate.

### Investment Strategy

60. Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).
61. Bank Rate is forecast to remain unchanged at 0.5% before starting to rise from quarter 4 of 2014. Bank Rate forecasts for financial year ends (March) are:
- 2012/2013 0.50%
  - 2013/2014 0.50%
  - 2014/2015 0.75%
  - 2015/2016 1.75%
62. There are downside risks to these forecasts (i.e. start of increases in Bank Rate is delayed even further) if economic growth remains weaker for longer than expected. However, should the pace of growth pick up more sharply than expected there could be upside risk, particularly if Bank of England inflation forecasts for two years ahead exceed the Bank of England's 2% target rate.
63. The suggested budgeted investment earnings rates for returns on investments placed for periods up to three months during each financial year for the next five years are as follows:
- |         |       |
|---------|-------|
| 2012/13 | 0.50% |
| 2013/14 | 0.50% |
| 2014/15 | 0.60% |
| 2015/16 | 1.50% |

### Icelandic Bank Investments

64. This authority currently has an investment of £1m frozen in Landsbanki Islands hf. The investment was placed on 25 June 2007 at 6.32%, to mature on 25 June 2009.
65. The Icelandic Government has stated its intention to honour all its commitments as a result of their banks being placed into receivership. The U.K. Government is working with the Icelandic Government to help bring this about. The Local Government Association is coordinating the efforts of all UK authorities with Icelandic investments.
66. At the current time, the process of recovering assets is still ongoing with the administrators. Investments outstanding with the two Iceland-domiciled banks (Glitnir Bank hf and Landsbanki Islands hf) have been subject to decisions of the Icelandic Courts. Following the successful outcome of legal test cases in the

Icelandic Supreme Court in late 2011, the Administrators have now commenced the process of dividend payments in respect of both of these banks.

### End of Year Investment Report

67. At the end of the financial year, the Council will receive a report on its investment activity as part of the Annual Treasury Report.

### Scheme of delegation

68. The guidance notes accompanying the revised Code also require that a statement of the Council's scheme of delegation in relation to treasury management is produced as part of the Annual Investment Strategy. This appears at Appendix F.

### Role of the Section 151 officer

69. As with the scheme of delegation mentioned in the previous paragraph, a statement of the role of the Section 151 officer is also required. This appears at Appendix G.

## **Key Implications**

### Financial

70. The management of the Council's investment portfolio and cash-flow generated balances plays an important part in the financial planning of the authority. The security of its capital and liquidity of its investments is of paramount importance.
71. There are financial implications arising from the restriction of the Council's lending list in that an inferior rate of interest may have to be accepted on a particular investment if some of the smaller and lower-rated institutions have been removed from the list.

### Community Impact and Outcomes

72. There are no community impacts arising from this report.

### Legal, Human Rights etc.

73. This report satisfies the requirements of the Local Government Act 2003 and supporting regulations plus the Council's Financial Procedure Rules which both require the preparation of an annual treasury strategy.

## Agenda Item 5c

### Equality Impacts

74.

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The recommendation is concerned with investment management and does not directly impact upon a service provided to the community.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		No mitigating steps are required.

### **Conclusions**

75. The effect of the proposals set out in this report is to allow the Council to effectively and efficiently manage cash balances.
76. In line with the revised CIPFA Code of Practice on Treasury Management, the Annual Treasury Strategy must be considered by Council and this is planned for its meeting on 19 February 2013. Given the current uncertainties in the banking sector and financial markets, the Council may need to consider amending its strategy during the year.

### **Risk Assessment Statement**

77. Treasury Management has two main risks :
- Fluctuations in interest rates can result in a reduction in income from investments; and
  - A counterparty to which the Council has lent money fails to repay the loan at the required time.

Consideration of risk is integral in our approach to treasury management.

78. This report proposes new investment limits. The movement towards having a restricted lending list of better quality institutions but higher individual limits with those institutions reduces the chances of a default. But if a default did occur, the

potential loss would be greater. Previously, the preference was to have smaller investments with a greater range of institutions.

79. These risks are mitigated by the annual investment strategy which has been prepared on the basis of achieving the optimum return on investments commensurate with proper levels of security and liquidity. However, Members should recognise that in the current economic climate, these remain significant risks and that the strategy needs to be constantly monitored.

**Sources of Information:**

Existing treasury counterparty list

Treasury Management Strategy Statement for 2013/14 provided by Sector Treasury Services Ltd.

CIPFA – Prudential Code on Treasury Management

ODPM (now DCLG) – Guidance on Local Government Investments (March 2004)

CIPFA Treasury Management in the Public Services Code of Practice (Revised 2009, 2010 & 2011)

**Contact Officer(s):**

Roy Parsons ext.7204

**Dr. Pav Ramewal**  
**Chief Executive Designate**

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**SEVENOAKS DISTRICT COUNCIL**

List of Investments as at:- 17-Dec-12 (in alphabetical order)

Reference	Name	Rating	Country	Group	Amount	Start Date	Comm Rate	End Date	Curr Rate	Terms	Broker
	Santander UK plc (Business Reserve A/C)	A+	U.K.	Santander	0	01-Apr-99			0.50000%	Variable	Direct
	Santander UK plc (Money Market A/C)	A+	U.K.	Santander	0	09-Oct-06			0.50000%	Variable	Direct
	Clydesdale Bank plc (Base Tracker Plus - 15 Day)	A	U.K.	NAB	0	10-Sep-10			0.65000%	Variable	Direct
	Barclays Bank plc (Business Premium A/C)	A	U.K.		1,341,000	01-Oct-11			0.45000%	Variable	Direct
	National Westminster Bank plc (Liquidity Select)	A	U.K.	RBS	1,000,000	07-Oct-11			0.80000%	Variable	Direct
	Ignis Liquidity Fund (Money Market Fund)	AAA	U.K.		3,000,000	11-May-12				Variable	Direct
	Insight Liquidity Fund (Money Market Fund)	AAA	U.K.		3,000,000	11-May-12				Variable	Direct
IP1078	Aberdeen City Council		U.K.		2,000,000	29-Nov-12	0.32000%	29-May-13		6 Months	Sterling
IP1014	Bank of Scotland plc	A	U.K.	Lloyds/HBOS	1,000,000	14-Feb-12	2.50000%	12-Feb-13		1 Year	Direct
IP1018	Bank of Scotland plc	A	U.K.	Lloyds/HBOS	1,000,000	24-Feb-12	2.50000%	22-Feb-13		1 Year	Direct
IP1072	Barclays Bank plc	A	U.K.		1,000,000	02-Nov-12	0.47000%	04-Feb-13		3 Months	Direct
IP1076	Barclays Bank plc	A	U.K.		1,000,000	15-Nov-12	0.46000%	15-Feb-13		3 Months	Direct
IP1065	Greater London Authority		U.K.		4,000,000	15-Oct-12	0.26000%	15-Jan-13		3 Months	Sterling
IP1079	Leeds City Council		U.K.		1,000,000	14-Dec-12	0.34000%	15-Mar-13		3 Months	Tradition
IP1049	Lloyds TSB Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	25-Jul-12	3.00000%	04-Jul-13		1 Year	Direct
IP1069	Lloyds TSB Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	31-Oct-12	2.25000%	30-Oct-13		1 Year	Direct
IP1073	Lloyds TSB Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	05-Nov-12	2.25000%	04-Nov-13		1 Year	Direct
IP1026	National Westminster Bank plc	A	U.K.	RBS	2,000,000	27-Apr-12	1.00000%	22-May-13	2.25000%	1 Year	Direct
IP1046	National Westminster Bank plc	A	U.K.	RBS	2,000,000	18-Jul-12	1.00000%	21-Aug-13	2.25000%	1 Year	Direct
IP1064	Nationwide Building Society	A+	U.K.		1,000,000	09-Oct-12	0.47000%	09-Jan-13		3 Months	Tradition
IP1067	Nationwide Building Society	A+	U.K.		2,000,000	23-Oct-12	0.45000%	23-Jan-13		3 Months	Sterling
IP1071	Nationwide Building Society	A+	U.K.		1,000,000	01-Nov-12	0.45000%	01-Feb-13		3 Months	Tradition
IP1077	Nationwide Building Society	A+	U.K.		1,000,000	28-Nov-12	0.44000%	28-Feb-13		3 Months	R P Martin
IP1080	UK Debt Management Office		U.K.		1,000,000	17-Dec-12	0.25000%	02-Jan-13		16 days	Direct
IP1051	Ulster Bank Ltd	A-	U.K.	RBS	1,000,000	27-Jul-12	1.20000%	28-Jan-13		6 Months	R P Martin
Total Invested					33,341,000						
<b>Matured Investment</b>											
IP813	Landsbanki Islands hf		Iceland		504,700	25-Jun-07	6.32000%	25-Jun-09		2 Years	R P Martin
<b>Other Loan</b>											
	Sevenoaks Leisure Limited				250,000	29-Apr-08	7.00000%	31-Mar-18		10 Years	Direct

**SEVENOAKS DISTRICT COUNCIL**

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	Total Invested				<u>33,341,000</u>						
	<b>Matured Investment</b>										
IP813	Landsbanki Islands hf		Iceland		504,700	25-Jun-07	6.32000%	25-Jun-09		2 Years	R P Martin
	<b>Other Loan</b>										
	Sevenoaks Leisure Limited				250,000	29-Apr-08	7.00000%	31-Mar-18		10 Years	Direct



**APPENDIX B: Interest Rate Forecasts 2013 – 2016**

<b>Sector's Interest Rate View</b>															
	Now	Dec-12	Mar-13	Jun-13	Sep-13	Dec-13	Mar-14	Jun-14	Sep-14	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16
<b>Sector's Bank Rate View</b>	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	1.75%
3 Month LIBD	0.40%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.60%	0.60%	0.70%	0.80%	1.10%	1.40%	1.70%	1.90%
6 Month LIBD	0.56%	0.70%	0.70%	0.70%	0.70%	0.70%	0.70%	0.80%	0.90%	1.00%	1.10%	1.30%	1.60%	1.90%	2.20%
12 Month LIBD	0.92%	1.00%	1.00%	1.00%	1.00%	1.00%	1.10%	1.10%	1.20%	1.30%	1.30%	1.50%	1.80%	2.10%	2.40%
5yrPW IB Rate	1.66%	1.50%	1.50%	1.50%	1.60%	1.60%	1.70%	1.70%	1.80%	2.00%	2.20%	2.30%	2.50%	2.70%	2.90%
10yrPW IB Rate	2.64%	2.50%	2.50%	2.50%	2.60%	2.60%	2.70%	2.70%	2.80%	3.00%	3.20%	3.30%	3.50%	3.70%	3.90%
25yrPW IB Rate	3.88%	3.70%	3.80%	3.80%	3.80%	3.80%	3.90%	3.90%	4.00%	4.10%	4.30%	4.40%	4.60%	4.80%	5.00%
50yrPW IB Rate	4.04%	3.90%	4.00%	4.00%	4.00%	4.00%	4.10%	4.10%	4.20%	4.30%	4.50%	4.60%	4.80%	5.00%	5.20%
<b>Bank Rate</b>															
<b>Sector's View</b>	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.75%	1.00%	1.25%	1.50%	1.75%
UBS	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	-	-	-	-	-
Capital Economics	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	0.50%	-	-	-	-	-
<b>5yrPW IB Rate</b>															
<b>Sector's View</b>	1.66%	1.50%	1.50%	1.50%	1.60%	1.60%	1.70%	1.70%	1.80%	2.00%	2.20%	2.30%	2.50%	2.70%	2.90%
UBS	1.66%	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Capital Economics	1.66%	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%	1.30%	1.50%	1.60%	-	-	-	-	-
<b>10yrPW IB Rate</b>															
<b>Sector's View</b>	2.64%	2.50%	2.50%	2.50%	2.60%	2.60%	2.70%	2.70%	2.80%	3.00%	3.20%	3.30%	3.50%	3.70%	3.90%
UBS	2.64%	2.80%	3.00%	3.10%	3.20%	3.40%	3.50%	3.60%	3.70%	3.80%	-	-	-	-	-
Capital Economics	2.64%	2.30%	2.30%	2.30%	2.30%	2.30%	2.30%	2.30%	2.30%	2.30%	-	-	-	-	-
<b>25yrPW IB Rate</b>															
<b>Sector's View</b>	3.88%	3.70%	3.80%	3.80%	3.80%	3.80%	3.90%	3.90%	4.00%	4.10%	4.30%	4.40%	4.60%	4.80%	5.00%
UBS	3.88%	4.00%	4.20%	4.30%	4.40%	4.50%	4.50%	4.50%	4.50%	4.50%	-	-	-	-	-
Capital Economics	3.88%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	3.50%	-	-	-	-	-
<b>50yrPW IB Rate</b>															
<b>Sector's View</b>	4.04%	3.90%	4.00%	4.00%	4.00%	4.00%	4.10%	4.10%	4.20%	4.30%	4.50%	4.60%	4.80%	5.00%	5.20%
UBS	4.04%	4.10%	4.30%	4.40%	4.50%	4.60%	4.60%	4.60%	4.60%	4.60%	-	-	-	-	-
Capital Economics	4.04%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	3.80%	-	-	-	-	-

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### APPENDIX C: Economic Background

#### The Global economy

The Eurozone debt crisis has continued to cast a pall over the world economy and has depressed growth in most countries. This has impacted the UK economy which is unlikely to grow significantly in 2012 and is creating a major headwind for recovery in 2013. Quarter 2 of 2012 was the third quarter of contraction in the economy; this recession is the worst and slowest recovery of any of the five recessions since 1930. A return to growth @ 1% in quarter 3 is unlikely to prove anything more than a washing out of the dip in the previous quarter before a return to weak, or even negative, growth in quarter 4.

The Eurozone sovereign debt crisis has abated somewhat following the ECB's pledge to buy unlimited amounts of bonds of countries which ask for a bailout. The immediate target for this statement was Spain which continues to prevaricate on making such a request (for a national bailout) and so surrendering its national sovereignty to IMF supervision. However, the situation in Greece is heading towards a crunch point as the Eurozone imminently faces up to having to relax the time frame for Greece reducing its total debt level below 120% of GDP and providing yet more financial support to enable it to do that. Many commentators still view a Greek exit from the Euro as inevitable as total debt now looks likely to reach 190% of GDP i.e. unsustainably high, unless the Eurozone were to accept a major write down of Greek debt. The possibility of a write down has now been raised by the German Chancellor, but not until 2014-15, and provided the Greek annual budget is in balance.

Sentiment in financial markets has improved considerably since this ECB action and recent Eurozone renewed commitment to support Greece and to keep the Eurozone intact. However, the foundations to this "solution" to the Eurozone debt crisis are still weak and events could easily conspire to put this into reverse.

The US economy has only been able to manage weak growth in 2012 despite huge efforts by the Federal Reserve to stimulate the economy by liberal amounts of quantitative easing (QE) combined with a commitment to a continuation of ultra low interest rates into 2015. Unemployment levels have been slowly reducing but against a background of a fall in the numbers of those available for work. The fiscal cliff facing the President at the start of 2013 has been a major dampener discouraging business from spending on investment and increasing employment more significantly in case there is a sharp contraction in the economy in the pipeline. However, the housing market does look as if it has, at long last, reached the bottom and house prices are now on the up.

Hopes for a broad based recovery have, therefore, focused on the **emerging markets**. However, there are increasing concerns over flashing warning signs in various parts of the Chinese economy that indicate it could be in risk of heading for a hard landing rather than a gradual slow down.

#### The UK economy

The Government's austerity measures, aimed at getting the public sector deficit into order, have now had to be extended in the autumn statement over a longer period than the original four years. Achieving this new extended time frame will still be dependent on the UK economy returning to a reasonable pace of growth

towards the end of this period. It was important for the Government to retain investor confidence in UK gilts so there was little room for it to change course other than to move back the timeframe.

Currently, the UK is enjoying a major financial benefit from some of the lowest sovereign borrowing costs in the world as the UK is seen as a safe haven from Eurozone debt. There is, though, little evidence that consumer confidence levels are recovering nor that the manufacturing sector is picking up. On the positive side, growth in the services sector rebounded in Q3 and banks have made huge progress since 2008 in shrinking their balance sheets to more manageable levels and also in reducing their dependency on wholesale funding. However, availability of credit remains tight in the economy and the Funding for Lending scheme, which started in August 2012, has not yet had time to make a significant impact. Finally, the housing market remains tepid and the outlook is for house prices to be little changed for a prolonged period.

**Economic Growth.** Economic growth has basically flat lined since the election of 2010 and, worryingly, the economic forecasts for 2012 and beyond were revised substantially lower in the Bank of England Inflation quarterly report for August 2012 and were then further lowered in the November Report. Quantitative Easing (QE) was increased again by £50bn in July 2012 to a total of £375bn. Many forecasters are expecting the MPC to vote for a further round of QE to stimulate economic activity regardless of any near-term optimism. The announcement in November 2012 that £35bn will be transferred from the Bank of England's Asset Purchase Facility to the Treasury (representing coupon payments to the Bank by the Treasury on gilts held by the Bank) is also effectively a further addition of QE.

**Unemployment.** The Government's austerity strategy has resulted in a substantial reduction in employment in the public sector. Despite this, total employment has increased to the highest level for four years as over one million jobs have been created in the private sector in the last two years.

**Inflation and Bank Rate.** Inflation has fallen sharply during 2012 from a peak of 5.2% in September 2011 to 2.2% in September 2012. However, inflation increased back to 2.7% in October though it is expected to fall back to reach the 2% target level within the two year horizon.

**AAA rating.** The UK continues to enjoy an AAA sovereign rating. However, the credit rating agencies will be carefully monitoring the rate of growth in the economy as a disappointing performance in that area could lead to a major derailment of the plans to contain the growth in the total amount of Government debt over the next few years.

#### **Sector's forward view**

Economic forecasting remains difficult with so many external influences weighing on the UK. There does, however, appear to be consensus among analysts that the economy remains relatively fragile and whilst there is still a broad range of views as to potential performance, expectations have all been downgraded during 2012. Key areas of uncertainty include:

- the potential for the Eurozone to withdraw support for Greece at some point if the Greek government was unable to eliminate the annual budget deficit and the costs of further support were to be viewed as being

prohibitive, so causing a worsening of the Eurozone debt crisis and heightened risk of the breakdown of the bloc or even of the currency itself;

- inter government agreement on how to deal with the overall Eurozone debt crisis could fragment; the impact of the Eurozone crisis on financial markets and the banking sector;
- the impact of the Government's austerity plan on confidence and growth and the need to rebalance the economy from services to manufactured goods;
- the under-performance of the UK economy which could undermine the Government's policies that have been based upon levels of growth that are unlikely to be achieved;
- the risk of the UK's main trading partners, in particular the EU and US, falling into recession ;
- stimulus packages failing to stimulate growth;
- elections due in Germany in 2013;
- potential for protectionism i.e. an escalation of the currency war / trade dispute between the US and China.
- the potential for action to curtail the Iranian nuclear programme
- the situation in Syria deteriorating and impacting other countries in the Middle East

The focus of so many consumers, corporates and banks on reducing their borrowings, rather than spending, will continue to act as a major headwind to a return to robust growth in western economies.

Given the weak outlook for economic growth, Sector sees the prospects for any changes in Bank Rate before 2015 as very limited. There is potential for the start of Bank Rate increases to be even further delayed if growth disappoints.

Sector believes that the longer run trend is for gilt yields and PWLB rates to rise due to the high volume of gilt issuance in the UK, and the high volume of debt issuance in other major western countries. The interest rate forecast in this report represents a balance of downside and upside risks. The downside risks have already been commented on. However, there are specific identifiable upside risks as follows to PWLB rates and gilt yields, and especially to longer term rates and yields: -

- UK inflation being significantly higher than in the wider EU and US causing an increase in the inflation premium in gilt yields
- Reversal of QE; this could initially be allowing gilts held by the Bank to mature without reinvesting in new purchases, followed later by outright sale of gilts currently held

- Reversal of Sterling's safe haven status on an improvement in financial stresses in the Eurozone
- Investors reverse de-risking by moving money from government bonds into shares in anticipation of a return to worldwide economic growth
- The possibility of a UK credit rating downgrade (Moody's has stated that it will review the UK's Aaa rating at the start of 2013).

**APPENDIX D - SPECIFIED AND NON-SPECIFIED INVESTMENTS**

**SPECIFIED INVESTMENTS**

All such investments will be sterling denominated, with maturities up to maximum of 1 year, meeting the minimum ‘high’ rating criteria where applicable

**Term deposits within the UK**

	<b>Minimum ‘High’ Credit Criteria</b>	<b>Use</b>
Debt Management Agency Deposit Facility	–	In-house
Term deposits – local authorities	–	In-house
Term deposits – banks and building societies	Sector colour code ‘Green’ or better	In-house

**Term deposits with nationalised banks and banks and building societies**

	<b>Minimum ‘High’ Credit Criteria</b>	<b>Use</b>
UK part nationalised banks	Sector colour code ‘Blue’	In-house
Banks part nationalised by high credit rated (sovereign rating) countries – non UK	Sovereign rating AA- or better and Sector colour code ‘Green’ or better	In-house

**Others**

Certificates of deposit issued by banks and building societies covered by UK Government (explicit) guarantee	UK sovereign rating AA- or better and Sector colour code ‘Green’ or better	In-house
UK Government Gilts	UK sovereign rating AA- or better	In-house buy and hold
Bonds issued by multilateral development banks	AAA	In-house buy and hold
Bond issuance issued by a financial institution which is explicitly guaranteed by the UK Government (refers solely to GEFCO - Guaranteed Export Finance Corporation)	UK sovereign rating AA- or better	In-house buy and hold
Sovereign bond issues (other than the UK govt)	AAA	In-house buy and hold
Treasury Bills	UK sovereign rating AA- or better	In house

## Agenda Item 5c

<b>Collective Investment Schemes structured as Open Ended Investment Companies (OEICs): -</b>		
Government Liquidity Funds	Long-term rating AAA Volatility rating MR1+	In-house
Money Market Funds	Long-term rating AAA Volatility rating MR1+	In-house
Enhanced cash funds	Long-term rating AAA Volatility rating MR1+	In-house
Gilt Funds	Long-term rating AAA Volatility rating MR1+	In-house

**NON-SPECIFIED INVESTMENTS:** As the Council has a maximum investment period of one year, many of the investment instruments previously listed in this category are no longer applicable

	<b>Minimum Credit Criteria</b>	<b>Use</b>	<b>Max % of total investments</b>	<b>Max. maturity period</b>
Fixed term deposits with variable rate and variable maturities (i.e. structured deposits)	Sovereign rating AA- or better and Sector colour code 'Green' or better	In-house	25	1 year



**APPENDIX E - Approved countries for investments**

*Based on lowest available rating*

AAA

- Denmark
- Finland
- Germany
- Luxembourg
- Netherlands
- Norway
- Sweden
- Switzerland
- U.K.

AA+

- France

AA

- None

AA-

- Belgium

## Agenda Item 5c

### **APPENDIX F - Treasury management scheme of delegation**

#### **Full Council**

- receiving and reviewing reports on treasury management policies, practices and activities;
- approval of annual strategy.

#### **Cabinet**

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;
- budget consideration and approval;
- approval of the division of responsibilities;
- receiving and reviewing regular monitoring reports and acting on recommendations;
- approving the selection of external service providers and agreeing terms of appointment.

#### **Performance and Governance Committee**

- reviewing the treasury management policy and procedures and making recommendations to Cabinet.

**APPENDIX G - The treasury management role of the section 151 officer**

The S151 (responsible) officer is responsible for:

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;
- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.

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**Item 5(d) – Senior Management Restructure**

**Cabinet's Recommendation to Council**

At its meeting on 10 January 2013 the Cabinet considered the matter as follows:

Members considered a report setting out a proposal for a restructure of the Council's senior management that would meet the commitment within the four year savings plan to deliver a reduction in senior management costs of £302,000.

The report outlined the criteria used to help shape the proposal, the proposed senior management structure, a summary of the consultation carried out with staff and the process that would be followed in appointing to new posts.

The Chief Executive Designate stressed that it was never easy to save money, particularly in an already lean authority such as Sevenoaks District Council. £60,000 savings had already been made following the departure of the Head of Finance and Human Resources and the Head of Development Services. The Director of Community and Planning Services had also offered to take voluntary redundancy and this would contribute toward the £302,000 savings that were required.

The proposed structure at Appendix A of the report had been developed to meet the anticipated future challenges and reflected a move towards a Chief Officer structure. The proposed Chief Officer roles were:

- Chief Officer Communities and Business
- Chief Officer Environmental and Operational Services
- Chief Officer Housing
- Chief Officer Corporate Support
- Chief Officer Legal and Governance (Monitoring Officer)
- Chief Officer Planning
- Chief Officer Finance

The posts of Chief Officer Finance and Chief Officer Planning would be subject to competitive assimilation including external competition.

The Chief Executive Designate reported that consultation had been undertaken with both Unison and affected staff and there had been no indication that the proposed structure was not supported. The Chief Executive Designate stated that the departure of the Deputy Chief Executive and Director of Community and Planning Services would leave a significant gap at a senior level particularly due to her contributions in transforming the Council.

The Chairman highlighted that significant changes to the senior management structure had already been made and were reflected in the report. One of the great successes of Sevenoaks District Council was its ability to develop its staff and prepare them for more senior roles. The Chairman stressed that this report was the first stage in the reorganisation process and further reviews of structures across the Council would be taking place. Sevenoaks District Council had found

## Agenda Item 5d

itself in the very fortunate position that the current Chief Executive had given early indication of his intention to retire which had meant that the Council had incurred no additional costs. The decision taken by the Deputy Chief Executive and Director of Community and Planning Services had also allowed the organisation to move forward.

In response to a question from a visiting Member, the Chairman reported that a review of Member-level governance structures would also be taking place in order to ensure that these structures complemented the Officer structures.

A Member suggested that one area of concern was the effect that the proposed changes and the resulting period of instability could have on the Planning Department however, she was working with the Chief Executive Designate to minimise this. The Member stressed the need to ensure that the current high standards were maintained. The Chief Executive reported that senior officers would be working hard over the next six months to prepare for the proposed changes and ensuring that the transition was as seamless as possible.

Resolved: That:

- (a) The report be endorsed;
- (b) It be noted that the costs associated with the restructure of senior management will be limited to, and met from, the earmarked Reorganisation Reserves as approved by Council in February 2012; and
- (c) It be noted that the cost of any service restructures resulting from the new senior management structure will be limited to, and met from, existing service budgets.

## **SENIOR MANAGEMENT RESTRUCTURE**

### **Council – 19 February 2013**

Report of the: Chief Executive

Also considered by: Cabinet – 10 January 2013

Status: For Consideration and Comments

Key Decision: No

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**Executive Summary:** This report sets out a proposal for a restructure of the Council's senior management that meets the commitment within the four year savings plan to deliver a reduction in senior management costs of £302,000.

The report provides the criteria used to help shape the proposal, the proposed senior management structure, a summary of the consultation carried out with staff and the processes that will be followed in appointing to the new posts.

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**This report supports the Key Aim of** delivering the Council's vision and promises through effective management of council resources.

**Portfolio Holder:** Cllr. Peter Fleming

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### **Recommendations to Council:**

It be resolved that Council:

- (a) approve the changes proposed within the report and the senior management structure set out at Appendix A to this report;
- (b) agree that the post of Director of Community and Planning and Deputy Chief Executive be deleted from April 2013 following an offer of voluntary redundancy from the post holder;
- (c) agree that the new senior management structure will take effect from 1 September;
- (d) agree the processes to be followed in respect of consultation and recruitment; and
- (e) delegate authority to the Monitoring Officer to make the necessary consequential changes to Part 13 of the Constitution entitled "Officer Responsibilities and Delegations" in order to take account of the changes in senior management set out within this report.

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**Reason for recommendation:** To adopt a management structure that will ensure the Council is able to deliver on its vision and promises to the community, be well placed to

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## Agenda Item 5d

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meet future challenges and to deliver the savings required as part of the four year savings plan, that contribute to the Council delivering a long term sustainable budget.

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### **Background**

- 1 Since 2003 the Council has continually sought and delivered improvements to the way it works to the benefit of the local community. Throughout this period the Council has implemented improvements to its organisational structure, including reviews of senior management. Preceding 2003 the Council employed 23 Heads of Service and up until recently employed 3 Directors. By adopting a strategic approach to workforce management and through the introduction of initiatives such as empowerment by 2010 the number of Heads of Service had been reduced to just eight. This progressive approach, that has always recognised financial pressures, has enabled the Council to retain a strong focus on delivering the Council's priorities, enabled it to achieve national recognition for value for money and been honoured as a Champion organisation for Investors In People. As a result the Council has developed a reputation as one of the highest performing local authorities in the Country.
- 2 Over the last two years the Council has faced severe cuts to its funding as the Government has implemented strategies to address the Country's economic difficulties and reduce its deficit. In 2010 the Council identified that it was faced with a significant shortfall in its funding, approaching £6.5 million between April 2011 and March 2015. By adopting a unique long term financial strategy and a ten year budget the funding gap was reduced to £4.5 million.
- 3 A comprehensive and structured review of savings options led to the creation of a four year savings plan which would deliver the savings required and provide the foundation for the Council's long term financial stability. The savings plan, agreed by Council in December 2010, included a commitment to deliver savings totalling £302,000 from senior management.
- 4 Between 2010 and 2012 the Council has reduced its number of Heads of Service to just five and as a result £60,000 has already been contributed to the savings target from senior management. In October 2012 the Council's Chief Executive notified the Leader of the Council of his intention to retire in September 2013. Members took the decision to appoint from within the Council and the Chief Executive Designate was confirmed by Council on 7 November 2012 and was requested to develop a proposed structure that would identify the remaining savings.



### Introduction

- 5 This report sets out a proposal for a new senior management structure for Sevenoaks District Council to take effect from 1 September 2013. The overall proposals have been developed by the Chief Executive Designate following consultation with the Council's senior managers.
- 6 In developing the structure it was clear that a number of criteria must be met. These can be summarised as:
- Delivering the financial savings required from senior management to support the achievement of the four year savings plan;
  - Developing a structure that provides the strategic direction, leadership, skills and capacity required to deliver on the Council's vision and promises;
  - Ensuring that the senior officer structure provides the required level of support to Members, providing appropriate access to information and advice to fulfil their role as community leaders;
  - Ensuring the structure maximises the benefit of the skills and experience of high performing senior managers that have been an integral part of the Council's achievements;
  - Retaining sufficient capacity within the structure to support the Council's ambitions to continue to develop and retain high quality officers and maintain an unstinting focus on the customer; and
  - Ensure the Council is in a strong position to anticipate and shape the future challenges it faces, which are set out in the following section of this report.

### Future Challenges

- 7 Linked to the criteria set out above there are a number of future challenges that the proposed structure has been developed to embrace. The approach recognises that due to the extent and pace of change the structure will need to evolve over the next few years as the impact on local government becomes clearer. It is hoped that this will lead to future savings and efficiencies.
- 8 As a result of changes to legislation and continued substantial reductions in Government funding of local authorities the key future challenges are set out in the following paragraphs.
- 9 **Finance.** Continuing to develop the Council's financial strategy and providing highly informative analysis will be critical to enabling the Council's services to succeed in to the future. Economic forecasts continue to be pessimistic and this will inevitably have a negative effect on the future of local government funding. When combined with the other key issues set out below maintaining a strong focus on finance will be imperative to the Council's ability to shape its own future.
- 10 **Welfare Reform.** The transition to local support for council tax and Universal Credit, the expectation of £5bn of further cuts to come from the Country's benefit bill in the coming years and accompanying amendments to social housing legislation will have a significant and lasting impact on the Council's services.

## Agenda Item 5d

Maximising the benefit of innovative services such as the HERO project and enabling new social and affordable housing in the District will be essential in supporting the local community and preventing homelessness.

- 11 **Planning Reform.** The introduction of the National Planning Policy Framework and the recent Growth and Infrastructure Bill continues to show the Government's determination to transform the planning process to positively encourage new development. Linking this to the increased incentives to local authorities to encourage appropriate development through New Homes Bonus, local retention of business rates and Community Infrastructure Levy provides a new framework for local government to maximise the benefits of the planning service for the benefit of the whole community. To balance this with the Council's promise to protect the Green Belt and the potential demand for local plans requires a strong focus, exceptional leadership skills, detailed knowledge of the planning system and a high sense of understanding of the importance of local issues.

There is no doubt that planning is a major, vital service to the District Council and it operates in a sensitive environment. Recent Government proposals to return to performance monitoring Council planning departments on the quality and speed of their decisions creates further demand for an efficient, customer focussed service to ensure decisions on planning matters remain with this Council for the long term. To achieve this there is a need for the Council to ensure it has a very high degree of professional expertise and experience in development control.

Planning policy is very different. Whilst it retains a very strong planning focus, it is now much broader and needs to link very closely with the Community Plan and the Council's priorities for housing and economic development.

- 12 **Local Issues.** The Council has set out its promises that in addition to value for money and protecting the green belt include community safety, a high performing waste collection service and supporting the local economy. The proposed structure ensures that the Council retains the skills, experience and expertise to achieve these promises and as a result continue to build on the Council's reputation as a high performing local authority.

### **Proposed Structure**

- 13 Taking into consideration each of the criteria above and the future challenges that the Council faces it is recommended that the Council adopts the management structure proposed at Appendix A to this report. For Members' information the existing management structure is set out at Appendix B to this report. The new structure reduces the existing management team from three individuals to one individual.
- 14 The Council is facing or is likely to face a number of significant pressures and challenges, the like of which local government has not seen for many decades. It would therefore not be the appropriate time at which to consider a reduction in Heads of Service, due to both their technical and operational expertise.
- 15 The Director of Community and Planning and Deputy Chief Executive has offered to take voluntary redundancy leading to the deletion of this post. This allows the

Council to introduce a structure going forward that will place it in a strong position to tackle the significant challenges ahead.

- 16 The Director of Community and Planning and Deputy Chief Executive has done an outstanding job in her current role and has been a significant contributor to the Council's transformation and will no doubt leave a large gap at senior level.
- 17 In place of the Deputy Chief Executive role the new structure introduces the role of Chief Officer. The role of Chief Officer is an enhancement on the existing Head of Service roles. At its core the Chief Officer role enables the Council to continue to benefit from the extensive experience of the current Heads of Service who have contributed significantly to Sevenoaks District Council being recognised as being in the top 2% of top performing Councils nationally.
- 18 The role of Chief Officer will combine overview of all the Chief Officer's services with direct personal responsibility for the combination of services within their department. The Chief Officers will also adopt a common strategic approach in supporting the Council in meeting its medium to long term ambitions.
- 19 The practical changes that will be adopted to ensure a greater level of accountability is secured from each Chief Officer include:
  - Each Chief Officer reporting directly to the Chief Executive;
  - Transferring existing delegated authority that currently rests at Deputy Chief Executive level to the relevant Chief Officer; and
  - Alongside the Chief Executive the Chief Officers make up the Council's Management Team and are directly responsible for shaping and delivering on the Council's strategy.
- 20 Allowing for these changes it would be both difficult and financially unviable for the structure to accommodate a post of Deputy to the Chief Executive. By further exploiting the principles of empowerment it is envisaged that further capacity will be generated from the remaining service managers.
- 21 Two new roles of Head of Service are created within the structure, for Human Resources and Transformation & Strategy. These roles recognise the significant importance of the services they deliver to the future success of the Council. The post holders will report directly to the Chief Executive and support the Council's Management Team.
- 22 Set out at Appendix C is a summary of the services that it is proposed that each role in the proposed structure (set out at Appendix A) will hold responsibility for.

### **Appointment Process**

- 23 The appointments process for each of the roles in the new structure has been determined taking the professional advice of the Council's HR Manager and that of the Council's Head of Legal & Democratic Services to ensure compliance with the requirements of the Council's Constitution.

## Agenda Item 5d

- 24 For clarity, the post of Director of Community and Planning and Deputy Chief Executive will be deleted from the Council's structure and the post holder will take voluntary redundancy. The cost of the redundancy will be met from the Reorganisation Reserve which is earmarked for such purposes.
- 25 The following posts will be assimilated in to the new roles of Chief Officer as follows:

<b>Current Role</b>	<b>Assimilated To</b>
Head of Community Development	Chief Officer Communities & Business
Head of Environmental & Operational Services	Chief Officer Environmental & Operational Services
Head of Housing & Communications	Chief Officer Housing
Head of IT & Customer Services	Chief Officer Corporate Support
Head of Legal & Democratic Services	Chief Officer Legal & Governance (Monitoring Officer)

- 26 The two remaining Chief Officer roles, those of Planning and Finance will be subject to competitive assimilation, this will include external competition. Under the current management structure both post holders have been strongly supported within their roles by the current Directors. Under the proposed structure the deletion of the Director posts will remove this level of senior support and makes it critical that the new Chief Officers of both Finance and Planning have the right skills, experience and knowledge to take on the challenges the posts will present without Director level support to their functions.
- 27 It is also the case that the role of Group Manager does not directly align with that of the Head of Service which is being assimilated. The necessity to advertise these posts externally provides the Council with the opportunity to ensure that it benefits from having the most suitable officer in post, with the qualities and qualifications to drive these key areas for the Council forward.
- 28 The existing Group Managers of Finance and Planning will be eligible to apply for the new Chief Officer posts. Should an external candidate be appointed the cost will be met from restructuring of the current service. If a service restructure is required it would be with a view to the new service structure being in place no later than 1 September 2013, and ideally much earlier. If required, any costs of redundancy will be met from the Reorganisation Reserve which is earmarked for that purpose.
- 29 The current Human Resources Manager, who reports directly to the Chief Executive Designate, will be assimilated to the new role of Head of Human Resources and report directly to the new Chief Executive.

- 30 The new role of Head of Transformation & Strategy will be subject to internal competition. As set out at Appendix C this new role will assume responsibility for the existing Policy and Performance and Communications services as well as Equalities. As a result the internal competition will be ring fenced to the existing Policy & Performance Manager and the existing Communications & Consultation Manager. If the Council is unable to appoint from internal applicants then the post will be advertised externally.
- 31 In light of the recent reduction in senior financial resource it is also proposed that a post of Financial Analyst is created within the Transformation & Strategy service. The cost of this post will be met from within existing budgets.

### **Service Restructures**

- 32 Following the appointment of the Chief Officers the new Management Team will undertake a review of the remaining service structure to deliver sustainable service models that are equipped to address future issues and deliver high performing, customer focussed services. As part of ensuring the retention of staff, a limited number of new Heads of Service posts (designated from service managers) are likely to be introduced as part of this review. As with previous restructures at this level these will be implemented, under delegated authority, by the responsible Chief Officer or Head of Service, in consultation with the relevant Portfolio Holder, and agreed by the Head of Paid Service.
- 33 It is recognised that any subsequent restructures must be met from within existing budgets and no financial growth items will be proposed to achieve a restructure of the service. It is also clear that any restructures will not inhibit the commitment to deliver the required £302,000 saving from senior management.
- 34 Members may also wish to note that the Council will review the level of Secretarial support required within the new senior management structure. In recognition of the project based and administrative support likely to be required by the new Chief Executive it is proposed that a new post of Project Support Officer & PA is created. In the first instance this post will be subject to internal competition and ring-fenced to the existing PA to the Chief Executive, PA to the Director of Community and Planning and the PA to the Director of Corporate Resources.
- 35 A review of the remaining Secretariat (including PAs) will be undertaken, with a view to reducing the overall cost of the service.

### **Consultation**

- 36 In order to implement the senior management restructure and any subsequent service restructures the Council is required to undertake a formal consultation with those officers who will be directly affected by the proposal. The proposed restructure has been discussed with UNISON who have no objections.
- 37 The consultation process will commence following the publication of this report and will end before close of office hours on 10 January 2013. The results of the consultation will be presented to Cabinet at their meeting on the 10 January.

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- 38 A key focus of the consultation will be engagement with officers placed 'at risk' of redundancy. As a result of the proposals being put forward five officers will be placed at risk. These will be the Group Manager – Finance, the Group Manager – Planning and each of the PAs to the current Chief Executive and Directors.

### **Key Implications**

#### Financial

- 39 The departure of both the Head of Finance & HR and the Head of Development Control earlier this year has already contributed £60,000 towards the £302,000 savings required from senior management. It is anticipated that the deletion of the two Director posts will exceed the savings target. Additional savings are also likely to be achieved from the review of the Secretariat. Any additional costs or enhancements of salaries for additional responsibility will be met from within budget to ensure that the on-going £302,000 savings target is met.
- 40 It is unlikely that the full £302,000 savings target will be met from 1 April 2013. However, it is anticipated that around £200,000 can be met from 1 April 2013 and the remainder following the implementation of the remaining restructure. It is hoped that, as far as possible, any budgetary shortfall in 2013/14 will be met from within budget.
- 41 In recognition of the additional duties, responsibilities and delegations the Chief Executive pay band will extend by a further two spinal points beyond the current post holders salary and, subject to job evaluation, two new Chief Officer pay bands extending to spinal point 74 will be introduced but will remain on the national terms and conditions
- 42 The redundancy costs associated with the restructure of senior management, and any shortfall in 2013/14, will be met from the earmarked Reorganisation Reserve that was approved by Council in February 2012.

#### Community Impact and Outcomes

- 43 None. The proposed service structure ensures that the Council remains focussed on delivering its vision and promises to the local community and ensures sufficient capacity to deliver high quality, customer focussed services.

#### Legal, Human Rights etc.

- 44 The Council has taken the professional advice of the HR Manager and the Head of Legal & Democratic Services to ensure proper practices are followed in the proposed restructure of the Council's senior management.

#### Resource (non-financial)

- 45 As a result of the proposal to restructure senior management three posts will be deleted from the Council's structure. The Director of Community and Planning and Deputy Chief Executive has offered to take voluntary redundancy. There is also the potential for two further FTE employees to be made redundant, subject to the outcome of the competitive assimilation process for the roles of Chief Officer Finance and Chief Officer Planning.

- 46 The proposals to review the level of Secretarial support required for the new senior management structure may result in further posts being deleted. On the basis of the current proposal to appoint a new Project Support Officer & PA to support the new Chief Executive it is proposed that three officers will be placed at risk of redundancy.

Value For Money

- 47 The restructure of senior management is directly linked to the Council’s decision to deliver £302,000 of savings from its senior management positions. This decision was taken to protect the delivery of front line services, keep down increases in council tax and to deliver improved value for money to local residents.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups?	No	Employees who may be affected by these proposals are not within any of the protected characteristic groups identified by the Equalities Act 2010.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Staff have known since December 2010 that significant savings are required to be met. The Reorganisation Reserve was made available to cover redundancy costs.

**Conclusions**

- 48 This report sets out for Members a proposed senior management structure that will enable the Council to continue its progression as a high performing, value for money organisation.
- 49 The proposal takes due consideration of the environment the Council operates in now, the significant future challenges that the Council will face and the local needs and aspirations articulated through the Council’s vision and promises.
- 50 The structure is designed to ensure that the Council continues to benefit from the extensive experience of its current Heads of Service who have contributed significantly to the Council’s success and provides the foundation for the Council to anticipate and shape its own future.
- 51 Importantly the proposed structure also delivers on the Council’s commitment to save £302,000 from senior management costs as a contribution to the four year savings plan. All costs associated with the restructure will be met from within the Reorganisation Reserve which is earmarked for such purposes.

## Agenda Item 5d

### **Risk Assessment Statement**

- 52 Failure to implement a restructure of senior management will place the Council's ability to deliver the savings required within the four year savings plan at risk.
- 53 A period of consultation will be carried out that will enable the Council to identify any risks that may arise as a result of the proposed structure. The results of this consultation will be reported back to Members at the January meeting of Cabinet.

### **Appendices**

Appendix A – Proposed structure chart

Appendix B – Current management structure

Appendix C – Management of services

### **Background Papers:**

None

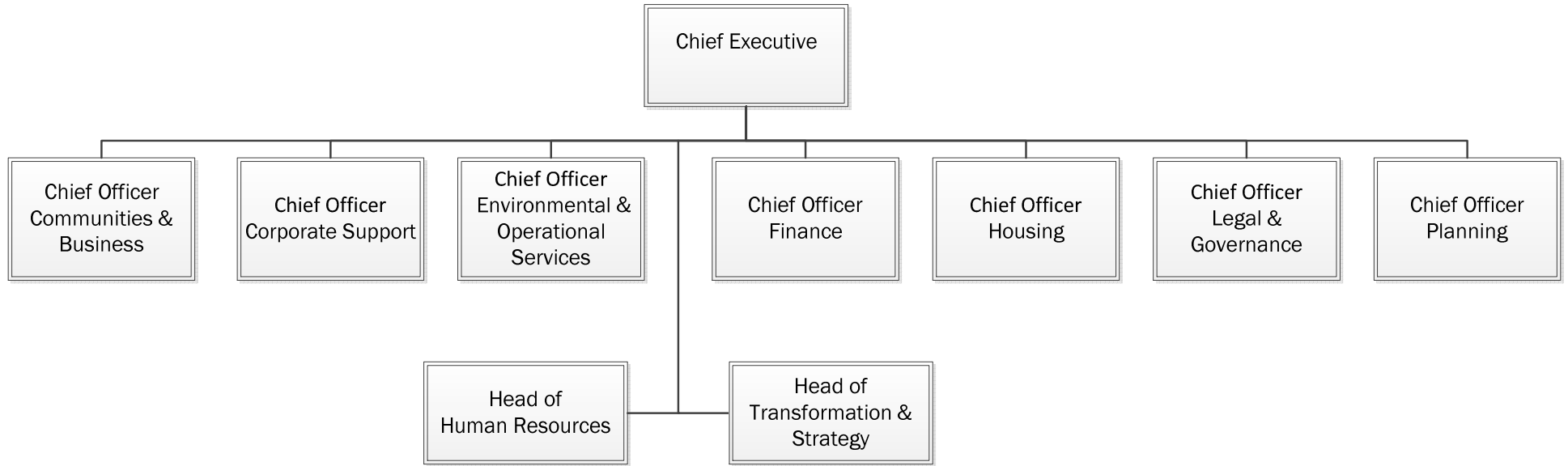
### **Contact Officers:**

Dr. Pav Ramewal  
Ext. 7298

**Robin Hales**  
**Chief Executive**

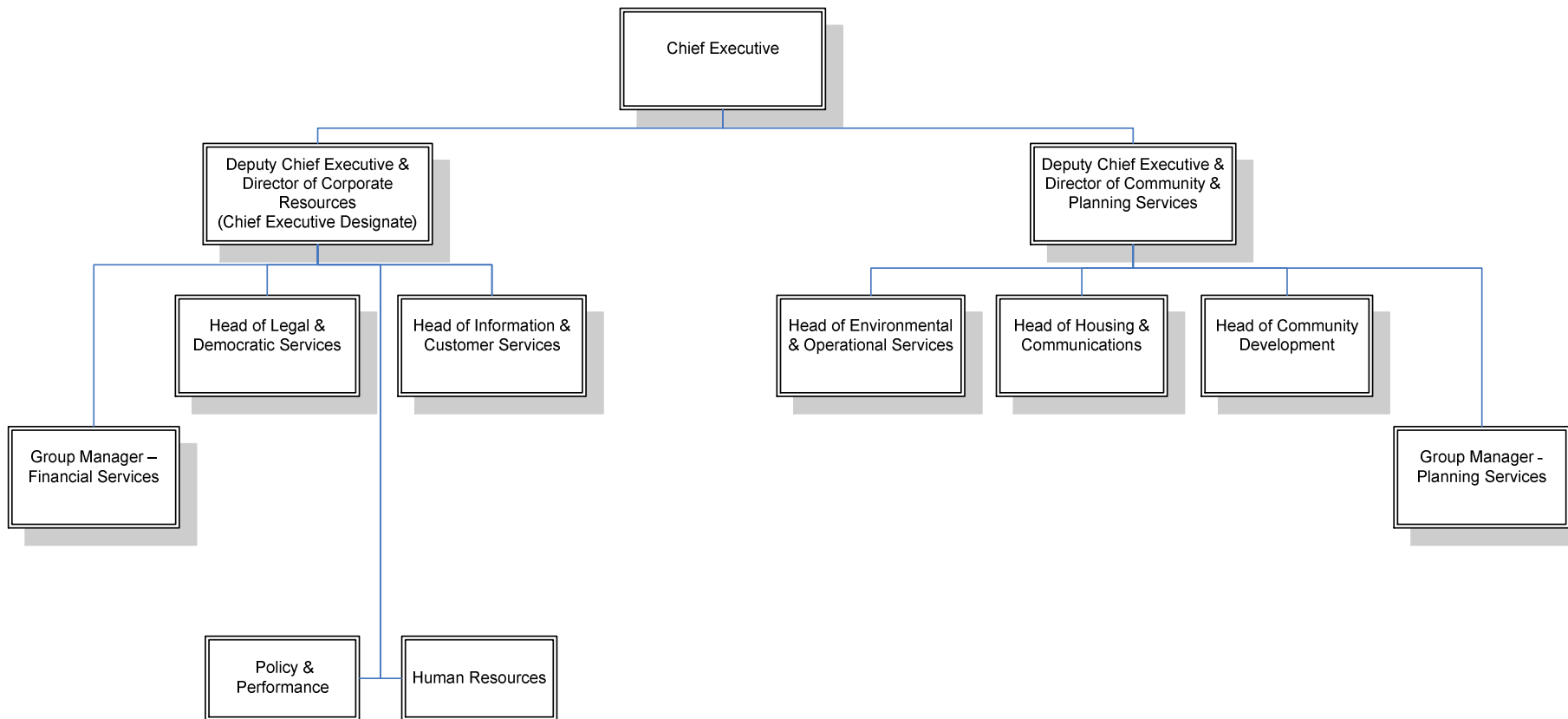


### Proposed Organisational Structure



**TOTAL POSTS: 10**

### Current Organisational Structure



**TOTAL POSTS: 12**

**Management Responsibilities**

<b>Officer</b>	<b>Responsibilities</b>
Chief Executive Officer	Head of Paid Service, Section 151 Officer, Returning Officer, Regeneration
Chief Officer Communities & Business	Community Engagement, Community Plan, Community Safety, Economic Development, Grants, Health, Leisure, Locality Boards, Older People, Safeguarding, West Kent Partnership, Young People
Chief Officer Corporate Support	Customer Services, Facilities Management, IT Services, Property Services, Post Room & Scanning, Telecommunications
Chief Officer Environmental & Operational Services	Building Control, Business Continuity, Corporate Health & Safety, CCTV, Emergency Planning, Environmental Health, Licensing, Parking & Amenity, Procurement, Refuse Collection & Recycling, Street & Other cleansing services
Chief Officer Finance	Audit, Anti-Fraud, Benefits, Business Rates, Council Tax, Finance, Risk Management, Strategic Asset Management, Treasury Management
Chief Officer Housing	Climate Change, Empty Homes, Housing Policy & Enabling, Management of Gypsy/Traveller sites & unauthorised encampments, Liaison with RSL's, Private Housing, Social Housing, West Kent Leader Programme
Chief Officer Legal & Governance	Data Protection & Freedom of Information, Democratic Services, Elections, Land Charges, Legal Services, Monitoring Officer, Standards & Ethics
Chief Officer Planning	Conservation, Development Control, Planning Appeals, Planning Enforcement, Planning Policy, Arboricultural Policy
Head of Human Resources	Employee Relations, Health & Wellbeing, Human Resources, Learning & Development, Payroll, Recruitment & Selection, Secretariat
Head of Transformation & Strategy	Communications, Consultation, Equalities, Financial Analysis, Improvement & transformation, Performance Management, Policy, Project Support, Service Planning

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**SEVENOAKS DISTRICT TENANCY STRATEGY AND SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATIONS POLICY**

**FULL COUNCIL - 19 FEBRUARY 2013**

Report of the Deputy Chief Executive and Director of Community and Planning Services

Status: For Decision

Also considered by: Services Select Committee – 14 January 2013  
Cabinet – 7 February 2013

Key Decision: Yes

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**Executive Summary:** This report covers the District Council's proposed housing strategy response/approach to current welfare reform and to ensure that the District's limited affordable housing supply goes to those deemed in most need (with more emphasis on local connection and employment) and future rent revenues are maximised to generate funding for the provision of new social sector housing.

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**This report supports the Key Aim of:**

- (a) Community Plan; and
- (b) Housing Strategy.

**Portfolio Holder** Cllr. Mrs Carol Clark

**Head of Service** Head of Housing and Communications – Mrs. Pat Smith

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**(a) Recommendation to Cabinet:** Members support the adoption of the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy and recommend both documents to Full Council for approval as District Council policy.

**(b) Recommendation to Full Council:** Members approve and adopt the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy as District Council policy.

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**Reason for recommendation:** To comply with related legislation, associated rules and good practice guidance (mostly associated with current welfare reform), and to ensure

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the most effective use of the District's limited social housing stock.

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### **Introduction**

- 1 The Localism Act 2011 introduces a number of provisions in relation to social (also known as 'affordable') housing. This includes the introduction of the fixed-term tenancy which can be used as an alternative to secure lifetime tenancies, which have been issued in the past. The Act also introduces new provisions in relation to the way in which local housing registers are managed and how priority can be awarded. Local authorities and other social housing providers consequently have the discretion to consider a wider range of factors when letting properties and when considering social tenancy types.
- 2 The purpose of a tenancy strategy is for the local authority to set out how it sees new tenancy types being used; its priorities in relation to who should be allocated social housing; for how long; and to set the framework within which social housing providers (in its area) need to have regard to when developing their own landlord tenancy strategies and allocations policies.
- 3 The Homes and Communities Agency (HCA) also requires that registered Housing Associations (HAs) publish clear and accessible policies which set out the lengths of tenancies; when they will be renewed; the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions; and tackling tenancy fraud.
- 4 The Kent Housing Group has subsequently developed the Kent and Medway Tenancy Strategy Framework and this provides the base from which district/borough tenancy strategies/policies can now be developed, whilst still taking into account local housing strategy objectives.
- 5 New style allocations policies set out the detailed rules and are designed to make the allocation of social housing fairer, more transparent and easier for applicants to assess their prospects of being offered a housing association home. They are also now much more flexible, allowing local authorities the freedom to set local rules with less top-down control.

### **Existing and newly-arising housing need**

- 6 In recent years, housing need has continued to significantly outpace the supply of new-build and re-lets, creating a considerable mismatch in need-v-supply. As a consequence, the Sevenoaks District Housing Register (SDHR) has continued to grow. With no sign of this abating in the foreseeable future (and, in fact, a likely worsening of circumstances as we move forward), this need is likely to grow yet further and at unmanageable rates.
- 7 With such limited scope for new provision and relatively few local social sector re-lets in the Sevenoaks District, introducing more restrictive qualifying criteria (as set out in both attached documents) would be a sensible housing strategy approach to take from this point forward.

### Sevenoaks District Tenancy Strategy and Allocations Policy

- 8 In response to the above, an updated Sevenoaks District Housing Register Allocations Policy (SDHRAP, Appendix A) and a new Sevenoaks District Tenancy Strategy (SDTS, Appendix B) have both been produced and set out the District Council's new housing strategy approach to the allocation of social housing in the District.
- 9 These policies will provide the framework and detailed rules for a fairer allocations system that does not over-subsidise households that aren't in need; does not create a disincentive for work; promotes economic activity; and is relatively simple to understand, administer and communicate (all key policy objectives of Government).
- 10 The tenancy strategy process will now see interlinked policies and plans in the following order: Kent and Medway Tenancy Framework (broad county-wide policy; SDTS (broad District-wide policy); SDHRAP (sets detailed District allocations rules); and individual HA landlord/tenancy policies (reflecting all of the above).
- 11 The SDHRAP will also place more emphasis on local connection to the Sevenoaks District and take into account certain economic and community contributions, such as employment and/or volunteering. Housing need and associated priority will also be determined through a new banding system (removing points scoring), corresponding with other policies and approaches across Kent. This is generally accepted as a much fairer, easier to follow, and workable system.

### Summary

- 12 This new housing strategy approach will help to ensure that the District's limited affordable housing supply goes to those deemed in most need and can contribute to economic growth in the Sevenoaks District. It will also help to ensure that rent revenues are maximised to generate funding for future provision of new social sector housing. Both measures will be essential to tackle increasing housing need and significantly reduced social housing grant (and, consequently, opportunities to develop new affordable housing) in the future.

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### **Key Implications**

#### Financial

There are no immediate, significant financial implications for the Council which arise as a result of this report. However, reviewing and updating the allocations policy has afforded the opportunity to streamline and refine the management of the SDHR. There is a charge incurred in changing and updating operating software but all costs will be contained within existing budgets.

#### Community Impact and Outcomes

The impact on the local Community from the Welfare Reform and the Localism Act is that the local community will be greater involved in consultation and formulation of District Council policy. In terms of the SDHR, applicants have a right to bid for appropriate properties. The local community will be empowered to make its own decisions about housing and encouraged to go back into employment. The proposed reforms intend to shift the public's perception of social housing to it being a springboard into work and self-sufficiency.

#### Legal, Human Rights etc.

The Housing Act 1996 (as amended by the Localism Act 2011) requires local authorities to have an allocations policy and procedure in place in order to allocate social housing

Part VI Section 167 of the Housing Act 1996 provides that every housing authority must have a scheme for determining priorities, and the procedures to be followed in allocating housing accommodation and under Part VII of the Housing Act 1996 (as amended by Homelessness Act 2002) to make provision for homeless households.

The SDHRAP must be framed so that “reasonable preference” is given to people who are homeless, people eligible for assistance under the Housing Act 1985, people who are occupying insanitary or overcrowded or otherwise unsatisfactory housing, people who need to move on medical or welfare grounds (including grounds relating to a disability), and people who need to move to a particular part of the authority's area where failure to meet that need would cause hardship.

The 2009 Code of Guidance “Fair and Flexible: statutory guidance on social housing allocations for local authorities in England” gives local authorities flexibilities in determining who they prioritise within the reasonable preference groups. This guidance is superseded by the allocation of accommodation: guidance for local housing authorities in England which came into force on 18 June 2012. The District Council's amended SDHRAP exercises the new freedoms and existing flexibility within the allocation legislation to encourage work, mobility and respond to local priorities.

Subject to that requirement relating to “reasonable preference groups”, an allocations scheme may also make provision about the allocation of particular accommodation to persons of a particular description, whether or not they are within the “reasonable preference” groups.(Section 167(2E)) The Act therefore



permits allocation schemes to give preference to those in employment, and those with a strong connection to Sevenoaks District Council as is proposed, subject to the statutory obligations in relation to “reasonable preference” groups remaining part of the scheme. The proposals set out in this report are consistent with those statutory requirements.

To mitigate any risks, Housing Services works closely with the Legal Section.

Resource (non-financial)

Liaison with appropriate heads of service as when required.

Value For Money and Asset Management

**All appropriate contracts are taken through the procurement process. For example, Kent Homechoice is a Kent-wide scheme which was tendered and the partnership approach has made the scheme cost effective for each Kent local authority. There is a contract in place with West Kent HA to ensure efficiencies and high performance and there are regular liaison meetings.**

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes / No	See attached Equality Impact Assessments
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes / No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

**Risk Assessment Statement**

All the Housing Services Risk Assessments are in place , including one for the Housing Register and the revised Allocation Policy. All Housing Service Risk assessments are reviewed regularly and updated annually .

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### **Appendices**

Appendix A – Sevenoaks District Allocations Policy

Appendix B – Sevenoaks District Tenancy Strategy

### **Background Papers:**

Community Plan (2010-13)

SDHR Allocation Scheme (2008)

Housing Strategy Action Plan (2012)

**West Kent Joint Homelessness Strategy (2011-16)**

Kent and Medway Tenancy Strategy Framework  
(2012)

### **Contact Officer(s):**

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Deputy Chief Executive and Director of Community and Planning Services.

**SEVENOAKS DISTRICT HOUSING REGISTER ALLOCATIONS POLICY**

**1.0 Who can Join the Sevenoaks District Housing Register (SDHR)**

1.1 Anyone living in the United Kingdom who is at least 18 years old and who is applying for a social housing property to use as their only or principal residence and who has a local connection to the Sevenoaks District may apply to the SDHR. More information on local connection is detailed at 1.8.

1.2 All applications to the register should be made by completing an on-line application available at <http://www.kenthomechoice.org.uk/register.aspx> .

Those without access to the internet can request a paper copy of the application form from The Housing Options Team, West Kent Housing Association, 101 London Road, Sevenoaks, Kent, TN13 1AX.

1.3 Owner occupiers cannot join the register unless they can demonstrate that their financial and personal circumstances prevent them from securing suitable accommodation to meet their housing need. (For example: they have insufficient resources to pursue low cost home ownership and/or a medical condition or disability, or other vulnerability). Owner occupiers aged 55 and over will only be considered for sheltered or retirement housing.

1.4 Applicants with sufficient financial resources who meet the financial criteria for low cost home ownership, (LCHO) also known as Homebuy, shared ownership and shared equity will be referred to the Zone Agent for LCHO, Moat Housing The financial limits for the register are detailed in Appendix C.

1.5 There are groups of people who cannot join the register due to their immigration status or their recorded previous conduct. More information on this is available in 2.0: Who is Excluded from Joining the Register.

1.6 Once an applicant has been accepted onto the SDHR, a decision will be made as to the size of property they are eligible to bid for under the Kent Homechoice, Choice Based Lettings Scheme using the criteria set out in Appendix A.

1.7 An applicant's eligibility to join the SDHR will be kept under regular review during the rehousing process. Should the SDHR become aware of information during the rehousing process that affects an applicant's eligibility to be included on the Housing Register, the application will be rendered ineligible. There is a right of review of this decision and this process is detailed in paragraph 20. When applicants apply to the SDHR, they agree to inform the SDHR should their circumstances change to enable their application to be reassessed.

1.8 Only those with a local connection to the District are eligible to apply for inclusion on the SDHR.

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To demonstrate a local connection either an applicant or their family must:

- Have been living in this area for either six months during the last year or for three years out of the last five years.
- Currently have permanent employment in the District or need to move here to take up an offer of permanent employment.
- Have close family currently living in the District and they have done so for the last 5 years.
- The definition of a close family member covers: parents, adult children or siblings. It may also include, step parents, grandparents, grandchildren, aunts or uncles depending on the close links the applicant has with them in the form of frequent contact, commitment and dependency. However, a local connection is not limited to the relationships listed here; it can include extended family such as cousins, based upon the character and nature of the relationship. Decisions on local connection will be made by Officers working for the Managing Agent for the SDHR.
- Have an evidenced, special reason for needing to live in the District, for example, needing to either give or receive care or support.
- Former members of the Armed Forces can establish a local connection with this District through living here during a posting or through previous residence in the District, for example: having lived here prior to a posting overseas.
- Serving members of the Armed Forces who need to move to this District because of a serious injury, medical condition or disability sustained as a result of their service will be considered to have a local connection.
- Bereaved spouses and civil partners of members of the Armed Forces who need to live in this District as they have to leave Service Family Accommodation following the death of their spouse or partner will be considered to have a local connection.
- Serving or former members of the Reserve Forces who need to live in this District because of a serious injury, medical condition or disability sustained as a result of their service will be considered to have a local connection.
- Applicants who make a community contribution which promotes the wellbeing of their neighbourhood, making it stable and healthy will also be considered to have a local connection. A community contribution is made by:
  - Participating in regular significant volunteering or community activities. To qualify you must undertake your volunteering or community activity for an average of approximately 20 hours per month and have been engaged in it for a minimum period of 1 year. A reference is required to confirm the circumstances of your volunteering/community activity and to determine the future longevity of your contribution.

- 1.10 Applicants to whom the Council has accepted a full homelessness duty under section 193 (2) because they do not have a local connection with any other area.
- 1.11 For the purposes of determining local connection the Council will not take the following into account:
- Residency in a non traditional dwelling – e.g. a mobile home, tent, caravan or motor caravan that is not placed on a residential site in this District will not be considered to have established a local connection;
  - Residency in a holiday let, including bed and breakfast accommodation booked for holiday purposes;
- 1.12 There may be circumstances where to apply the local connection provision set out within this policy is inappropriate. Accordingly, the Manager of the Housing Register can on behalf of the Council exercise discretion not to apply the local connection provisions in exceptional circumstances and each case will be assessed on its merits. Examples of this includes those owed a homelessness duty or who would be owed a homelessness duty if assessed as a result of being a victim of violence, harassment, intimidation or where threats of violence are likely to be carried out. Also includes domestic violence, witnesses to serious crime who are at risk or victims of crime, including hate crime.

### 2.0 Who is Excluded from Joining the Register

- 2.1 The SDHR can exclude an applicant (or a member of their household) who is considered unsuitable to be a tenant if they are guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant of the Authority at the time of their application. (In accordance with s160A (8) of the Housing Act 1996, as amended by the Homelessness Act 2002).

Unacceptable behaviour is defined as:

(a) behaviour of the person concerned which would (if he were a secure tenant of the Authority) entitle the Authority to a Possession Order under Section 84 of the Housing Act 1985 (c68) on any ground mentioned in Part 1 of Schedule 2 of that Act (other than Ground 8);

or

(b) behaviour of a member of his household that would (if he were a person residing with a secure tenant of the Authority) entitle the Authority to such a Possession Order.

This means that applicants or a member of their household with a history of:

- Former or current rent arrears or not keeping to a housing debt repayment plan;
- violence, threats of violence, arson or antisocial behaviour;

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- Allowing the condition of a property to deteriorate;
- Obtaining a tenancy by deception;
- Illegal or immoral behaviour;

will be excluded from the SDHR for the reasons described above.

Applicants who are excluded will be informed in writing and will be advised of their statutory right to request a review of this decision, as detailed in paragraph 20 of this policy.

Applicants excluded from the SDHR due to unacceptable behaviour, may reapply to the register in the future if they can demonstrate a change in conduct. Whether the change in conduct is sufficient to render the applicant eligible for inclusion is determined by the Housing Register Manager on behalf of the Council.

Individual Registered Providers who are part of the SDHR may have their own exclusions policy and review process as part of their allocation policies.

### Persons Subject to Immigration Control

- 2.2 Persons subject to immigration control are not eligible to join the register as detailed below:

Under s160ZA (2) of the Housing Act 1996 (as amended), persons from abroad who are subject to immigration control within the meaning of the Asylum and Immigration Act 1996 are ineligible for allocation unless of a class prescribed by regulations made by the Secretary of State, referred to under s160ZA (4), of the same Act.

Where there is some uncertainty about an applicant's immigration status the SDHR will seek further advice from the Home Office Immigration and Nationality Directorate.

### Persons Subject to the Habitual Residence Test

- 2.3 Persons deemed not to be habitually resident in the UK are not eligible to join the register as detailed below:

Under s160ZA the Secretary of State has also prescribed classes of persons who are not subject to immigration control but have to be habitually resident in the common Travel Area (UK Channel Islands, Isle of Man and the Republic of Ireland). The habitual residence test will be applied to all applicants who have not had continuous residence in the UK in the last two years.

The SDHR and SDC are responsible for carrying out the habitual residence test. The SDHR will register an applicant where a positive decision has been made by the Department for Work and Pension/Social Services or the Social Housing Team. Where negative decisions are made or no decision has been made the SDHR will carry out its own tests to decide on eligibility.

- 2.4 A8 nationals no longer require permission to work in this Country and the Workers Registration Scheme closed on April 2011. A2 Nationals (Bulgaria and Romania) will

continue to be required to register and obtain permission to work in the UK until 31 December 2013. A2 nationals are eligible to apply to join the register during the first year of their residence if they have registered their employment under the Worker Authorisation Scheme (A2 national) and are working for an authorised employer. An A2 national will not be eligible if they cease working for an employer under the terms of the authorisation.

**Accession (Immigration and Worker Registration) Regulations 2004 (the Worker Registration Regulations) and the Accession (Immigration and Worker Authorisation) Regulations 2006 (the Worker Authorisation Regulations) Accession (Immigration and Worker Authorisation) (Amendment) Regulations 2011/2816.**

- 2.5 Applicants are entitled to a review of a decision that they are ineligible for an allocation due to s160 A (3) or (5). Review procedures are detailed in paragraph 20 of this policy.
- 2.6 In addition to the reasons above in this section, applicants whose immigration status or established habitual residence would ordinarily enable them to apply to the Housing Register will be excluded from registering an application if they have no identified housing need and are adequately housed.

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### 3.0 How the SDHR Policy works

- 3.1 The demand for social housing (also known as affordable rent housing) in the Sevenoaks District exceeds supply and the SDHR Allocations Policy exists to prioritise the rehousing of those households who are in the greatest need in a fair and transparent way. Since the transfer of the Council's housing stock to West Kent Housing Association in 1989, there is now no Council housing in the District and Housing Associations (also known as Registered Providers and Registered Social Landlords) have become the major providers of social housing. Each year the total amount of vacant social housing stock available varies. Therefore, from 1<sup>st</sup> April each year, a quota will now be agreed with West Kent HA (the largest owner of social housing stock in the district) as to what percentage is offered to each band.
- 3.2 Each application is assessed taking into account the factors listed in the attached banding scheme. Each factor is linked to a priority band which determines an applicant's priority for rehousing from "Emergency and Very Severe Housing Need", "High Priority and Urgent Need to Move", "Applicants with Identified Housing Need" through to the lowest priority band "General Housing Need". Usually an application will be linked to several factors across different priority bands but the highest factor that applies to applicant's circumstances will determine which band they are placed in. For example, an applicant with an emergency medical condition will go into the band Emergency and Very Severe Housing Need, even if their other circumstances are linked to a lower band.
- 3.3 Medical priority will be assessed by Officers working for the Managing Agent for the Housing Register with the option of referring the case to an independent medical advisor if considered appropriate.
- 3.4 Sevenoaks District Council is part of the Kent Homechoice Partnership responsible for delivering Kent Homechoice, the Kent wide Choice Based Lettings Scheme. Unless the Council's Head of Housing & Communications and the partner Registered Providers and/or Housing Associations agree otherwise, all social housing properties will be allocated through this choice based lettings process. For further information on how properties are advertised through Kent Homechoice and how to bid for vacant homes see the Statement of Choice which supports this policy at paragraph 18.

Under the SDHR policy, vacant homes will be advertised for two Kent Homechoice bidding cycles. If after two bidding cycles either

a) no eligible bids have been received for the property

or

b) those who have been offered the property have refused it

to progress the letting of the property and minimise the time the property is vacant, other means of identifying a suitable applicant for the property will be considered, for example, advertising on alternative internet websites.



- 3.5 When deciding who will be offered a vacant home, eligible bids received from applicants in Band “Emergency and Very Severe Housing Need” (the highest band) will be considered first, in the order of the date they were accepted onto the SDHR. If no one suitable has bid from Band “Urgent and Very Severe Housing Need”, eligible bids from applicants in lower bands will be considered in succession. Within each band applicants will be prioritised in date order of acceptance. In order to meet local priorities, some properties will be advertised inviting bids from specific groups, for example, those who are under occupying property.
- 3.6 If an applicant is not offered a particular vacancy, a clear record of the reason will be made and the applicant is entitled to know why they have not been offered the property (although the confidential nature of other applicants’ circumstances may not be disclosed).
- 3.7 It is the applicant’s responsibility to advise the SDHR of any changes to their circumstances. Applicant details and eligibility for the SDHR are verified before an offer of housing is made. Should an applicant’s circumstances have changed following the submission of their SDHR application form, their application will be reassessed accordingly and any pending offer of accommodation may be withdrawn.
- 3.8 Some properties or developments have a specific local connection requirement in their planning or funding conditions, such as rural exceptions sites and those developed under section 106 agreements. In these cases there will be restrictions on who can bid for the home and this will be made clear in the advert for the vacant property. This type of qualifying criteria is usually agreed as part of planning or funding conditions. In these circumstances local connection criteria will usually mean connection to a village or parish rather than the district as a whole. Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002) applicants will be required to provide evidence to support their local connection as part of the application for housing in those properties, which will be verified by the SDHR. More information on this is detailed in Para 15.
- 3.9 Local Lettings Plans will be used for some properties or developments where, for example, Housing Associations need to allocate properties sensitively to ensure that community safety issues have been taken into account, or to promote the sustainability of the area, or to earmark suitable properties for those who are currently under-occupying their social housing home. In these cases there will be restrictions on who can bid for the home and this will be made clear in the advert for the vacant property. The introduction of a Local Lettings Plan is subject to the Registered Provider/Housing Association obtaining the agreement of the Council’s Head of Housing & Communication. More information on these policies is detailed in paragraphs 16 and 17.

#### 4.0 Homelessness Prevention Policy

- 4.1 The Council places great emphasis on the prevention of homelessness, particularly for vulnerable people and families, by providing support and advice at an early stage to ensure applicants are aware of their housing options and are supported to make informed choices before they become roofless.

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4.2 Where the Council has carried out investigations and are satisfied that an applicant is:

- within 28 days of becoming homeless;
- has a priority need under the Housing Act 1996;
- are actively working with the Councils Private Sector Lettings Scheme;
- is not placed in temporary accommodation arranged by a Council;

they will be placed in Band “High Priority and Urgent Need to Move” for a period of 90 days. If a suitable property becomes vacant during this time but the applicant fails to bid for it, the award of this priority will be reviewed by a Housing Officer at the Council. If considered appropriate, the award of this priority will be extended for a further 90 days or removed and the applicant placed in the lowest band “General Housing Need”.

An applicant has the right to a review of this decision. The procedure for requesting a review is detailed at paragraph 20.

If at the end of 180 days (2 x 90 days), the applicant failed to bid for any suitable vacancy that arose during that time, the Band “High Priority and Urgent Need to Move” priority granted to the application will be withdrawn and the application will be placed for a 12 month period in Band “General Housing Need” (the lowest band).

An applicant has the right to a review of this decision. The procedure for requesting a review is detailed at paragraph 20.

### 5.0 Removal from the Register

5.1 Applicants will be asked to confirm annually that their information on the register is correct and that they want to remain on the register. If they do not respond within 28 days they will automatically be removed from the register.

6.2 An applicant can request a review of the decision to remove them from the register as detailed in paragraph 20 of this policy.

## 7.0 PRIORITY BAND SYSTEM

As previously outlined in this document, there are now 4 bands identifying priority, instead of points (in line with other Kent Allocation policies and Kent Homechoice). The following is an explanation of those bands.

### Emergency and Very Severe Housing Need

1. Applicants with an emergency medical condition, welfare need or disability which is critically affected by their housing circumstances. This must be supported by Police, MAPPA Process, Social Services or medical professional. This category includes Service Personnel who need to move into suitable adapted accommodation because they have sustained serious injury, a medical condition or a disability during their service.

Emergency medical priority is verified by Officers working for the Managing Agent for the Housing Register but there is the option of referring the case to an independent medical advisor for advice if appropriate.

Emergency welfare priority is verified jointly by officers of the Managing Agent for the Housing Register and Sevenoaks District Council.

2. Applicants with an exceptional need to move. This includes those owed a homelessness duty or who would be owed a homelessness duty if assessed as a result of being a victim of violence, harassment, intimidation or where threats of violence are likely to be carried out. Also includes domestic violence, witnesses to crime or victims of crime, racial or homophobic harassment. (Applicants who qualify under this category are not required to have a local connection and their eligibility will be determined by the Manager of the Housing Register as set out in 1.12).
3. A tenant of one of the SDHR partner Registered Providers/Housing Associations who would release an adapted social housing property by moving.
4. A tenant of one of the SDHR Partner Registered Providers/Housing Associations where the social landlord requires the tenant to move due to major works or other urgent management reason. This includes those who are irregularly occupying a social housing property as a non-successor where a decision to rehouse the applicant has been made. The decision to rehouse such applicants is made jointly by the Homechoice Manager and the Social Housing Team Manager and is based upon whether the person is eligible to register an application on the SDHR along with the particular circumstance of each case.
6. Farm workers who need immediate housing under the Rent (Agriculture) Act as recommended by the Agricultural Dwelling Housing Advisory Committee.
7. Occupiers of properties under Emergency Prohibition or Demolition Orders.

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### High Priority and Urgent Need to Move

1. Applicants recommended by Sevenoaks District Council as qualifying under the Council's Homelessness Prevention Policy (Time Limited Priority).
2. A Housing Officer from the Council's Private Sector Housing Team has identified a category 1 health and safety hazard in an applicant's home using the Housing Health and Safety Rating System and they are in a vulnerable group that is at risk from this hazard. For example, an older person living in a property with inadequate heating or a family with children living in a property with severe dampness.
3. A tenant of one of the local Registered Providers/Housing Associations who is currently under occupying a social housing home in the District.
4. Applicants who are statutorily overcrowded. Statutory Overcrowding occurs when there are too many people in a room or by having too many people for the size of the room:
  - a) Where two children of opposite sex, one of which is over 10 years old, sleep in the same room.
  - b) Where a child over 10 years of age sleeps in the same bedroom as parent(s) or other relatives.

In both (a) and (b) regard will be given to the size of the bedroom in accordance with the standards laid down in the statutory overcrowding provision of the Housing Act 1985.

5. Applicants for whom a Single Agency Assessment has been accepted and awarded High Priority.
6. Applicants who have been awarded high medical priority. Additional confirmation will be required by Health professionals.
7. Applicants who have been awarded high priority need to move due to hardship or welfare needs as determined jointly by Officers from WKHA and Sevenoaks District Council.
8. Applicants who need to move to a particular locality in the District to give and receive care or support or to take up a confirmed offer of permanent employment.
9. Applicants who need to move on from a specialist supported housing scheme into general needs housing who qualify for rehousing in the Sevenoaks District under the Kent wide Supporting People Reconnection Policy or who require move on from a property identified under the Intermediate Rented Scheme (after 6 months).
10. Homeless households owed a full homeless duty under sections 193 (2) 195 (2) Housing Act 1996 who have lived in temporary accommodation for six months.  
**ONE OFFER ONLY.**

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11. A tenant of one of the SDHR partner Registered Providers/Housing Associations living in general needs housing who wants to move into older persons accommodation.
12. Service Personnel who have received a Certificate of Impending Homelessness and who have insufficient means to purchase a suitable property. This includes separated wives in MOD housing given 93 days notice.

Applications from Service Personnel will be suspended until three months before end of service. It will be necessary to provide details of financial resources at that time.

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### Applicants with Identified Housing Need

1. Homeless households owed a full homeless duty under sections 193 (2) Housing Act 1996, as amended by the Homelessness Act 2002.
2. Applicants who are overcrowded as defined by the Bedroom Standard set out in the Housing Bill but who are not statutorily overcrowded as defined by the Housing Act 1985. (see Appendix A)
3. Applicants who have been awarded medium medical priority. Additional confirmation will be required by Health professionals.
4. Applicants who have been awarded medium priority to move due hardship or welfare needs as determined jointly by the Managing Agent for the Housing Register and Sevenoaks District Council Officers.
5. Applicants for whom a Single Agency Assessment has been accepted and awarded Medium Priority.
6. Applicants whose home lacks kitchen facilities (applies if you have no separate sink unit (not within bathroom), and/or do not have the facility to cook hot meals.
7. Applicants whose home lacks bathing facilities (applies if you have no shower or bath with hot and cold water).
8. Applicants whose home lacks a WC within the building.
9. A Category 1 Hazard exists in an applicant's home but the occupier is not in a vulnerable group.

### General Housing Need

1. Applicants who need to share kitchen, bathroom, WC or living room with people who are not part of their household. This could, for example, be a young couple who wish to set up their own home but circumstances require them to continue living in their family home(s).
2. Applicants whose home has poor internal or external arrangements – i.e. walking through a bedroom to get to another room.
3. Applicants who have been awarded Low medical priority.
4. Applicants who have been awarded Low priority to move due hardship or welfare needs determined jointly by Officers from WKHA and Sevenoaks District Council.
5. Applicants who are owed a homelessness housing duty by another local authority under sections 190 (2), 193 (2) or 195 (2) Housing Act 1996, or who are occupying accommodation secured by another local authority under section 192 (2)
6. Any other applicant who is not excluded or disqualified from being registered on the Sevenoaks District Housing Register. This band will include (this is not an exhaustive list):
  - Applicants classed as becoming homeless intentionally under the Housing Act 1996;
  - Those who have deliberately worsened their housing situation. This includes those who fail to bid for suitable properties during the time limits granted under the Homelessness Prevention Policy.
7. Applicants serving a prison sentence. Following notification that the applicant is within 3 months of release, their application will move to Band “High Priority and Urgent Need to Move” under the Councils Homelessness Prevention Policy, where they will remain for 90 days.

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### 8.0 Awarding Additional Medical Priority

- 8.1 Applicants must provide documentary evidence of how their health issues are affected by or cannot be managed in their current home by completing a self assessment medical form available from the Housing Options Team at West Kent Housing Association. On receipt, officers at the SDHR will consider whether any supplementary information is needed from other relevant professionals (for example: Environmental Health or Housing Officers, Social Worker or Health Visitor) to further explain the impact the medical condition/disability has on the applicants current housing. While this information is being provided to the SDHR and pending the assessment, eligible applications will be registered and placed in a band according to their circumstances excluding medical priority.
- 8.2 Officers in the SDHR will make a decision based upon the information provided before making a decision to award additional priority to an application on medical grounds. Priority levels awarded to applications on medical grounds are Emergency Medical Priority, High Medical Priority, Medium Medical Priority, Low Medical Priority or No Additional Medical Priority Granted. Emergency Medical priority will only be awarded in exceptional circumstances where there is an immediate life threatening situation. There is the option of referring the case to an independent medical advisor if considered appropriate.
- 8.3 The SDHR will send a letter to the applicant advising them of any change in their priority and where no priority is awarded, advice will be given on resolving the housing difficulties they are experiencing.
- 8.4 Where medical priority has been awarded, an annual review will be made to ensure the priority awarded remains valid. On review, priority may be increased if the situation has worsened, remain the same if the situation is the same or withdrawn if the situation is resolved.
- 8.5 Where an applicant notifies a change of medical and/or housing circumstances to the SDHR the applicant's priority will be re-assessed by an officer from the Housing Register.
- 8.6 Additional medical priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.
- 8.7 Each permanent member of the applicant's household can make a separate application for additional medical priority but the overall award given to the application will reflect the highest priority awarded across all family members. For example, if two household members have submitted medical information to be considered and one household member has been awarded low medical priority and the other medium medical priority, the application will be placed in Band C to reflect the award of medium medical priority.
- 8.8 An applicant has the right to a review of a decision made under this section. See paragraph 20 for details of the review procedure.



### 9.0 Awarding Additional Social and Welfare Priority

- 9.1 Social and Welfare priority is awarded where the applicant's home is unsatisfactory or unsuitable in a significant way and this is having a detrimental affect on the household or individual. Where an applicant is homeless, the affect of living in temporary accommodation on the applicant or household may be considered.
- 9.2 Priority can be awarded in a variety of situations including racial, sexual, or general harassment, threats of violence and/or intimidation or where an applicant is vulnerable with a need to move to receive support or those needing to move on urgently from supported housing.
- 9.3 Social and Welfare priority is awarded following the assessment of a prepared report on a pro forma available from the Housing Options Team at West Kent Housing Association. The report must be completed by a relevant professional (for example: Housing Officer, Social Worker, Education Welfare Officer) which details the reasons why the applicant needs to move urgently on social and welfare grounds. This report is considered by the Homechoice Manager and the Social Housing Team Manager. Priority levels awarded to applications on these grounds are Emergency Need to Move, High Need to Move, Medium Need to Move, Low Need to Move or No Additional Social and Welfare Priority Granted. Emergency Need to Move priority will only be awarded in exceptional circumstances where there is an immediate life threatening situation. The Homechoice manager will inform the professional making the request for Social and Welfare priority of the outcome of the evaluation of their report.
- 9.4 Additional priority may not be awarded where another reasonable course of action is available to the applicant to resolve their difficulties.
- 9.5 Each permanent member of the applicant's household can make a separate application for additional social and welfare priority but the overall award given to the application will reflect the highest priority awarded across all family members
- 9.6 Where social and welfare priority has been awarded, an annual review will be made to ensure the priority award remains valid. On review, priority may be increased if the situation worsens, may remain the same if the situation is unchanged, or may be withdrawn if the situation is resolved or changed.
- 9.7 Where the applicant notifies the SDHR of a change in their housing and/or social and welfare circumstances, priority will be re-assessed.
- 9.8 An applicant has the right to a review of a decision made under this section. See Paragraph 20 for details of the review procedure.

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### 10.0 Sheltered Housing

10.1 Applicants who request category 2 sheltered housing (housing with warden support 7 days per week) or extra care sheltered housing (housing for more frail elderly people, with 24hr warden support, plus access to restaurant or dining facilities along with other care services) will be assessed at the time of application by the sheltered Housing Team of the relevant housing association. Where it is identified that an applicant is bidding on accommodation that is not suitable for their needs, an assessment will be made to enable them to identify a suitable home.

Where appropriate sheltered applicants will be given support by the SDHR to enable them to bid for properties advertised via the Choice Based Lettings scheme. Where applicants are a current tenant of a Registered Provider this support will be provided by their existing Housing Officer.

### 11.0 Behaviour

11.1 In certain circumstances an applicant may be awarded less priority due to their behaviour, for example:

- Where there is evidence of breach of tenancy agreement the applicant will be placed in Band D (Lowest band) for 12 months. (This covers both Private and Social Housing tenancies)
- Where an applicant has deliberately worsened their housing circumstances by deliberately overcrowding their home, the applicant will be placed in Band D for 12 months.
- Where an applicant has refused to bid for a suitable property or is persistently bidding for properties under the Kent Homechoice CBL scheme and there is no real prospect of them taking up any of the properties, the applicant will be placed in Band D for one year.

11.2 The adjustment can be lifted before the expiry of 12 months if the SDHR is satisfied that the behaviour which necessitated the adjustment has been remedied.

11.3 A senior officer for the Managing Agent for the Housing Register will make decisions set out in sections 11.1 – 11.2.

11.3 Applicants have the right of review of any decision made under this section. Details of the review procedure are at paragraph 20.

### 12.0 Legal Framework

12.1 In accordance with The Local Authority Order 1996 (SI 1996 No 3205) the Sevenoaks District Council (SDC) has contracted out the management of the register to West Kent Housing Association. Further details are available through the Service Level Agreement.

- 12.2 This Allocations Policy has been written to ensure that the Council discharges its responsibilities under Part VI of the Housing Act 1996 (as amended by the Homelessness Act 2002) and the Code of Guidance. It also takes account of the Housing Corporation's Regulatory Code and Guidance. The Sevenoaks District Housing Register (SDHR) is committed to acting within Human Rights and Equal Opportunities legislation.
- 12.3 This policy determines how applicants are nominated from the SDHR to vacant homes owned by Registered Providers/Housing Associations, who will each have their own allocations policy. Each Registered Provider/Housing Association applies its own allocation policy to applicants nominated to them for vacant properties from the SDHR.
- 12.4 The policy relates to the letting of permanent or probationary tenancies and also the short term intermediate rented scheme. The main Registered Providers/Housing Associations who accept nominations from the SDHR are WKHA, Moat Homes Ltd, Places for People, Rockdale Housing Association and Orbit Housing Association. It should be noted that these organisations might also operate their own registers and transfer lists.
- 12.5 Applicants wishing to be considered for LCHO (low cost home ownership) will be referred to the Zone Agent, Moat Housing, who operates the register for low cost home ownership options in Kent.

### Awarding Priorities

- 12.6 The scheme is designed to reflect the reasonable and additional preference categories outlined in the Housing Act 1996 part VI and the Code of Guidance. The scheme is in line with the Housing Corporation's Regulatory Code and gives preference to the groups outlined in the Code.
- 12.7 It is intended that the SDHR Allocation Policy will give reasonable preference to the following people as set out in s167 (2) of the 1996 Act (as amended by the Homelessness Act 2002) and this has been reflected in the banding system:
- People who meet the homeless definition under Part VII of the 1996 Act but who are not in priority need or have made themselves intentionally homeless, e.g. rough sleepers.
  - People who are owed a duty by any housing authority under Section 190 (2), 193 (2), 195 (2) or 192 (3) of the Housing Act 1996, or under Section 65 (2) or 68 (2) of the Housing Act 1985.
  - People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions.
  - People who need to move on medical or welfare grounds.
  - People who need to move to a particular locality in the district of the housing authority to either give or receive support or to take up employment.

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### Additional Preference

12.8 Under section 167 (2) of the Housing Act 1996 (amended by the Homelessness Act 2002) certain groups of applicants are entitled to 'additional preference', these include:

- Those owed a homelessness duty as a result of violence or threats of violence where the threats are likely to be carried out.
- Those with urgent medical reasons for a move.
- Those with a welfare/social need to move.

### 13.0 Offers of Accommodation

13.1 Through the Kent Homechoice CBL scheme applicants can choose when to bid for a property. If they then choose not accept an offer of accommodation made to them they will not lose any priority for housing.

There are some exceptions to this rule:

- Those with exceptional medical/welfare priority who have not bid for 2 or more properties that could be deemed suitable for them will have an offer made.
- Refusal of that offer can result in exceptional medical/welfare priority being removed.
- Homeless duty being discharged against a homeless applicant.
- Households living in a property identified under the Intermediate Rented Scheme for 6 months who have been given priority to move on.
- Where an applicant is making malicious or hoax bids or persistently and irrationally making bids where it is deemed that they have no real intention of taking up a property. Cases will be judged on an individual basis and the result may be a loss of priority by the application being suspended for a maximum period of 12 months.

### 14.0 Making a Reasonable Offer

14.1 In deciding what is a reasonable offer, the SDHR will take into account the needs of the applicant and their household and their choices and preferences. Within the CBL scheme, for applicants with high priority, the definitions within Offers of Accommodation at paragraph 13 will apply.

- 14.2 A decision with regards to what is a reasonable offer will be balanced against the availability of property type and size preferred and the urgency of the applicant's need for housing. For example applicants with a high welfare or medical award or an applicant given high priority because they are homeless may not be given a preference for a house rather than a flat and under the CBL scheme would be expected to bid for suitable properties regardless of preference. Applicants in these circumstances have an urgent need for housing and may be required to bid for a property that may not be in their areas of choice and a Housing Officer can bid on an applicants behalf without their consent. This would enable an offer or bid of housing to be made within a reasonable length of time.
- 14.3 An applicant is entitled to a review of the reasonableness of an offer as detailed in paragraph 20.

### 15.0 Local Letting Plans

- 15.1 The SDHR may sometimes use local lettings plans to allocate a property.

A local lettings plan may be used to facilitate sustainable communities:

- Where there have been particular management problems identified in an area.
- When allocating for a new or refurbished development to ensure the creation of a balanced and sustainable community, for example consideration of child density levels. In these circumstances it is expected that nomination agreements will be made during the development phase.
- To fulfil planning requirements (also known as section 106 conditions).
- To assist with wider strategic objectives of the Council, e.g to remedy under occupation of existing social rented homes.

- 15.2 SDHR will monitor to ensure that overall reasonable preference for allocations is given to applicants in the reasonable preference categories and that local letting policies do not discriminate on equality grounds.

### 16.0 Sensitive Letting (property)

- 16.1 Under some special circumstances it is occasionally desirable to be particularly sensitive when nominating applicants to a property. The decision that a property should be let sensitively will be made prior to the selection of applicants for a nomination. Sensitive letting of a property will be carried out where a Housing Association gives written confirmation to the SDHR of that property's previous tenant's anti-social behaviour. This is usually where a tenant has been evicted or abandoned the property and who was the cause of anti-social behaviour such as noise nuisance, violence, harassment, or intimidation. The Home Choice Manager in conjunction with the Senior Manager of the Registered Provider/Housing Association will consider the evidence provided and decide whether the property should be let sensitively.

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- 16.2 Where a property is let sensitively the normal short-listing procedure will be followed. However, if the person with the highest number of priority has a known history that would make them unsuitable they will not be nominated and the next applicant will be considered.

### 17.0 Special Circumstances (applicant)

- 17.1 Under some special circumstances, it may occasionally be desirable to be particularly sensitive when a person needs housing. This will be decided at the time of application and/or when the SDHR or Registered Provider/Housing Association receives relevant information, usually having considered the advice of relevant professionals and in agreement with the applicant. This would generally be when the applicant would be at risk of harm if housed in a particular location, or may pose a risk to others.

Examples could be where there has been a breakdown in a violent relationship, or where someone is at serious risk of harm because they have acted as a witness in court, or where we have information from the Police or Probation Service that they may be a risk to the community.

- 17.2 Applicants are entitled to details of any criteria attached to their housing application, although provision will be made to ensure that confidentiality is not breached that would put others at risk. If a bid made under CBL results in an applicant being at risk, the SDHR will discuss the suitability of the offer with the applicant. This may result in the offer of accommodation not being made. If a bid under the CBL scheme is made that may place an applicant at risk, the suitability of the offer will be discussed and a decision may then be made not to make such an offer of accommodation.
- 17.3 Applicants can request a review of the decision to place any restrictions made on their re-housing as outlined in paragraph 20.

### 18.0 Providing Applicants with Choice

- 18.1 SDC is required under s 167 (1A) of the Housing Act 1996 (as amended by the Homelessness Act 2002) to provide a statement of its policy on offering applicants a choice of accommodation or the opportunity to express preferences about the housing accommodation to be allocated to them.

#### 18.2 Statement of Choice

The SDHR offers applicants choice despite high demand for social housing. The SDHR makes an assessment of an applicant's circumstances against the priority banding criteria and places the application in the priority band that best reflects the urgency of their housing need.

Within the CBL scheme properties becoming available will be advertised on a fortnightly basis via the Kent Homechoice Scheme. The properties will be advertised primarily on the internet but a free personalised report can be provided on request from the Housing Options Team at West Kent Housing Association. It is also possible

for an applicant to pay a subscription fee to Locata, who provide the Kent Homechoice software, for them to provide a personalised report on a regular basis.

Once an applicant has been accepted onto the Sevenoaks District Housing Register, their application is automatically uploaded onto Kent Homechoice and they will receive a welcome pack which contains their Personal Identity Number. This will enable them to make an “interest” bid by telephone, website, text or coupon for vacant properties that are suitable for their needs.

Properties will then be offered to applicants from the highest band, with the longest registration date on the Sevenoaks District Housing Register.

The CBL scheme aims to give transparency to the way empty properties are allocated. Adapted properties will be advertised giving the type of adaptations within the property and which applicants will be eligible to bid for this type of property. The Council supports that Registered Providers/Housing Associations make best use of their stock and therefore larger 3 bedroom homes will be advertised with a maximum number people who can occupy. This is to ensure these units are available for larger families due to the shortage of 4 bedroom homes in the district. Temporary accommodation provided for homeless people under Part VII of the Housing Act 1996 will not be included in the CBL scheme.

Applicants are invited to bid for properties and we aim to ensure that all relevant information is available to enable applicants to make informed choices regarding bidding. Subject to eligibility criteria, which includes the size of property an applicant can bid for, applicants are invited to:

- a. Choose/bid for properties in the area(s) they wish to be considered for (of the size of home they have been accepted onto the Housing Register for) within the district;
- b. Choose/bid for the type of property they prefer to live in.
- c. Choose/bid for which Registered Providers/Housing Associations they would like to apply to.

The SDHR will:

- a. Provide applicants with information which explains why they have been placed in a particular priority band and where requested, also information regarding the implications an applicants choices in terms of waiting time and the availability of properties. This is to assist and enable them in making informed choices.
- b. Allow applicants a maximum of 3 bids per fortnightly advertising cycle under Kent Homechoice, CBL where possible.
- c. Provide applicants with the results table of the successful bids for individual properties showing the level of priority required for a successful bid.

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The SDHR provides support and offers advice on a range of tenures that applicants can apply for:

- Affordable and social rented housing;
- Intermediate rented housing at sub market rents;
- Low cost home ownership housing options, e.g. Shared ownership, Homebuy and shared equity;
- Mutual exchange;
- Private Sector Letting Scheme (Rent in advance or deposit bond for potentially homeless applicants);

Applicants will be referred to the Council and voluntary agencies that can advise and assist on renting in the private sector.

Those applicants who may qualify for low cost home ownership will be directed to contact the Zone Agent, Moat Housing.

### 19.0 Access to Information/Sharing Information

- 19.1 Applicants have the right to request such general information as will enable them to assess how their application will be treated under the policy and whether they are likely to fall into reasonable preference categories.
- 19.2 Applicants can request information as to whether accommodation appropriate to their needs is likely to be made available and an indication as to how long this may take. Applicants have the right to see the information about their application that the SDHR hold on their files.
- 19.3 When an applicant signs their application form they are asked for their consent to share information with other agencies such as Registered Providers/Housing Associations, private landlords (to be contacted for a reference only), social services, health services, Parish Councils (for Rural Exceptions Sites only) and the District Council.
- 19.4 Partners of the SDHR have the right to see applicants' application files and arrangements can be made to visit Housing Options Team to see the files. Information is shared in order to:
- Determine an applicant's priority.
  - To assess any potential risks to the client and others.
  - To ensure suitable accommodation is provided for applicants.

If West Kent Housing Association houses an applicant, their application form and any supporting evidence will be kept on their house file. Details on their application will also be held on a database until the applicant is housed or removed from the register.

If an applicant is housed by another Registered Provider/Housing Association the application form will be kept by the SDHR with details of the allocation.



19.5 If an applicant is not eligible for the register, does not renew their application for housing or asks to be removed from the register their application form will be kept for two years before being destroyed.

### 20.0 Requesting a Review of a Decision

#### 20.1 Decisions made by the SDHR

##### Stage 1

Applicants can request a review of a decision made by the SDHR. Front line members of staff who did not deal with the original decision will deal with this at **Stage 1** of the complaints procedure. A review can be requested orally or in writing.

The most common types of review concern the following:

- A decision that an applicant is ineligible on the grounds of unacceptable behaviour serious enough to make him or her an unsuitable tenant.
- A decision that an applicant should not be given reasonable preference.
- Whether all the relevant facts about an applicant's case have been taken into account.
- A decision on ineligibility because of immigration status under s 160A (3) or s 160A (5) of the Housing Act 1996 (as amended by the Homelessness Act 2002).
- A decision that an applicant is not entitled to unlimited bids

##### Stage 2

If an applicant remains dissatisfied a request for a further review of a decision must be made within 21 days of the applicant becoming aware of the previous decision. A request for a review can be made orally or in writing. All decision letters will advise the applicant about the right to request a review of the decision, including details of where they can get independent advice such as Shelter, Citizens Advice Bureaux or solicitors. If an applicant has problems requesting the review in writing they will be given the opportunity to make their request orally. The SDHR will carry out the review based on the facts provided. A more senior officer and an officer from the Council who was not involved in the original decision will carry this out. The review will be acknowledged within 3 working days and a response will be made within 10 working days, although where further enquiries are required such as, for example, from a GP, Social Worker, or Housing Officer, additional time may be required. The applicant will be notified of the final decision within 56 days of the original acknowledgement. Where an applicant is not satisfied with the review decision they can appeal to the High Court for a judicial review on a point of Law. The applicant has a maximum of 3 months to apply.

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If the applicant feels that the SDHR has not acted within its stated policies or within the legislation they have the right to direct their complaint to the Local Government Ombudsman.

### 20.2 Requesting a review of the reasonableness of an offer

See paras 13 and 14 for the definition of a reasonable offer.

#### a. Non-homeless applicant

If an applicant who has been awarded emergency medical or social and welfare priority feels that an offer was not 'reasonable' they can request a review. If the review decision is that the offer was not reasonable then the applicant's priority will revert to the level prior to the refusal of the offer.

If the review decision is that the offer was reasonable then an applicant's priority will be reduced (see paragraph 13).

If an applicant's right to unlimited bids for a property is removed, they can request a review as to the reasonableness of that decision, as above.

#### b. Homeless applicant

If the applicant has been accepted by SDC under the homelessness legislation the review process will be slightly different. When refusing an offer the reasons for refusal must be provided to the Homechoice Manager, who will copy the letter along with a recommendation as to whether the offer was reasonable to the Housing Officer assigned to the applicant at SDC. The Housing Officer will then make a decision on the reasonableness of the offer within 5 working days. The offer of the property will be held open whilst this decision is being made. If the decision is that the offer was not reasonable the applicant's priority will revert to the level they were prior to the refusal.

If the review decision is that the offer was reasonable, the applicant can take up the tenancy or continue to refuse the offer. If they continue to refuse the reasonable offer this will lead to their priority being adjusted in accordance with para 13. The property will be offered to the next suitable applicant. In addition it is likely that SDC will consider that it has discharged its duty to the applicant under the homelessness legislation.

Under the homelessness legislation there would be an opportunity for the applicant to apply to the council for a review of a decision to discharge duty.

### 21.0 Complaints

- 21.1 If an applicant is unhappy with the administration of this policy by WKHA on behalf of SDC then they should in the first instance follow West Kent Housing Association's complaint policy.

Areas of complaint that WKHA will investigate are:

- That the level of service provided failed to reach the standard set out in the Customer Service Standards of the Association.
- That a request for a service or information was not provided within the timescales set out in the customer Service Standard.
- That decisions made were incorrectly or failed to be effectively communicated.
- That the application was not dealt with fairly and in accordance with the Association's Equality and Diversity Statement and/or that an applicant has been subject to discrimination by staff of the Association.
- The attitude or behaviour of staff.

21.2 If an applicant is not satisfied with the above then they should make direct contact with SDC or the Housing Ombudsman.

Complaints about the Allocation policy should be made to the Head of Housing and Communications, Sevenoaks District Council and should follow the Council's complaint policy.

### 23.0 Offences related to information given or withheld by applicants

23.1 Under section 171 (false statements and withholding information) the SDHR will take action to prosecute an applicant and will consider possession proceedings under Ground 5 in Schedule 2 of the Housing Act 1985 (as amended by the Housing Act 1996, s 146) where an applicant has given false information and obtained a tenancy.

23.2 The circumstances that an offence could have been committed would include:

- a. Any false information given on an application form for social housing.
- b. Any false information given in response to subsequent review letters or other updating mechanisms; or
- c. Any false information given or submitted by applicants during the proceedings of a review.

### 24.0 Equal Opportunities

24.1 The SDHR member housing associations and SDC will ensure that policies and procedures in allocating properties do not discriminate directly or indirectly on grounds of age, disability, carers, gender, race, religion/beliefs, sexual orientation, marital or civil partnerships, pregnancy and maternity or gender reassignment.

24.2 To monitor the effectiveness of this allocations scheme, records are kept of the ethnic origin, religion, sexuality, gender, disability and age of all those applying for housing

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and those who are housed. The results are analysed and action is taken to ensure that we are providing an excellent service to all our customers.

**APPENDIX A – Normal Room Requirements**

Overcrowding

The number of bedrooms applicants and their household will be registered for will be determined using the Bedroom Standard set out in the Housing (Overcrowding) Bill (Bill 46). Although this Bill has not been passed by Government it is considered to provide best practice nationally with regards to awarding bedrooms and priority for overcrowding. Applicants overcrowded as defined by the Bedroom Standard will be placed in Band C.

People who share a room must be family members or in a relationship together. Where applicants have access rights to children, WKHA will determine the child’s principle place of residence and award overcrowding at one property only.

Bedroom Standard:		
	Number of Bedrooms	
Household Members	1	2
Single Adults over 21	✓	
Couple (including same sex couples)	✓	
28+ weeks pregnant woman with or without a partner and no other children	✓	
One child	✓	
2 children under 10 regardless of sex	✓	
2 children of the same sex aged between 0 and 21	✓	
2 Children of the opposite sex aged between 10 and 21		✓

Statutory Overcrowding is when there are too many people in a room or by having too many people for the size of room and will be determined by standards set out in the Housing Act 1985. Applicants who are **statutorily overcrowded** under these provisions will be placed in Band B.

For households including a pregnant woman, the baby will not be taken into account when assessing the number of rooms required until it is born. Where there is an existing child until the sex of the baby is known the assumption will be that the baby is the same sex as the existing child.

Varying property sizes

As properties vary greatly in design, layout and room size, advice will be taken from other sources particularly Housing Officers of participating Registered Providers/Housing Associations and Environmental Health Officers of suitability.

Medical requirements for additional rooms

Where additional rooms may be required for medical or welfare reasons cases will be considered by the medical and welfare panel.

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### Large households

Where the bedroom requirements exceed what size property is likely to become available a smaller property may be offered.

### Access to children

Those who are in receipt of Child Benefit are entitled to include those children as permanent members of the household and will be allocated the appropriate size property accordingly as detailed in Appendix D.

### Prospective adoptive parents or approved foster carers

Applicants who are approved foster carers or a prospective adoptive parent with appropriate supporting documentation will be treated as if the children currently reside with them and will be considered for a property of a suitable size.

There is a high demand for certain properties such as two bedroom properties and four bedroom properties in the district we cannot guarantee that applicants are offered housing to meet a particular timescale.

**APPENDIX B – Short Term Intermediate Rented Scheme**

From time to time some homes may be available for short term lettings for people who are waiting on the register and that have a NTQ. These properties will be advertised via CBL. Full details of the scheme are available from the Managing Agent for the Housing Register.

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### APPENDIX C - Financial Limits

Due to the pressure on social housing in this District, those with sufficient assets or income to pursue low cost home ownership (LCHO) will be referred to the Zone Agent, Moat Housing for consideration and will not be included onto the Housing Register.

As a guide, those with a gross household income which exceeds £33,383 will not be accepted onto the Housing Register and will be automatically referred for a LCHO assessment. Those with an income which exceeds the current government set LCHO limit of £60,000 will not be able to register for LCHO and will not be eligible for any form of affordable housing.

Where an applicant is applying to the housing register in order to be considered for rented housing on a specific Rural Exception Site, they may have an income up to the current LCHO limit.

**It is the applicant's responsibility to make this clear on their application form.**

Applicants applying for general needs properties must not have savings which exceed current housing benefit savings limits.

However, applicants applying for sheltered housing may have saving and/or assets up to £350,000.



APPENDIX B

# TENANCY STRATEGY (2013-18)

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Sevenoaks District Council

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This publication is available in large print. For a copy call 01732 227414

This publication can be explained in other languages by calling the Language Line officer in Housing Services on 01732-227000.

[www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

Additional copies of this publication can be obtained on the District Council's website or by calling Housing Policy on 01732-227000.

Address: Council Offices, Argyle Road, Sevenoaks, Kent TN13 1HG

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Appendix A – Key local housing-related data

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**Note:**

This guidance specifically applies to Registered Providers (RPs) – those housing associations registered with and governed by the Homes and Communities Agency (HCA). Although non-registered social housing providers are not required to comply with this guidance, it is still considered good practice to do so and would help to standardise approaches to social housing tenancies across the Sevenoaks District.

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### Introduction

The Localism Act 2011 introduces a number of provisions in relation to social housing. In particular, the introduction of the fixed-term tenancy which can be used as an alternative to secure, lifetime tenancies, which have generally been issued in the past.

The Act also introduces new provisions in relation to the way in which the local housing register list is managed and how priority can be awarded. Local authorities and other Registered Providers (RPs)<sup>1</sup> of social housing now have the discretion to consider a greater range of factors when letting properties and when considering the type of tenancy to be awarded.

The purpose of a tenancy strategy is for the local authority to set out how it sees the new tenancy type being used, its priorities in relation to who should be housed and for how long and to set the framework within which RPs (and other social housing providers) need to have regard when developing their landlord tenancy and allocations policies.

Key aims of this document are to ensure that those in most in need are suitably housed; to make the best use of District's limited social housing stock; be fairer and not over-subsidise households that don't need it; promote economic activity and not be a disincentive for work; and be relatively simple to understand, administer and communicate.

This document also embraces the requirement for a revised Allocation Policy which takes into account Government guidelines, Welfare Reform, social housing tenants, residents and partner organisations' views. Consultation concerning Tenancy Strategy objectives was undertaken both with tenants and the RPs.

### Regulatory requirements

It is a regulatory requirement that RPs let their homes in a fair, transparent and efficient way which takes into account the housing needs and aspirations of tenants and potential tenants. Local RPs need to demonstrate how their lettings make the best use of available housing and contribute to local housing strategy and wider Community Plan outcomes. When developing tenancy strategies, local authorities must have regard to their homelessness strategy and allocations scheme. There is a West Kent Homelessness Strategy which is constantly reviewed by a multi-agency group and the current document expires 2016.

The HCA also requires that RPs publish clear and accessible policies which set out the lengths of tenancies; when they will be renewed; the approach to management, including interventions to sustain tenancies and prevent unnecessary evictions; and tackling tenancy fraud.

### Local context

Property prices in the Sevenoaks District are the highest in Kent and amongst the most expensive in the UK. As at April 2012, the average price of a property in the

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<sup>1</sup> RPs – this term includes the District Council's partner housing associations who are actually registered with the Homes and Communities Agency (HCA)

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District was £354,272 compared to the Kent average of £225,125. Using lower-quartile property prices as a measure of affordability, an average property in Sevenoaks costs £222,750 compared to Thanet at £116,000. The average for Kent is £147,000; the SE Region £165,000; and England £125,000.

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The Sevenoaks District is also ranked the second most expensive authority for private renting in the South-East region. In contrast, seven other Kent local authorities were ranked in the lowest eleven in South-East England. Rents across the whole of West Kent are generally higher than those in East Kent, reflecting the higher incomes and house prices of the London fringe area.

At 14%, the District has a lower proportion (and overall number) of social housing units than its local authority counterparts in West Kent. There are also far fewer 1-bedroom units in comparison to neighbouring authorities. At April 2012, the District's social housing stock comprised: 1-beds (19%); 2-beds (35%); 3-beds (44%); and 4-beds (2%).

The District's social housing stock is owned and managed by a number of RPs, with West Kent Housing Association and Moat Homes Ltd holding the majority of the stock. The remaining social housing stock is owned and managed in small numbers by a number of other RPs, either being specialist accommodation or general needs units in a particular neighbourhood. The Council's entire housing stock was transferred to West Kent HA in 1989 and that RP manages the Sevenoaks District Housing Register for the Council. The Council's proposed SDHR Allocation Policy will identify priority ranking for bidding and re-housing into the social housing stock.

Being an expensive area with a relatively low proportion of affordable housing (across tenures), there is a distinct mismatch between local housing need and supply. As at April 2012, there were 1,485 households registered as needing social housing on the Sevenoaks District Housing Register (SDHR). With an average of 337 re-lets per annum, the current social housing stock is far from sufficient and housing need continues to outpace supply.

With the majority of the Sevenoaks District being designated Green Belt (c93%), there is limited opportunity to build affordable housing to keep pace with growing need. As a consequence, local housing strategy aims to make more effective use of the existing housing stock by better matching households to properties. In the process, this also helps to reduce under-occupation and over-crowding – both key local housing strategy objectives. The aims of objectives of this policy are to therefore maximise the use of the existing social housing stock to compensate for low levels of new development.

### **Kent and Medway Tenancy Strategy Framework**

The Kent and Medway Tenancy Strategy Framework<sup>2</sup> was developed in partnership with the Kent County Council and local authority partners across the county (lead by the Kent Housing Group). This provides a base from which local authority tenancy strategies can be developed across Kent, in a consistent approach that is aimed at delivering county housing strategy priorities, whilst still taking into account local district/borough demographics and other circumstances.

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<sup>2</sup> Available at: <http://www.kenthousinggroup.org.uk/>

## Guidance for social housing providers

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The following guidance takes into account the Kent and Medway Tenancy Strategy Framework and ties in with local housing strategy, including direct links with the District Council's new Sevenoaks District Housing Register Allocations Policy.

The aim of this strategy is to deliver policy objectives of welfare reform whilst still allowing enough flexibility for partner housing associations to continue delivering their own policy objectives, priorities and housing management procedures – all aimed at the most effective and efficient use of the District's social housing stock.

### 1) Tenancies types/options

In the main, five-year tenancies are supported in the Sevenoaks District – but there are some circumstances where shorter terms will be desirable. During consultation, tenants supported this option but agreed each case should be considered on its merit.

#### Fixed-term

The District Council supports the use of introductory or probationary tenancies followed by fixed-term tenancies. Fixed-term tenancies provide a way of making the best use of limited stock and linking tenancy renewal to behaviour and responsibilities. It is desirable that all new social tenancies across the District are on similar fixed terms, rather than there being a hierarchy of tenancies which are difficult to explain to customers. In the main, five-year tenancies are supported but there will be some circumstances where shorter terms are desirable. Tenants generally support probationary tenancies because the more vulnerable households are given support to pay their rent and minimise anti-social behaviour. Without a probationary tenancy some tenants would have quickly been evicted.

#### Two-year

The HCA states that two-year tenancies should only be granted in exceptional circumstances. This could be, for instance: where a short tenancy is being offered for a fixed period and there is no intention to renew; or where an existing five-year tenancy is coming to an end and a further shorter term is more appropriate as the tenant has a history of not keeping to the terms of their tenancy agreement. During consultation with RP tenants it was identified that some are concerned about such short tenancies and that it may create a negative approach to their housing due to insecurity and the Council is mindful of this.

Any issues regarding tenancy concerns are usually dealt with through probationary tenancies.

#### Five-year

The District Council recognises that five-year tenancies give adequate security to most households as they provide a balance between residents having stability and feeling settled in an area, with the ability to still make the best use of the limited social housing stock. This view was generally agreed by tenants.

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### Life

Under the Localism Act, RPs must offer secure or assured tenancies to applicants who were already social tenants before the provisions were enacted and this applies to mutual exchanges, reciprocal moves or moves as a result of major works or regeneration. Tenants with enduring vulnerability or lifelong need for support that would disadvantage them in securing alternative accommodation should be offered lifetime tenancies. This applies to tenants in both general needs housing and those in specialist and/or supported accommodation. The District Council is also of the view that those residing in designated older persons' accommodation, should continue to be granted lifetime tenancies. Through consultation some tenants raised the issue of families with disabled children having life time tenancies. It is understood that RPs will look at these on case by case basis.

### Rural housing schemes (exceptions sites)

Due to the nature and key purpose of rural exceptions sites, and the fact that there are additional limitations in rural areas, the District Council would support longer tenancy reviews for relevant stock-holding RPs. In the case of the English Rural Housing Association (the District Council's specialist rural housing partner), the District Council supports its corporate policy of a set 21-year review period.

## 2) Tenancy renewal

HAs should clearly communicate renewal terms to new tenants when they are offered fixed-term tenancies so they understand that, in most circumstances, tenancies will be renewed. This will help people feel connected and settled and also able to contribute to their local areas and to invest in their homes. Social housing also comes with responsibilities and there should be a link between expected behaviour and tenancy renewal which needs to be strongly communicated at the start of the tenancy.

Tenancy renewal is likely to be a contentious area. To ensure the process is dealt with as sensitively as possible, whilst also ensuring key outcomes are still achieved, the District Council supports the following approach:

- The tenancy renewal meeting should be timed to give enough time to consider all issues and for appeals to be made. During consultation some tenants felt that 1 year before tenancy end was an appropriate time to consider renewal
- It should be used as an opportunity to link the household to any necessary support, including employment and training (including HERO scheme);
- Tenancies should generally not be renewed where there has been a serious and persistent breach of the tenancy agreement, such as anti-social behaviour and criminality. Consultation has identified that generally tenants agreed with this.
- Consideration should be given to not renewing tenancies where the tenant is not engaging in the review process (any vulnerability issues need to be fully taken into account) Generally tenants felt this approach is fair
- Income and capital should be taken into account and other appropriate housing options discussed, such as intermediate tenures. The Council is



currently liaising with West Kent HA to increase level of capital held after a property is sold for older people, to ensure that this level is consistent with current house prices.;

- RPs should take a consistent, fair and transparent approach to decisions at the point of tenancy review; and
- The contribution of the household to the overall vitality of the community and potential impact on the community if they were to move out of the area.

In situations where a decision has been taken by a social housing provider not to renew a tenancy at the end of a fixed-term, the provider should seek to engage with the tenant at the earliest possible opportunity to make them aware of the provider's intentions. Tenants raised this and felt it important that RPs are proactive so that some issues can be resolved.

Social housing providers should provide households affected by the termination of a tenancy with any relevant advice and assistance that will assist them in successfully relocating to alternative accommodation. This advice and assistance should include:

- Advice on low-cost home ownership options and other alternative affordable housing tenures;
- Specialist housing and or welfare-related advice and/or signposting to appropriate advice services; and
- Advice on renting in the private rented sector and assistance in identifying and securing a suitable property (this may involve assistance of the District Council's rent-in-advance or property accreditation scheme).

### **3) Affordable Rent**

The District Council aims to prevent excessive disparities between different localities in terms of affordable rent prices to ensure affordability for low-income working households and also for households that are dependent on welfare benefits.

To address the above, the District Council requires social housing providers to ensure that rents charged for affordable rented properties do not exceed the relevant LHA rate that is applicable for that property size at the time of rent setting. This is to avoid excessively high affordable rents in the District's high value areas.

RPs can also convert a proportion of their existing social rented homes to affordable rent to generate additional income to fund future development in place of significantly reduced grant and a shift from a capital to revenue-based delivery model (subject to individual RPs' business plans and agreement from the District Council, where appropriate and unless otherwise agreed). RPs should take a responsible view when determining the size, type and location of the stock they plan to convert to the affordable rent tenure. Conversions should not be over-concentrated in any particular area.

## Agenda Item 5e

Affordable rent levels must take into account known future welfare reform and have rents which can continue to be paid once these changes have been introduced. This includes the re-basing of rents at the end of a tenancy. Affordable rent levels must not prohibit or prevent tenants or household members from looking for work by creating a benefits trap.

### **4) Income and capital levels**

Many households that have increased their incomes and levels of savings may still need to remain in the area for employment reasons or if they have children at local schools and may not be able to afford local market or intermediate housing to meet their needs. In circumstances where households with higher incomes and levels of capital are unable to move, the District Council supports charging more rent rather than ending tenancies.

Affordability limits for eligibility for intermediate housing are good indicators that households can afford to access other housing or can pay more rent. The income limit for the Sevenoaks District Register is a gross maximum income of £33,383 pa. For households applying for housing solely on a rural exception site, applicants may have a higher limit of income in line with those set for eligibility for Homebuy (currently £60,000 gross, per annum) Capital assets should also be taken into account and can be assessed as notional income in the way that is commonly used for benefit purposes. This means that capital over the Housing Benefit upper savings limit (£16,000 at December 2012) is assumed to generate income for households applying for general needs housing, but an upper limit of £250,000 is in place for applicants requiring sheltered housing only. The Council is liaising with WKHA particularly to possibly increase this level by £100,000 to reflect the increase in house prices. When calculating income and capital, the District Council supports taking the tenant's income into account plus that of their partner or spouse and also some income and capital of wider family members.

### **5) Succession**

The Act allows for one succession of tenancy by a spouse or partner of a deceased tenant, although local authorities and RPs have the flexibility to extend these rights. The District Council expects social housing providers to consider the needs of the household against making best use of their housing stock (under-occupation etc.) when making decisions.

### **6) Right-to-Buy/Acquire**

In addition to already existing rules and limitations that may apply to a particular property/tenancy, a tenant must hold a tenancy for a minimum length of five-years to qualify for the right-to-buy/acquire in the District.

### **7) Kent Homechoice**

When advertising properties directly and through Kent HomeChoice, Social housing providers should clearly indicate the duration of the tenancy being offered, the rent type and level that will be charged, and any client group limitations.

### **8) Under-occupation and over-crowding**

The use of fixed-term tenancies should be the most effective way to manage under-occupation in future – a key local housing strategy objective. RPs should encourage under-occupiers to move by not re-issuing tenancies to properties which are the wrong size for the household and assisting them into a tenancy for a smaller or a more accessible property. This approach should tie in with over-crowding and mutual exchanges, where possible.

RPs should ensure that their policies do not restrict the mobility of existing tenants living in the social rented sector, particularly where existing households are over-occupying or over-crowded. To enable mobility and encourage down-sizing, in particular, the District Council expects that social rented tenants should be allowed to retain their existing security of tenure if they choose to transfer to an alternative property.

### **9) Discharge of homeless duty into the private sector**

Local authorities are now able to discharge their duty to homeless households with an offer of suitable accommodation in the private rented sector, provided that the tenancy offered is for a minimum period of 12-months.

Increasing use of the private rented sector will help the District Council to meet some of the increasing need for housing from households who register on the SDHR, particularly at a time when new supply is falling. The District Council will seek to make an offer of suitable private rented accommodation to applicants approved as statutory homeless where they are deemed able to sustain accommodation. This will only take place where those properties are safe, decent, affordable and well-managed accommodation.

### **10) Disposal of stock**

The District Council in general terms would not wish to see the disposal of housing stock. However, it is recognised that in certain circumstances this may be justifiable providing it allows for future investment within the District in more appropriate housing. In certain circumstances, we would support generated funds being directed elsewhere across Kent.

We would ask that RPs consult with us before disposing of any stock, so that we have the opportunity to discuss the individual situation.

### **11) Appeals and complaints**

The regulator requires RPs to set out the way in which a tenant or prospective tenant may appeal against or complain about the length of the fixed-term tenancy offered and the type of tenancy offered, and against a decision not to grant another tenancy on the expiry of the fixed-term.

The District Council expects related RP tenancy policies, to:

- Set out to whom appeals or reviews should be made (this is expected to be a more senior officer that wasn't involved in the original decision) and how they can be made;

## Agenda Item 5e

- Give timescales for dealing with appeals or reviews;
- Set out how the tenant can take their appeal or review further if they are dissatisfied with the response i.e. to a tenant panel or Housing Ombudsman and where they may get independent advice; and
- Be accessible and easily available i.e. published on websites/available in local offices.

### Equalities

The public sector equalities duty under the Equality Act 2010 requires public bodies in exercising their functions to have due regard to the need to eliminate unlawful discrimination and to advance equality of opportunity. RPs should consider equalities when rent setting, managing and terminating social housing tenancies. Equalities impact assessments on RP tenancy policies are considered the best way of demonstrating due regard.

### Monitoring and review

The District Council will need to monitor the impact of this policy against the objectives it is trying to achieve as outlined in both the Housing Strategy and West Kent Homelessness Strategy.. The Government guidance suggests 5 years but this Council will monitor the situation regularly and if necessary undertake earlier reviews before that period of time. These reviews will reflect economic, environment changes, legislation, and Government guidance and local issues..

### Comments/feedback

If you would like to comment and/or feedback on this document, please email [jane.ellis@sevenoaks.gov.uk](mailto:jane.ellis@sevenoaks.gov.uk) or send to the following postal address: (email address as per consultation docs)

Sevenoaks District Council  
Social Housing Team  
Council Offices  
Argyle Road  
Sevenoaks  
Kent TN13 1HG

### Abbreviations

LHA	LOCAL HOUSING ALLOWANCE
RP	REGISTERED PROVIDER
SDHR	SEVENOAKS DISTRICT HOUSING REGISTER
WKHA	WEST KENT HOUSING ASSOCIATION

APPENDIX A

**KEY HOUSING DATA**

**Sevenoaks District Housing Register (SDHR)**

Live applications (as at November 2012)	
1-bedroom	785
2-bedrooms	388
3-bedrooms	248
More than 3-bedrooms	62
Not stated	2
<b>Total</b>	<b>1,485</b>

**Historic lettings through SDHR**

SDHR	2007/08	2008/09	2009/10	2010/11	2011/12
Total number	313	409	339	323	300

**Number of rent-in-advance/deposit bonds issued in private sector**

Year	Number
2008/09	77
2009/10	72
2010/11	59
2011/12	20

**Local Housing Allowance (LHA)**

The Sevenoaks District falls within two Broad Rental Market Areas (BRMAs) - these being North-West Kent and High Weald. As at November 2012, weekly LHA rates were as follows:

Accommodation types	NW Kent BRMA	High Weald BRMA
Shared-accommodation	£68.27	£77.00
One-bedroom	£121.15	£130.38
Two-bedrooms	£150.00	£171.92
Three-bedrooms	£167.31	£201.92
Four-bedrooms	£229.62	£323.08

Directgov (November 2012)

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### Social housing development programme

Year	Units
2007/08	61
2008/09	57
2009/10	80
2010/11	51
2011/12	15
2012/13	62
2013/14	127
2014/14	47

} Anticipated

### House prices - Sevenoaks District (Land Registry, September 2012)

TYPE	COST
Average	£448,336
Detached	£695,407
Semi	£353,043
Terrace	£259,478
Flat	£219,919

APPENDIX B

Registered Providers in the Sevenoaks District

West Kent HA	Moat Homes Ltd
Places for People	Orbit HA
Housing 21	Servite Homes
Hanover HA	Beckett Trust
English Rural HA	Anchor Trust

**List of consulted groups:**

West Kent HA  
Moat  
Orbit HA  
Places for People  
Rockdale  
Shelter Housing Aid  
Citizens Advice Bureaux  
Kent County Council  
Age UK  
Home and Communities Agency  
English Rural HA  
Kent County Council Supporting People  
National Landlord Association  
Planning Policy team  
Community Development team  
Tenancy Boards  
Sevenoaks District Housing Register applicants

**Feedback from the groups listed above**

**1) Tenancies types/options**

In the main, five-year tenancies are supported in the Sevenoaks District – but there are some circumstances where shorter terms will be desirable. During consultation, tenants supported this option but agreed each case should be considered on its merit.

**Fixed-term**

Tenants generally support probationary tenancies because the more vulnerable households are given support to pay their rent and minimise anti-social behaviour. Without a probationary tenancy some tenants would have quickly been evicted.

**Two-year**

During consultation with RP tenants it was identified that some are concerned about such short tenancies and that it may create a negative approach to their housing due to insecurity and the Council is mindful of this.



Any issues regarding tenancy concerns are usually dealt with through probationary tenancies.

### **Five-year**

This view was generally agreed by tenants.

### **Life**

Through consultation some tenants raised the issue of families with disabled children having life time tenancies. It is understood that RPs will look at these on case by case basis.

### **Tenancy renewal**

- During consultation some tenants felt that 1 year before tenancy end was an appropriate time to consider renewal

### **Affordable Rent**

Affordable rent levels must not prohibit or prevent tenants or household members from looking for work by creating a benefits trap

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**Item 5(f) – Licensing of Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy**

**Licensing Committee’s Recommendation to Council**

At its meeting on 30 January 2013 the Cabinet considered the matter as follows:

The Licensing Committee had formally resolved on 6 September 2012 to adopt additional powers to regulate Sexual Entertainment Venues under the Local Government (Miscellaneous Provisions) Act 1982. It was felt appropriate to adopt a policy, to be called the Sex Policy, before any application for a licence was made.

A draft version of the policy had been shown to the Committee on 10 October 2012 and a consultation was held between 30 October 2012 and 11 January 2013. The feedback from the consultation was available to Members in an appendix to the report but the Licensing Partnership Manager clarified that no changes had been made to the policy since it was last considered by the Committee.

**Public Sector Equality Duty**

An Equality Impact Assessment had been held on the policy. The recommended action arising was to ensure all Members were given appropriate training. The training should address the impact of licences on more vulnerable age groups when determining a licence application. Officers were intending to provide some training soon but would refresh this training in the future if an application were likely to be submitted. Members noted the equality impacts.

Resolved: That the consultation responses be noted and the policy be recommended for adoption by Full Council.

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**FULL COUNCIL – 19 FEBRUARY 2013**

**LICENSING OF SEX SHOPS, SEX CINEMAS AND SEXUAL ENTERTAINMENT VENUES POLICY**

Report of the: Deputy Chief Executive and Director of Community and Planning Services

Also to be considered by: Licensing Committee – 30 January 2013

Status: For Decision

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**EXECUTIVE SUMMARY:** Currently sex shops and sex cinemas require a licence from the Council. The Policing and Crime Act 2009 introduced new powers for local authorities to regulate sexual entertainment venues (e.g. table dancing, lap dancing or similar activities) so as to require any such premises to apply for a licence.

It was formally resolved on 6 September 2012 that Sevenoaks District Council would adopt powers relating to sexual entertainment venues, following changes to the regulation of Sexual Entertainment Venues under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

Consultation with local people and businesses has been undertaken and the end date for their views and comments was 11 January 2013.

Attached with this report is the summary of the feedback Sevenoaks District Council has received as part of the recent consultation (Appendix A). This is for Members to consider including in the final policy. (Appendix B)

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**This report supports the Key Aim of Safe and Caring Communities and Dynamic and Sustainable Economy**

**Portfolio Holder** Cllr Mrs. Bracken

**Head of Service** Head of Environmental and Operational Services – Mr. Richard Wilson

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**Recommendation:** That the consultation responses be noted and the policy be adopted.

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**Background**

Activities covered by the new provisions

1. A sexual entertainment venue is described as ‘any premises at which relevant entertainment is provided before a live audience for financial gain of the organiser

## Agenda Item 5f

or the entertainer'. It is expected that this definition would apply to the following forms of entertainment – lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows.

2. Licences granted for sexual entertainment venues will be renewable annually, rather than lasting for the life of the business as is the case under the Licensing Act 2003.
3. Furthermore, the authority will have a wider discretion when imposing conditions on a licence and may apply different conditions for different types of venues. For example, it will be possible to regulate opening times, the display of advertisements and the visibility of the interior of the premises to passers-by.
4. Premises providing other licensable activities in addition to sexual entertainment will still also require a premises licence under the Licensing Act 2003. In practical terms, this means that most sexual entertainment venues will require a licence under the 2003 Act as well as a sex establishment licence.

### Exemptions

5. Premises which provide regulated entertainment on an infrequent basis i.e. on no more than 11 occasions within a 12 month period (subject to there being at least one month between events, and each event lasting no longer than 24 hours) will not need to be licensed as a sexual entertainment venue and will instead continue to be licensed under the Licensing Act 2003.

### **Key Implications**

#### Financial

6. The Council's budget for the licensing of Sexual Entertainment Venues is set on a cost recovery basis and the cost of this consultation is covered with the licensing administration budget. It has been agreed to keep the application and renewal fee for applications at £2,300.

#### Legal, Human Rights etc.

7. Decisions in relation to a licence are likely to amount to consideration of civil rights and obligations with the result that Article 6 (1) of the Human Rights Act 1998 is engaged.

#### Equalities implication and Community Impact

8. The policy applies to all operators across the Sevenoaks District whose activities may fall under the definition of 'relevant entertainment'. The policy will aim to prevent any adverse impact on disadvantaged groups.

#### **Sources of Information:**

Local government (Miscellaneous Provisions) Act 1976.

Licensing Act 2003

**Contact Officer(s):**

Claire Perry Ext. 7235

Jessica Bolton Ext. 7480

**KRISTEN PATERSON  
DEPUTY CHIEF EXECUTIVE & COMMUNITY  
AND PLANNING SERVICES DIRECTOR**

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Sevenoaks District Council

Feedback from the Policy in respect of the Licensing of Sex Shops, Sex Cinemas and Sexual Entertainment Venues

Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
Annie Sargent - EH	<p><b>From:</b> Annie Sargent  <b>Sent:</b> 16 May 2012 19:57  <b>To:</b> Jessica Bolton  <b>Subject:</b> FW: Licensing of Sexual Entertainment Venues Consultation</p> <p>Jessica                      I have read this and it all seems fair and reasonable. No comment to make.                      Regards                      Annie</p>	No comment			
Revd Anne Clements West Kingsdown Baptist	<p><b>From:</b> Anne Clements  <b>Sent:</b> 28 May 2012 10:19  <b>To:</b> Licensing  <b>Subject:</b> Sexual Encounter Venues</p> <p>Dear Sevenoaks District Council,</p> <p>Re. Sexual Encounter Venues</p> <p>I and my congregation would like to support the adoption of the new provisions by the Council.                      Yours,</p> <p>Revd Anne Clements                      West Kingsdown Baptist</p>	No comment			
James Oakley The Vicarage, High Street, Kemsing	<p><b>From:</b> James Oakley  <b>Sent:</b> 06 June 2012 17:37  <b>To:</b> Licensing  <b>Subject:</b> Licensing of Sexual Entertainment Venues Consultation</p> <p>I have read the consultation document regarding the possibility of Sevenoaks District Council adopting the provisions under the Policing and Crime Act (2009). I understand that, if the Council were to adopt these powers, venues wishing to be used as "sexual entertainment venues" would need to obtain a specific license for this purpose, and that this allows the Authority to consider additional factors. Those factors would not be able to be considered under the Licensing Act (2003).</p>	Whilst Officers understand the desire to set a nil number on establishments within the District, it is felt that it is more advisable to treat each application on its individual merits at the time of the application. The Council is less likely to be subject to legal challenge by having this approach.			

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Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
	<p>My comment would be that this would be an excellent decision for the Council to take. It seems to me that the nature of venues providing sexual entertainment are too specialised for the Licensing Act of 2003. It is absolutely essential that the Council is able to take into consideration the proximity of local schools, the density of such venues in any smaller locality so as to avoid creating neighbourhoods renowned for such venues, and the impact that any venue would have on the character of its immediate vicinity. <b>Furthermore, the Council should be able to set a ceiling on the number of sexual entertainment venues for the District as a whole, so that the character of the Sevenoaks area can remain what the local residents would wish it to be.</b></p> <p><b>I would therefore urge the District Council, as it considers adopting these powers, to do so.</b></p> <p>Please do not hesitate to get in touch if you would like any clarification or further information.</p> <p>With best wishes James Oakley The Vicarage, High Street, Kemsing,</p>				
<p>Helen Gilder Assistant Clerk to the Council Hartley Parish Council</p>	<p><b>From:</b> Hartley Parish Council <b>Sent:</b> 14 June 2012 09:42 <b>To:</b> Licensing <b>Subject:</b> Licensing of Sexual Entertainment Venues Consultation</p> <p>Hartley Parish Council would like to comment on the above consultation as follows:</p> <p>Hartley Parish Council supports the District Council's adoption of the new provisions relating to the licensing of sexual entertainment venues.</p> <p>Regards Helen Gilder Assistant Clerk to the Council Hartley Parish Council The Parish Council Office</p>	<p>No comment</p>			

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Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
Barbara Morris Clerk, Crockenhill Parish Council	<p><b>From:</b> crockenhill parish council  <b>Sent:</b> 21 June 2012 11:31  <b>To:</b> Jessica Bolton  <b>Subject:</b> Re: Licensing of Sexual Entertainment Venues Consultation</p> <p>Dear Jessica            Councillors have asked me to reply by saying they support the new proposals and believe they are an improvement and will give more control to their regulation.            Barbara Morris            Clerk, Crockenhill Parish Council</p>	No comment			
Holly Ivaldi Clerk Eynsford Parish Council	<p><b>From:</b> Eynsford Parish Council  <b>Sent:</b> 29 June 2012 09:36  <b>To:</b> Licensing  <b>Subject:</b> Licensing of Sexual Entertainment Venues Consultation</p> <p>In response to the above consultation, Eynsford Parish Council supports the changes proposed to the legislation.</p> <p>Yours            Holly Ivaldi            Clerk</p>	No comment			
Yolanda Tredoux (Mrs.) Clerk to Kemsing Parish Council	<p><b>From:</b> Yolanda Tredoux  <b>Sent:</b> 10 July 2012 09:58  <b>To:</b> Licensing  <b>Subject:</b> Licensing of Sexual Entertainment Venues Consultation</p> <p>Thank you for the opportunity to comment on the above application.</p> <p>KEMSING PARISH COUNCIL supports Sevenoaks District Council's proposal to adopt the new powers under the Policing and Crime Act 2009 in order to regulate sexual entertainment venues.</p> <p>Yours sincerely,            Yolanda Tredoux (Mrs.)</p>	No comment			

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Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
<p>Veronica Todd PCC Secretary St Mary's Church, Riverhead</p>	<p>The Sevenoaks District Council Consultation Document re Licensing of Sexual Entertainment Venues has been sent to me from the Churches Together in Sevenoaks group.</p> <p>The document was discussed at our PCC meeting in May and it was agreed that I should write to inform you that St Mary's Riverhead PCC believe it to be preferable for sexual entertainment venues to require a sex establishment licence in addition to a licence under the 2003 Act. The PCC of St Mary's Church, Riverhead, therefore agree that Sevenoaks District Council should adopt powers relating to sexual entertainment venues, following changes to legislation.</p> <p>Yours faithfully</p> <p>Veronica Todd PCC Secretary St Mary's Church, Riverhead</p>	<p>No comment</p>			
<p>Kaye Bill Senior Customer Service Advisor Sevenoaks District Council</p>	<p><b>From: Kaye Bill</b> <b>Sent: 21 November 2012 11:10</b> <b>To: Jessica Bolton</b> <b>Subject: RE: Consultation on the Policy in respect of the Licensing of Sex Shops, Sex Cinemas and Sexual Entertainment Venues</b></p> <p>I strongly object to the Consultation Policy in respect of the above, please see my objections below.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> People can access all of the above on the internet.</li> <li><input type="checkbox"/> These venues will become a magnet for sexual predators.</li> <li><input type="checkbox"/> How will these premises be Policed?</li> <li><input type="checkbox"/> Girls can make themselves look much older than they really are and could potentially be high risk and vulnerable.</li> </ul> <p>Regards Kaye Bill</p>	<p>The premises, should a licence be granted, will be visited on a risk assessed basis in line with the Enforcement Policy and the other enforcement visits carried out by this authority.</p>			

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Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
Hugh D'Alton Planning Committee Clerk Sevenoaks Town Council	<p>From: Sevenoaks Town Council Planning Sent: 05 December 2012 15:07 To: Licensing Subject: Consultation on policy in respect of the licensing of Sex Shops, Sex cinemas, and sexual entertainment venues</p> <p>Please could it be noted that following a Planning Committee on the 26th November Sevenoaks Town Council wishes to formally support the District Council's intention to adopt the new powers in relation to the licensing of sexual entertainment venues granted in the policing and crime act 2009</p> <p>Kind regards Hugh D'Alton</p>	No comment			
Mrs J A Shelley Fox and Hounds Knatts Valley	<b>We do not want this anywhere!</b>	No comment			
Ken Grist	Ok	No comment			
Jill Davison SDC	<b>Reasons for refusal 12.10, 12.11 and 12.12 will not leave many places where these activities will be welcome in the District!</b>	Each application will still be looked at on its merits.			
Gillian Kingscott Clerk to Halstead Parish Council	Council has no comments or observations to make.	No comment			
Ben Thomas Penshurst Place Estate	I have no comment to make.	No comment			
Cllr Brian Ramsay	Agreed. Proposed age limit increase to 25 unnecessary and pointless in view of existing legislation relating to sexual relations, marriage etc.	No comment			
Cllr Mark Fittock	<p><b>9.1 Notices</b> As the coverage of local newspapers is extremely patchy and sales are ever decreasing, some minimum standards should be set below which alternative methods of advertising should be used e.g. the web. The same limitation applies to "free papers" which are not universally delivered and often do not cover local news.</p>	There is a proposal being considered by the Home Office to remove the requirement for the advertisement of notices in local newspapers for the Licensing Act 2003. Officers would prefer not to be more prescriptive at the present time pending the outcome of the Home Office's deliberations.			

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Contact and name	Comment	Comment from Officers	Include in final version for full Council	Amendments made and date	Decision / accept changes Y/N
Cllr J Scholey	The definitions section does not appear to exclude premises and articles used for medical or public health purposes e.g. text books, medical journals, sexually transmitted disease clinics. Are they excluded somewhere else?	Under definitions 5.1 of the policy a sex article is anything made for use in connection with or for the purposes of stimulating or encouraging sexual activity or acts or force or restraint which are associated with sexual activity. Texts books, medical journals and clinics are for educational purposes rather than encouraging/stimulating sexual activity. Officers would not expect articles or premises used for medical or public health purposes to fall within this definition.			
Probus Sevenoaks	We do not have a policy on this question and it is not feasible to manage the differing views of our 220 members.	Consultation was open to all businesses, clubs and members of the public so members who wished to comment would have had the opportunity to do so.			
Edenbridge Town Council	Edenbridge Town Council supports the policy approach taken by SDC and accepts the grounds for refusal, particularly the restriction on location and the wide range of conditions that can be applied.	No comment			

# **Policy in respect of the Licensing of Sex Shops, Sex Cinemas and Sexual Entertainment Venues**

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**1. Overview**

- The Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27, Policing and Crime Act 2009) provides that a local authority may, by resolution, adopt schedule 3 of that Act.
- 1.2 Sevenoaks District Council adopted Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 and the amendment under Section 27 of the Policing and Crime Act 2009.
- 1.3 The adoption of schedule 3 as amended will enable the licensing authority, within its area, to discharge its function in relation to the following:
  - sexual entertainment venues (providing relevant entertainment)
  - sex shops
  - sex cinemas
- 1.4 Schedule 7 to the Policing and Crime Act 2009 amends the Licensing Act 2003 to ensure that premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982) do not also require a premises licence, club premises certificate or temporary event notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003. However, if the premises also carries on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment) then this is not a provision of relevant entertainment and they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the Licensing Act 2003 for those other activities, subject to any exceptions contained in that Act.
- 1.5 In practice this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 1.6 Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition

- of regulated entertainment in the Licensing Act 2003. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance nor will providing entertainment facilities for the purposes of the provisions of relevant entertainment be regulated entertainment under the Licensing Act 2003.
- 1.7 If a local authority has not made a resolution to adopt the provisions introduced by section 27, Policing and Crime Act 2009 within one year of the Act coming into force it must, as soon as is reasonably practicable, consult local people about whether they should make such a resolution. The purpose of this duty is to ensure that local authorities consider the views of local people whether, for whatever reason, they have not adopted the provisions. This duty should be seen to be an extension to existing general duties on local authorities to consult and involve local people when exercising their functions.
- 1.8 The Licensing Authority have also taken into consideration the provisions of Section 17 Crime and Disorder Act 1998 that requires responsible authorities to consider crime and disorder (including antisocial behaviour and other behaviour adversely affecting the local environment) and the misuse of drugs, alcohol and other substances in the exercise of all their duties, activities and decision-making. This means that in all policies, strategies and service delivery there is a need to consider the likely impact on crime and disorder.
- 1.9 The Licensing Authority is also aware that, at the time of formulating this policy, there is no evidence of any crime or disorder directly attributable to the operation of such establishments in the Sevenoaks area.
- 1.10 This policy helps to promote efficient and effective approaches to regulatory inspection and enforcement which is in compliance with:
  - a) The Regulator’s Compliance Code (set out under the Legislative and Regulatory Reform Act 2006) not to impede progress by the regulations we set out and, particularly, to consider the impact of regulations on small businesses; and
  - b) The Provisions of Services Regulations 2009 to ensure requirements are:
    - i) Non-discriminatory
    - ii) justified by an overriding reason relating to the public interest
    - iii) proportionate to that public interest objective

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- iv) clear and unambiguous
- v) objective
- vi) made public in advance
- vii) transparent and accessible

- 1.11 In certain instances we may conclude that a provision in the policy is either not relevant or is outweighed by other provisions. We will ensure that any decision to depart from the policy will be properly reasoned, based on material evidence and documented; giving clear and compelling reasons for doing so.
- 1.12 The Council sees the licensing process as an integral part of its approach to achieving its strategic and corporate objectives. The following three core values will guide and define our policies for the District and the local area:

- Fairness
- Integrity
- Quality

These three Core Values develop the Vision with the resulting five promises:

- 1, We will provide value for money
- 2, We will work in partnership to keep the District of Sevenoaks safe
- 3, We will continue to collect rubbish efficiently and effectively
- 4, We will protect the Green Belt
- 5, We will support and develop the local economy.

## 2. Policy

- 2.1 The purpose of this policy is to:
- Set out the expectations of the local authority in meeting the requirements of the legislation
  - Provide guidance on the process for making an application and the process the Council will follow in considering and determining an application.
  - Assist any persons making representations in respect of an application to make properly directed and evidenced representations.
- 2.2 Notwithstanding this policy, each application will be assessed on its individual merit and granted or refused purely on that merit. Whilst this policy will set out the broad scope of expectations, it should not be seen as restricting or predetermining the outcome of any application or representation in respect of the licensing of any premises.

## 3. Functions

- 3.1 Under section 101 of the Local Government Act 1972, local authorities may arrange for

the discharge of these responsibilities by a committee or sub-committee of the appropriate authority.

- 3.2 This authority delegates its functions to those who sit on its Licensing Committee, or a sub-committee appointed for the purpose, with the exception of a renewal of a licence to which no objections are received, which will be delegated to officers as set out in the Council's constitution.

## 4. Consultations

- 4.1 The Policing and Crime Act 2009 is not prescriptive about how local authorities should consult with local people in order to comply with this duty. The Council has extensive experience of engaging with local people and will utilise that knowledge to ensure that any consultation exercise carried out under this duty will be fair and meaningful. The Council will seek to make any relevant information available to local people in order to inform them of the legislation, criteria and outcomes of the consultation.
- 4.2 For the purpose of this duty 'local people' are defined as anyone who lives or works in the local authority area.
- 4.3 The council will seek to consult with all those consulted on the Licensing Act 2003. A full list of those consulted is attached at Appendix C.

## 5. Definitions

- 5.1 For the purposes of this policy the following definitions will apply:

### 5.2 Sex Shop

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating

- a) sex articles; or
- b) other things intended for use in connection with, or for the purpose of stimulating or encouraging:
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity.

No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced

### 5.3 Sex Article

Anything made for use in connection with, or for the purpose of stimulating or encouraging—

- a) sexual activity; or
- b) acts of force or restraint which are associated

with sexual activity; and anything to which sub-paragraph below applies.

This sub-paragraph applies

- a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
- b) to any recording of vision or sound, which
  - i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
  - ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

#### 5.4. Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which

- a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage
  - i) sexual activity; or
  - ii) acts of force or restraint which are associated with sexual activity; or
- b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions, but does not include a dwelling-house to which the public is not admitted.

No premises shall be treated as a sex cinema by reason only

- a) if they may be used for an exhibition of film (within the meaning of paragraph 15 of Schedule 1 to the Licensing Act 2003) by virtue of an authorisation (within the meaning of Section 136 of that Act), of their use in accordance with that authorisation.
- a) of their use for an exhibition to which section 6 of that Act (certain noncommercial exhibitions) applies given by an exempted organisation within the meaning of section 6(6) of the Cinemas Act 1985.

#### 5.5. Sexual Entertainment Venue:

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

#### Exemptions from being a Sexual Entertainment Venue

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The following are not sexual entertainment venues for the purposes of this policy:

- a) sex cinemas and sex shops;
- b) premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time
  - i) there have not been more than eleven occasions on which relevant entertainment has been so provided which fall (wholly or partly) within the period of 12 months ending with that time;
  - ii) no such occasion has lasted for more than 24 hours; and
  - iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasion falls within the 12 month period mentioned in subparagraph (i));
- c) premises specified or described in an order made by the relevant national authority.

#### 5.6. Relevant entertainment:

Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

Home Office Guidance states relevant entertainment would therefore apply to the following forms of entertainment, as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

However this list is not exhaustive and local authorities will judge each case on its merits. Decisions will be based on the content of the entertainment provided and not the name given to it.

#### 5.7 Nudity

Schedule 3 sets out the definition of a 'display of nudity'. In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and, in the case of a man; it means exposure of his pubic area, genitals or anus.

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### 5.8 Spontaneous Entertainment

Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser might be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

### 5.9 The 'Organiser'

Any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

The 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

## 6. Planning

- 6.1 The Licensing Authority will not normally undertake action where another, more appropriate, regime exists to resolve matters. Failure to obtain planning permission is not a ground for refusal of the grant of an application under the Local Government (Miscellaneous Provisions) Act 1982 and such a failure to obtain planning permission will normally be dealt with as part of the normal planning process.
- 6.2 Operators and persons making representations should be aware that in many cases there would be a need to obtain planning permission before a premises may be used for the purposes relevant to this policy. The Licensing Authority will not normally consider planning matters such

as 'need' in determining a licence application as this is more appropriately dealt with by planning legislation.

- 6.3 Applicants are advised to seek independent advice in relation to both planning and licensing prior to making any application under Schedule 3 Local Government (Miscellaneous Provisions) Act 1982

## 7. European Convention on Human Rights

- 7.1 The Local Authority fully supports the European Convention on Human Rights. When determining applications for licences under this policy the Licensing Authority will give consideration to any rights an existing operator may have under Article 1, Protocol 1 of the European Convention on Human Rights (ECHR) which entitles every person to the peaceful enjoyment of their possessions and Article 10 (freedom of expression).
- 7.2 The Secretary of State has certified that the Policing and Crime Act 2009 is covered by Section 19, Human Rights Act 1998 as being in compliance with the ECHR.
- 7.3 Whilst the rights under Article 1 and 10 may be activated the weight to be accorded to these rights in this context is low level. The right of freedom of expression to participate in the activities of sex shops, sex cinemas and sexual entertainment venues is not prohibited but may be controlled by licensing. Similarly the right to possession of an existing licence is proportionally protected subject to a fair balance of the rights of the holder and the public interest.

## 8. The Application Process

- 8.1 Applications for licences for sex shops, sex cinemas and sex entertainment venues must be made on the prescribed form and accompanied by the requisite fee.
- 8.2 A site plan of radius of ¼ of a mile (scale 1:500) clearly outlining the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed at 12.11.
- 8.3 A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to licence as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan. If a part of the

premises is within a licensed premises under the Licensing Act 2003 which will have a dual purpose then the plan should show the site where facilities for the public are shared such as toilets and bar.

- 8.4 The plan of the premises must show the position of all CCTV cameras and shall be with the approval of Kent Police and in accordance with the CCTV code of practice.
- 8.5 Plans may be considered in other scales with prior agreement with the licensing authority.
- 8.6 The council will not usually determine an application for the grant of a licence, unless, the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the premises.

**9. Notices**

- 9.1 Applicants for a sexual establishment licence must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the local authority area no later than seven days after the date the application is made.
- 9.2 Where the application relates to premises, a notice should also be displayed on or near the premises in a place where it can be conveniently read by members of the public. The notice should be displayed for a period of 21 days beginning with the date the application was made.
- 9.3 All notices should be in the form prescribed by the appropriate authority as detailed in Appendix B and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 9.4 The applicant is required to submit a copy of any application to the Chief Officer of Police for the area within seven days of submitting the original application to the local authority. The requirement does not apply in the case of electronic applications as it is the duty of the local authority to send a copy to the police.

**10. Objections**

- 10.1 Any person can object to an application but the objection should be relevant to the grounds set out in paragraph 12, of Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 for refusing a licence. Objections should not be based on moral grounds/values and local authorities cannot consider objections that are not relevant to the grounds set out in paragraph

12. Objectors must give notice of their objection in writing, stating the general terms of the objection.

- 10.2 When considering an application for the grant, renewal or transfer of a licence the Licensing Authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections that they have received from anyone else, (including statutory agencies such as Kent Fire and Rescue Service, UK Border Agency, The Local Safeguarding Children’s Board) within 28 days of the application.
- 10.3 Where the Licensing Authority receives notice of any objection the authority will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the appropriate authority will not without the consent of the person making the objection reveal their name or address to the applicant.

**11. Hearings**

- 11.1 Under paragraph 10(19) of Schedule 3, before refusing an application, renewal or application to transfer a licence all applicants will be given the opportunity to appear before and be heard by the Licensing Committee or Sub-Committee that is responsible for determining the application.
- 11.2 Whilst Schedule 3 does not make explicit provision for objectors to be heard, this Council believes it is right to offer an oral hearing to objectors. This does however remain within their discretionary powers. Although a local authority is under a duty to consider any objections made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 11.3 Persons making written objections will also be informed of the date and time of the licensing sub-committee hearing where they will be invited to address the committee and ask questions relating to the application.
- 11.4 All objectors and applicants are reminded that they can if they wish be legally represented at their own expense at the hearing. Alternatively, they may, if they wish ask a Councillor to represent them.
- 11.5 In determining an application the Licensing Committee (or Sub-Committee) will consider the applicant’s presentation, the Council’s authorised officer report, police observations and objections.
- 11.6 All parties may use witnesses and supporting documentation however, copies of documents

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and details of witnesses must be submitted to the Licensing Committee (or Sub-Committee) for consideration prior to the hearing and in special circumstances with approval of all parties at the hearing.

- 11.7 The Licensing Committee (or Sub-Committee) will consider all the evidence presented to it during the hearing and members may ask questions of officers, applicants and objectors. After the evidence has been presented, all parties will be asked to leave to allow for the Licensing Committee (or Sub-Committee) to come to a decision on the application.
- 11.8 When a decision is reached the Licensing Committee (or Sub-Committee) will inform the applicant and relevant parties of their decision and the reasons for coming to that particular decision.
- 11.9 The decision of the Licensing Committee (or Sub-Committee) will be confirmed, in writing, to the applicant within seven working days of the meeting at which the application was considered giving reasons for the decision.

## 12. Refusal of a Licence

- 12.1 Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A licence must not be granted:
- a) to a person under the age of 18;
  - b) to a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months;
  - c) to a person, other than a body corporate, who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made; or
  - d) to a body corporate which is not incorporated in an EEA State; or
  - e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 12.2 A licence may be refused where:
- a) the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;

- b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
- c) the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
- d) that the grant or renewal of the licence would be inappropriate, having regard
  - i) to the character of the relevant locality; or
  - ii) to the use to which any premises in the vicinity are put; or
  - iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

12.3 A decision to refuse a licence must be relevant to one or more of the above grounds.

12.4 In making any determination to refuse an application, renewal or transfer, the local authority will give consideration to:

### a. Suitability of the applicant

In determining the suitability or otherwise of an applicant the local authority will consider any previous convictions and in particular those that have been imposed in respect of offences involving violence, dishonesty, drugs, offences of a sexual nature or a breach of the requirements of the legislation covering the type of establishment in respect of which the application is made.

Any other reasonable cause, arising from:

- previous knowledge and experience of the applicant
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- any report about the applicant and management of the premises received from objectors

### b. Business carried out on behalf of a person who would be refused

The local authority takes a serious view of any application that seeks to subvert the underlying principles of the Act. Where it is considered that the applicant is effectively operating the business on behalf of a person who would, for whatever reason, be refused or disqualified from

the grant of a licence due to the mandatory or discretionary grounds for refusal there will be a presumption towards refusal unless overwhelming reasons are accepted for the contrary decision to be made.

**c. The application exceeds the limit set on the number of the specific type of sex establishments generally or of a specific type in an area**

**d. Appropriateness having regard to character of locality, use of premises in the vicinity or layout, character or condition of premises**

The local authority may refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of sex establishments or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality the use to which any premises in the vicinity are put or the layout, character or condition of the premises.

12.5 Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 does not define 'relevant locality' further than to say that:

- In relation to premises, it is the locality where they are situated
- In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

12.6 Once the Council has determined the relevant locality, it should seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. The Council may consider a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

12.7 Case law has indicated however that in defining the relevant locality the local authority should not seek to specify wide areas.

12.8 Although a ward area could be considered as a relevant locality it is determined that certain wards are substantial in size and would cover a wide area. It could also raise a problem with borders of other wards where there could be a cluster of sex establishments.

12.9 The Licensing Authority has determined not to set specific relevant localities in respect of each type of sex establishment, instead judging each

application it receives on its own individual merits and the character of the locality at the time of the decision.

In determining the relevant locality each case will be decided on its merit having consideration to the individual circumstances of the application.

12.10 In licensing of sex entertainment venues the Licensing Authority will consider the impact of such premises and their operation on the character of an area. This would include but not be limited to:

- The type of location (residential, commercial, industrial)
- The likely effects of any increased footfall or vehicular traffic
- Any advertising or displays of an erotic or pseudo-erotic nature
- Localities where the cumulative impact of the venue, taken with other licensed premises or commercial interests, is likely to have an adverse effect on crime and disorder and public nuisance
- Any evidence of complaints about noise and/or disturbance caused by the premises
- The levels of crime and disorder in the area.

12.11 The Local Authority would consider use of other premises in the vicinity which would include but not be limited to:

- Establishments whose patrons are likely to be adversely affected by the operation of the premises
- The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises
- The proximity to shopping centres
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The proximity to conservation areas, historic buildings and tourist attractions
- The proximity of other sex establishments

12.12 When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the layout,

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character or condition of the premises including but not limited to the following

- The type of activity to which the application relates
- The duration of the proposed licence
- The days and hours of operation of the activity.
- Suitability of management systems to take into account the safety of its performers, customers and staff.

12.13 Visibility to passers by on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

### 13. Waivers

- 13.1 The amendments to Schedule 3, Local Government (Miscellaneous Provisions) Act 1982 allow for the Licensing Authority to waive the need for a sex entertainment venue licence under certain circumstances.
- 13.2 An applicant can apply for a waiver either as part of the application for a licence or separately. The Local Authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. Where a waiver is granted the appropriate authority should inform the applicant that a waiver has been granted. The waiver may last for such a period that the appropriate authority think fit, but can be terminated by the appropriate authority at any time with 28 days notice.
- 13.3 The Licensing Authority will consider applications for such waiving of the need for licences on an individual basis. However, it is felt that unless clear and unambiguous evidence can be produced to support such a waiving of licence, the default position will be that a licence will be required.

### 14. Conditions

- 14.1 The Local Government (Miscellaneous Provisions) Act 1982 allows the Licensing Authority to attach both standard and specific conditions to a licence. The Licensing Authority has set out standard conditions (APPENDIX A) in respect of each type of licensed premises for which conditions may be taken and provided a pool of conditions. However, this list is not exhaustive and is merely to give an indication of what may be considered necessary for any individual licence.
- 14.2 The standard conditions will be placed on

the particular type of establishment and others may be applied only where a perceived necessity exists and in a manner that is both proportionate and reasonable to promote a safe and well managed premises. Each case will be dealt with on its individual merit.

14.3 Whilst conditions may be prescribed on any matter it is likely that the following considerations will attract the attachment of conditions:

- Hours of opening and closing
- Visibility of the interior of the premises
- Displays of advertisements
- Any change to the type of premises
- Minimum distance between audience and performers
- The control of access to changing room facilities
- The control of private viewings

14.4 The authority may specify other conditions specific to individual premises dependant on the type of activity undertaken. Such condition may not be listed in the pool of conditions.

### 15. Duration of Licences

15.1 Licences for sex establishments will be granted for up to one year.

### 16. Appeals

- 16.1 The Local Government (Miscellaneous Provisions) Act 1982, paragraph 27 permits appeals against the decision of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates Court. An appeal must be made within 21 days of the decision of the Licensing Committee (Sub-Committee) to the Magistrates Court.
- 16.2 An appeal can be made in the following circumstances:
- Refusal of an application for grant, renewal or transfer of a licence
  - Refusal of an application to vary terms, conditions or restrictions on or subject to which any licence is held
  - A grievance relating to any term, condition or restriction on or subject to which a licence is held
  - Revocation of a licence
- 16.3 There is no right of appeal for objectors.
- 16.4 There is no right of appeal against refusal on the ground that there are sufficient sex establishments in the locality or that to grant



would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

- 16.5 A person wishing to appeal against the council decision is strongly advised to seek assistance from a solicitor.

**Appendix A**

**SEVENOAKS DISTRICT COUNCIL**

**STANDARD TERMS, CONDITIONS & RESTRICTIONS RELATING TO SEX ESTABLISHMENTS**

These regulations apply to the licences for sex establishments granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

**Definitions**

In these regulations, save where the context otherwise requires, the following expressions shall have the following meanings:-

- i) "Sex Establishments", "Sex Cinema", "Sex Shop", "Sex Article", "Sexual Entertainment Venues" and "relevant entertainment and nudity" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) 1982 as amended.
- ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of building, which is subject of a licence for a sex establishment granted under the Third Schedule.
- iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- iv) "Approved" means approved by the Council in writing.
- v) "The Council" means Sevenoaks District Council.
- vi) "Film" shall have the meaning ascribed to it in the Films Act 1985

**General**

The following terms, conditions and restrictions are applicable to sex establishment licences. In the event of a conflict between these and any special conditions contained in a licence relating to a sex establishment the special condition shall apply.

The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law or regulation other than the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

**Sex Shops**

**Times of Opening**

**Condition 1**

Except with the previous consent of the Council the premises shall not open to the public before 9.00am and shall not be kept open after 6.00pm

Except with the previous consent of the Council, the sex establishment shall not open on Sundays or any other Bank Holidays or any Public Holidays.

A notice displaying the times when the premises are open or closed shall be displayed on the entrance to the premises in a form and manner approved by the Council.

**Conduct and Management of Premises**

**Condition 2**

Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

**Condition 3**

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and who's details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

**Condition 4**

The holder of the licence shall keep exhibited in a suitable place within the shop premises, so that it can be easily seen by premises users, a copy of the licence and any conditions and regulations made and they shall be readily available for inspection by any of the following officers:-

- a) Duly authorised officer of Sevenoaks District Council
- b) Police Officer, and
- c) Officer of the Fire Authority

**Condition 5**

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

## Agenda Item 5f

### Condition 6

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

### Condition 7

The Licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

### Condition 8

No person under the age of 18 shall be permitted entry to the premises or be employed in the business of sex establishments.

### Condition 9

The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

### Condition 10

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

### Condition 11

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

### Condition 12

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

### Condition 13

No refreshment of any kind shall be provided nor any consumed on the licensed premises other than for any bona fide staff in a part of the premises not open to the public.

## Use of the Premises

### Condition 14

The sex shop shall be conducted primarily for the purpose of the sale of goods for retail and change of use of any portion of the premises from that licensed by the Council, shall not be made until the consent of the Council has been obtained thereto.

### Condition 15

No change from a sex cinema or sexual entertainment venue to a sex shop or from a sex shop to a sex cinema or sexual entertainment venue shall be effected

without the consent of the Council and neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, loaned or demonstrated in a sex cinema or sexual entertainment venue.

## Goods available in sex establishments

### Condition 16

All sex articles and other things displayed for sale, hire, exchange or loan within the sex shop, shall be clearly marked to be shown to the persons who are inside the sex shop, the respective charge being charged.

### Condition 17

All printed matter for sale, hire, exchange or loan shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

### Condition 18

No film shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film so certified.

- a) The screen of any equipment used should be no more than 12 inches and placed in such a position so as not to be visible to the public outside the premises.
- b) The screen shall be placed in such a position approved by the Council.
- c) Only clips for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- d) No film will be shown in its entirety.
- e) Films will not be shown at the customer's request.
- f) All trailers shown are to be approved by the British Board of Film Classification
- g) A warning notice will be placed on the screen stating "For staff use only" or "No customers allowed to operate".

## External Appearances

### Condition 19

No advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from the outside of the premises except:- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a

licence by a Council.

Such display, advertisement, word, letter, model, sign, placard, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

### Condition 20

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

Suggested notice 'PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES'

### Condition 21

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

### Condition 22

The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screen or such other arrangements as approved by the Council.

This condition shall not be construed as lessening any obligation of the Licensee under Licence Condition 21.

Any such special precautions as may be necessary shall be taken to maintain the screening of the shop window during any cleaning process.

## State, Condition & Layout of the Premises

### Condition 23

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

### Condition 24

Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex establishment is open to the public.

### Condition 25

The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit" or "Fire Exit".

Doors and openings that lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".

Save in the case of emergency no access shall be permitted through the premises adjoining or adjacent.

### Condition 26

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.

### Condition 27

No alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall be made except with the prior approval of the Council.

### Condition 28

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

## Safety

### Condition 29

The Licensee shall take all reasonable precautions for the safety of the public and employees.

### Condition 31

Sevenoaks District Council reserves the right after grant, renewal or transfer of this licence at any time to dispense with or modify or relax any of these terms, conditions and restrictions and to make such additional terms, conditions and restrictions as they may deem requisite to meet the circumstances of any particular case.

### Condition 32

The licence may be revoked by Sevenoaks District Council if at any time the holder is convicted of any offence of using the licensed premises, or other premises for which a similar licence has been granted other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

## Sex Cinemas

### Film Categories

#### Condition 1

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- U—Universal - suitable for all
- PG — Parental Guidance — some scenes may be

## Agenda Item 5f

unsuitable for young children

- 12 – Passed only for persons of 12 years and over
- 15 – Passed only for persons of 15 years and over
- 18 – Passed only for persons of 18 years and over
- Restricted 18 - Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

### Unclassified Films

#### Condition 2

The licensee must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

### Restricted Films

#### Condition 3

Films restricted 18 (R18) may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

### Persons Under 18

#### Condition 4

No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

#### Condition 5

No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

### Advertising

#### Condition 6

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority.

#### Condition 7

The licensee shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

#### Condition 8

When the programme includes a film restricted 18, the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

CINEMA CLUB – MEMBERS AND GUESTS ONLY.  
PERSONS UNDER 18  
CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

#### Condition 9

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

### Restricted 18

#### Condition 10

A register of all members and all visitors books of their guests shall be available for immediate inspection by an authorised officer of the Council during any performance or at any other reasonable time.

#### Condition 11

Tickets shall in no circumstances be sold to persons other than to members.

### Membership

#### Condition 12

The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

#### Condition 13

Membership shall be open to persons of both sexes of not less than 18 years of age

#### Condition 14

Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

#### Condition 15

No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

#### Condition 16

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

**Conduct and Management of Premises**

**Condition 17**

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

**Condition 18**

Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitors book and counter signed by the member.

**Condition 19**

Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

**Condition 20**

Membership cards shall be personal to the member and carry a photograph of the holder.

**Condition 21**

Neither membership tickets nor guest tickets shall be transferable.

**Condition 22**

Guest may be asked for proof of identity, or of age, or of any particulars of any guest shall be produced by any member of guest if demanded by the management.

**Condition 23**

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

**Sale of Sex Articles**

**Condition 24**

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

**Display of Tariff and Charges**

**Condition 25**

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

**Condition 26**

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

**Condition 27**

A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

**Condition 28**

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

**Condition 29**

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

**Condition 30**

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

**Condition 31**

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and who's details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

**Condition 32**

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

**Internal access to cinema**

**Condition 33**

Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers by and/or other areas within the building that are open to the public for other activities.

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### Condition 34

The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

Security

### Condition 35

A member of staff is to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.

## Use of Premises

### Condition 36

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

## Safety

### Condition 37

The Licensee shall take all reasonable precautions for the safety of the public and employees.

## Sexual Entertainment Venue

## Times of Opening

### Condition 1

The premises shall not open unless otherwise permitted:

[TIMES WILL BE SPECIFIED FOR EACH LICENCE]

## Conduct and Management of Premises

### Condition 2

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

### Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

### Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be prominently displayed within the sex

establishment throughout the period during which he is responsible for its conduct.

### Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

### Condition 6

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

### Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

### Condition 8

Licensee shall maintain good order on the premises and in particular shall ensure that no

- lewd conduct
- indecent behaviour
- unlawful possession and/or supply of controlled drugs
- conduct likely to cause a breach of the peace on the premises
- offers of any sexual or indecent service for reward
- any acts of violence against person or property and/or the attempt or threat of such acts
- takes place on the premises or in its immediate vicinity

### Condition 9

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

### Condition 10

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing, the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

**Age Restriction**

**Condition 11**

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

**Condition 12**

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES

**Advertising**

**Condition 13**

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

**Condition 14**

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive.

**Condition 15**

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

External and Internal access to an area holding relevant entertainment

**Condition 16**

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

**Condition 17**

Windows and openings within the premises other than entrances will have curtains / blinds of a type and size that covers windows and openings which render the interior of the premises where relevant entertainment is taking place invisible to passers by and/or other areas within the building that are open to the public for other activities.

**Condition 18**

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

**Layout of the premises**

**Condition 19**

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

**Condition 20**

All dance booths or cubicles are to be equipped with a panic alarm for safety.

**Condition 21**

Any changes to layout of the premises must be informed to the licensing authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority

**Condition 22**

The licensee shall ensure that noise from the premises or vibration that is transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

**Condition 23**

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

**Condition 24**

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

**Entertainers/Performers**

**Condition 25**

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable activities are taking place and until such time as all performers using the dressing room have finished.

**Condition 26**

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

**Condition 27**

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location

**Condition 28**

Performers shall be aged not less than 18 years old.

## Agenda Item 5f

### Condition 29

Only the performers shall provide the entertainment, no audience participation shall be permitted.

### Condition 30

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

### Condition 31

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

### Condition 32

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not a designated area for relevant entertainment.

### Condition 33

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

### Condition 34

Photography or videoing of performances should not be allowed.

### Condition 35

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

### Condition 36

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises

## Staffing

### Condition 37

During any lap dancing performance, or private dance, performers may not:

- Touch customers in any way
- Performer must not be within 30cms (12") from any part of a patron
- Climb onto furniture provided for patrons
- Simulate sex acts
- Use sex articles
- Sale of Goods

### Condition 38

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.

## Display of Tariff and Charges

### Condition 39

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

### Condition 40

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

### Condition 41

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

### Condition 42

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

## Use of Premises

### Condition 43

No change from a sex shop or sex cinema to a sexual entertainment venue cinema or from a sex entertainment venue to a sex shop or sex cinema shall be effected without the consent of the Council.

## Pool of Possible Additional Conditions

## Age Restriction

### Condition a

All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card carrying a 'PASS' logo.

## Security

### Condition b

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all



times when relevant entertainment is taking place.

**Condition c**

An adequate number of door supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

**Condition d**

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system will have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system will be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings will be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

**Entertainers/Performers**

**Condition e**

Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement.

**Condition f**

There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

**Staffing**

**Condition g**

All staff employed to work at any premises licensed as a sex establishment shall be required to provide an enhanced criminal records bureau disclosure to the Licensing Authority in which the premises is located.



**ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN DRAFT FOR SUBMISSION AND DRAFT GREEN BELT SUPPLEMENTARY PLANNING DOCUMENT**

**Council – 19 February 2013**

Report of the: Deputy Chief Executive and Director of Community and Planning Services

Status: For decision

Also considered by: LDF Advisory Group – 31 January 2013  
Cabinet – 7 February 2013

Key Decision: No

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**Executive Summary:**

This report brings forward the Allocations and Development Management Plan (ADMP) Pre-Submission document for approval prior to public consultation and submission to an independent Inspector. A Pre-Submission version of the ADMP was previously considered by the LDF Advisory Group in October 2012 which required further work to resolve a number of site issues.

In addition, the ADMP is a composite of five separate draft allocation and development management consultation plans. The comments received from five consultation exercises, together with the Council's response, are reported. The Plan has been restructured to bring these draft plans together in a logical order, with consistent wording. The Plan has also been revised to ensure it is consistent with the principles and policies set out in the Government's new National Planning Policy Framework (NPPF, March 2012).

The version that is now reported is the document which the Council would wish to see submitted for independent examination. This version of the ADMP was considered by the LDF Advisory Group on 31 January and their views will be reported to Cabinet orally. A formal decision to publish this pre submission version of the ADMP will be made through Cabinet and Full Council.

The report also contains a draft Green Belt Supplementary Planning Document (SPD) for approval prior to public consultation. When adopted, the SPD will supplement the ADMP with more details about how the Council will consider applications in the Green Belt but it will not contain separate policies.

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**This report supports all the key aims of the Community Plan**

**Portfolio Holder** Cllr. Mrs Davison

**Head of Service** Group Manager Planning – Alan Dyer

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### Recommendations

- a) that the Pre-Submission version of the Allocations and Development Management Plan be approved by Cabinet and Full Council for pre-submission publication
  - b) that the Cabinet approve the draft Green Belt Supplementary Planning Document for public consultation
  - c) the Portfolio Holder be authorised to agree minor presentational changes and detailed amendments to assist the clarity of the document; and
  - (d) copies be made available for sale at a price to be agreed by the Portfolio Holder.
- 

**Reason for recommendations:** To progress the publication and adoption of the Allocations and Development Management Plan and the Green Belt SPD.

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### Background

- 1 The Allocations and Development Management Plan (ADMP) contains proposals for the development of key sites and detailed development management policies which, in combination with Core Strategy policies, will provide the framework against which future development proposals will be assessed and determined. The ADMP is required to be consistent with the adopted Core Strategy and the National Planning Policy Framework (NPPF), be positively prepared, justified as the most appropriate strategy and deliverable over the plan period. Once the ADMP is adopted as a Development Plan Document (DPD), together with the Core Strategy, it will replace all of the remaining saved policies of the Sevenoaks District Local Plan. The draft document can be taken into account in determining planning applications, but is only afforded limited weight at this stage until it has been externally examined and adopted. The document is included at **Appendix 1** and the related site allocations in **Appendices 2 – 7**.
- 2 Several consultation rounds have taken place on draft proposals for site allocations, development management policies and open space allocations:
  - January - March 2010 – Allocations (Options) consultation
  - May – August 2011 – Development Management Policies consultation
  - September – November 2011 – Open Space Allocations consultation
  - March – May 2012 – Supplementary Site Allocations consultation (10 sites)
  - June – August 2012 – Supplementary consultation on Broom Hill, Swanley
- 3 The comments received from these consultation exercises, together with the Council's response, are summarised in **Appendix 9**.

- 4 The proposed timetable for adoption of the ADMP and consultation on the SPD is set out below.

Date	Stage
Winter 2013 LDFAG (31 January) Cabinet (7 February) Full Council (19 February)	Committee / Cabinet/ Council sign-off of pre-submission plan
Spring 2013	Pre-submission publication consultation  Green Belt SPD consultation
Summer 2013	Submission
Autumn 2013	Independent Hearing - 'Examination'
Winter 2013	Inspectors Report
Early 2014	Adoption

**Discussion at Environment Select Committee (4 September) and LDF Advisory Group (9 October)**

- 5 The ADMP was considered by Environment Select Committee (ESC) on 4 September. The discussion focused on two sites in Swanley – Broom Hill and United House. The discussion on Broom Hill related to the proposal to remove residential development from the site allocation and the discussion on United House related to the proposal to allocate the site for residential rather than mixed-use.
- 6 The LDF Advisory Group also considered the ADMP on 9 October and following discussion about a number of issues and sites the Group supported the document in the knowledge that discussions continued with local stakeholders/site promoters on site allocations in order to progress the plan to pre-submission publication. The agreed actions have been incorporated into the document and a number of site proposals amended following stakeholder discussions as set out below.
- 7 The LDF Advisory Group also considered the ADMP on 31 January and following discussion recommended a redefined western side of the ASDA retail unit (from Primary to Secondary Retail Frontage) and the removal of an area from the Green Belt at Hextable. The Group recommended that the revised ADMP, as proposed to be amended, be noted and supported and recommended to Cabinet and Full Council for pre-submission publication.

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- 8 The ADMP document has been modified since its consideration by ESC and the LDF Advisory Group and the principal amendments are set out in this report.

### Allocations and Development Management Plan – Update

#### Allocations

- 9 Since consideration by the Environment Select Committee and LDF Advisory Group, further research and policy development has been undertaken on a number of sites. Specifically, in order to inform the further assessment of four sites, consultants were appointed to consider the prospects for retaining business uses on the sites. Their report is included as a background document to this report.
- 10 The following sites have also been updated since the draft was last considered by LDF Advisory Group in October 2012, where the Council has worked with site promoters and local stakeholders to finalise the allocations:

#### Housing Allocations

- 11 The full revised list of housing allocations and the approximate capacity for each site is set out in Policy H1 of the ADMP and is reproduced below:

POLICY H1: RESIDENTIAL DEVELOPMENT ALLOCATIONS		
The following sites, as defined in Appendix 3, are allocated for residential development purposes to deliver the Core Strategy housing requirements (3,300 units) over the period until 2026.		
These sites will provide for a range of housing types, density, mix and tenure and will be subject to the site areas and design guidance as set out in detail at Appendix 3.		
REF	SETTLEMENT/SITE ADDRESS	APPROXIMATE NO. UNITS
<u>Sevenoaks Urban Area</u>		
H1(a)	Car Park, Hitchen Hatch Lane	17
H1(b)	Cramptons Road Water Works, Cramptons Road	50
H1(c)	Sevenoaks Gasholder Station, Cramptons Road	35
H1(d)	School House, Oak Lane & Hopgarden Lane	19
H1(e)	Johnsons, Oak Lane & Hopgarden Lane	18
H1 (f)	Greatness Mill, Mill Lane	20
	Sub Total	159
<u>Swanley</u>		
H1(g)	Bevan Place	46
H1(h)	Bus Garage/Kingdom Hall, London Road	30
H1(i)	Land West of Cherry Avenue (mixed housing and open space)	50
	Sub Total	126

<b>Other Settlements</b>		
H1(j)	57 Top Dartford Road, Hextable	14
H1(k)	Foxs Garage, London Road, Badgers Mount	15
H1(l)	Land adjacent to London Road, Westerham	30
H1(m)	Currant Hill Allotments, Westerham	20
H1(n)	Land at Croft Road, Westerham	15
H1 (o)	Warren Court, Halstead	15
	<b>Sub Total</b>	<b>109</b>
	<b>GRAND TOTAL</b>	<b>394</b>

United House, Swanley

- 12 On the basis of the consultants report, the United House site has been deleted as a housing allocation and is instead allocated for mixed use development (see below).

Manor House, New Ash Green

- 13 Consultants have recommended that part of the site could have potential for office use, but that the remainder of the site could be released from business use and developed for housing. These detailed considerations can be assessed as part of the Neighbourhood Plan for Ash-cum-Ridley Parish. On the recommendation of the LDF Advisory Group, the site is left as non-allocated land which will allow consideration through a Neighbourhood Plan or through planning applications for the site which would be considered on their merits.

**Mixed Use Allocations**

- 14 The full revised list of housing allocations and the approximate capacity for each site is set out in Policy H2 of the ADMP and is reproduced below:

<b>POLICY H2: MIXED USE DEVELOPMENT ALLOCATIONS</b>		
The following sites (0.2 hectares or greater), as defined in Appendix 5, are allocated for mixed use development that incorporates an element of residential development.		
These sites will provide for a range employment, retail and community facilities in addition to housing types, density, mix and tenure considered appropriate.		
REF	SETTLEMENT/SITE ADDRESS	INDICATIVE SITE CAPACITY NO. UNITS
H2(a)	BT Exchange, South Park, Sevenoaks	25
H2(b)	United House, Goldsel Road, Swanley	185
H2(c)	Swanley Centre, Nightingale Way, Swanley (only as part of regeneration proposals)	0

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H2(d)	Station Approach, Edenbridge	20
H2(e)	New Ash Green Village Centre, New Ash Green (only as part of regeneration proposals)	50
H2(f)	Powder Mills (Former GSK Site), Leigh	60
<b>TOTAL</b>		<b>340</b>

### Land West of Bligh's meadow, Sevenoaks

- 15 This site now has planning permission and has been removed from the mixed use allocations.

### United House, Swanley

- 16 On the basis of the consultants report, the United House site has been allocated for mixed use development.

- 17 The detailed assessment revealed the two storey Gate House and Main Office blocks were refurbished in the 1970s and contain a combination of open plan and cellular offices. There are no lifts in either building. A further ancillary office block, North Block, is located at the northern edge of the site, which was built approximately 50 years ago. Total office floorspace on the site is currently approximately 2,500 sqm. The Main Warehouse is approximately 50 years old, may also have asbestos (according to an independent report) and has relatively low eaves which are considered unsuitable for modern users and uses.

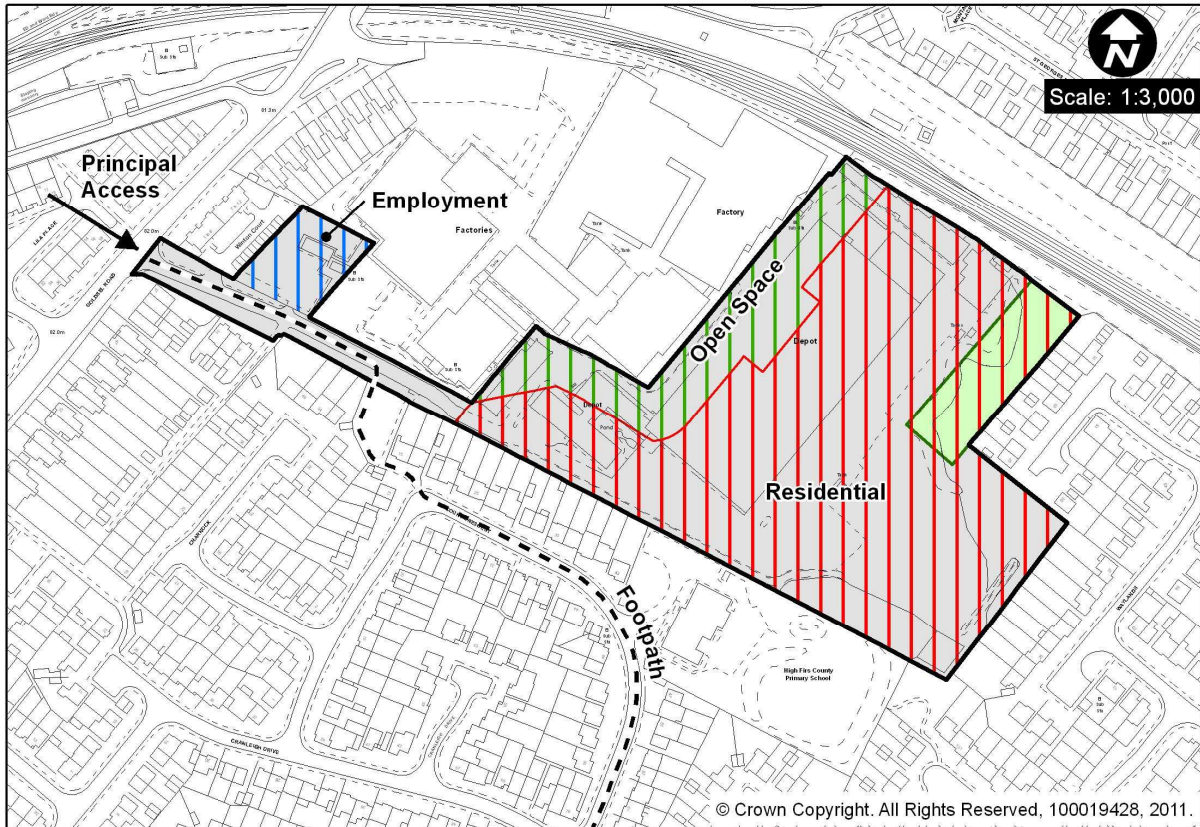
- 18 The report concludes that the site's constrained location and access do not lend themselves to logistical or manufacturing uses. Similarly, retaining the Main Office and Gate House for office use may impact negatively on marketability of site as these offices would require significant investment to bring up to modern standards by way of fitting lifts to ensure they are DDA compliant and introducing air conditioning throughout. Nevertheless, demand and supply of office uses in Sevenoaks District is broadly in balance over the long-term and existing provision should be retained on suitable sites. The recommended viable option is to allow redevelopment of most of the site for residential use with new office space to be provided on the existing car park closest to Goldsel Road which has the highest visibility in the site. In relation to density, the sustainable location of the site and its context make it suitable for a density of approximately 75 dwellings per hectare.

- 19 In terms of the potential conflicts with existing adjoining employment uses, Environment Health officers have confirmed that acceptable noise mitigation measures can be achieved to allow residential development to co-exist with existing surrounding business uses. Nevertheless, residential development in this location would require a substantial on site provision of open space which should be allocated within the central part of the site creating a buffer with existing employment uses.

- 20 The recommended option is in line with the recommendation in the Employment Land Review (December 2012) and is illustrated on the plan below. This would provide new office space of circa 2,000 -2,300 square metres on the existing car park closest to Goldsel Road which is the highest visibility part of the site. Open



space provision is also required (0.7ha) and is best located close to a public footpath connecting the site to the residential area to the south and abutting the adjoining industrial use and the central part of the site is allocated as public open space within in the AMDP. The recommended option is also to allow redevelopment of the remainder of the site (3.17ha) for residential uses. At a density of approximately 75 dwellings per hectare, this would give a residential capacity on the remainder of the site of approximately 185 dwellings.



GSK Major Developed Employment Site

21 Following consultant reports on the GSK Major Developed Employment site and further consideration of the functional floodplain and open space requirements, the approximate residential capacity for the site has been amended to 60 dwellings.

22 The impact of the above changes to the housing land supply is summarised below:

<b>Summary of Housing Supply Components as at 1 April 2012</b>	<b>No. of units</b>
Completions 2006 - 2012	1,360
Permissions (at 01.04.2012)	970
Permissions granted on Proposed Allocations since 01.04.12	44
Windfall Allowance Small Sites 2017 - 2026	432

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Proposed Housing Allocations	394
Proposed units from Mixed Use Allocations	340
<b>TOTAL</b>	<b>3,540</b>

### **Land for Business**

#### Trading Estate to the rear of Premier Inn, Swanley

- 23 The consultants report states that the site is mostly in retail use rather than office or industrial use and therefore protection as land for B1 – B8 uses under Policy EMP1 is inappropriate. For this reason it is proposed that the site should be left as non-allocated land allowing any applications for the site to be considered on their merits.

#### Swanley Library and Information Centre

- 24 The site is not primarily in office or industrial use and therefore protection as land for B1 – B8 uses under Policy EMP1 is inappropriate. The site is located within the designated Swanley Town Centre and any development proposals would best be considered under the town centre policy LC2. The loss of the facilities located in this area would be protected by Policy CF2. For these reasons it is proposed to delete this area from Policy EMP1.

#### Lime Tree Walk, Sevenoaks

- 25 The site was surveyed and found suitable for future employment use in the Employment Land Review. The site is therefore proposed to be protected for business use under Policy EMP1.

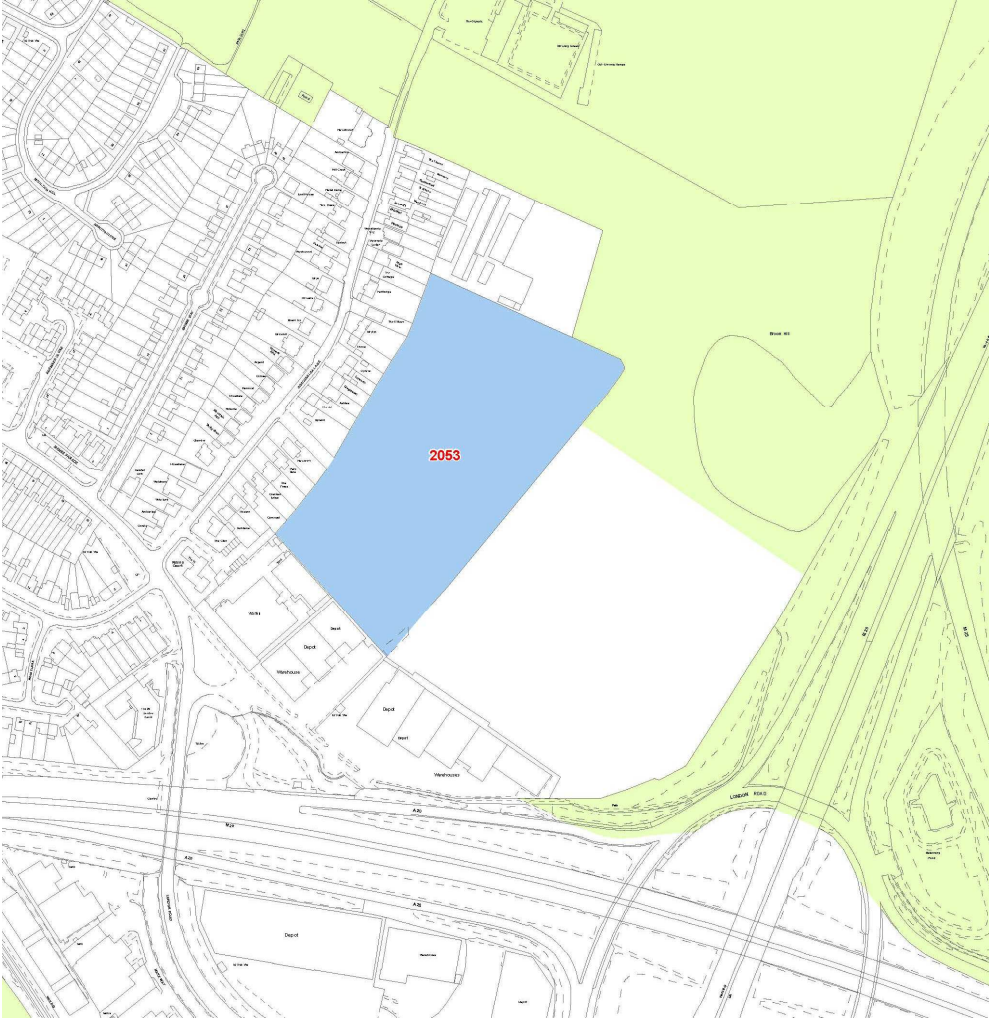
### **Open Space**

- 26 The Open Space sites for protection were considered by the LDF Advisory Group on 7 September 2011 prior to the public consultation during September – November 2011. The summary of comments and officer responses to the public consultation and updated maps were considered by the LDF Advisory Group on 12 March 2012. The following changes have been made to the Open Space sites for protection since March 2012:

#### Additional area of natural and semi natural open space in Swanley at Broom Hill

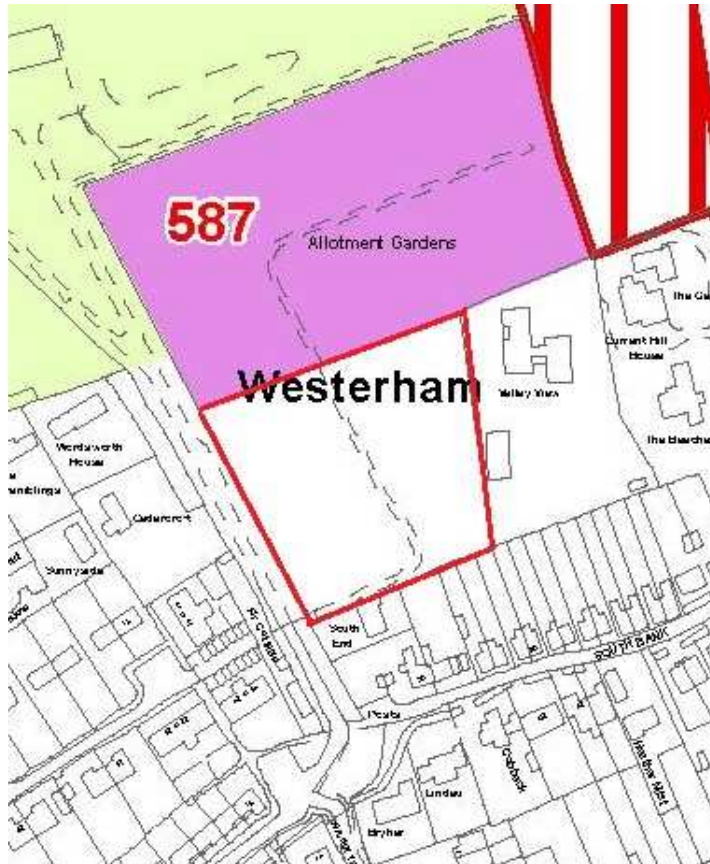
The area shaded blue on the map below replaces a potential housing allocation contained in the Supplementary Site Allocations consultations in 2012 with an open space designation as the most appropriate use for the site. This accords with the recommendation of the LDF Advisory Group in October where the case for making this change is set out.

Additional area of natural and semi natural open space: Broom Hill, Swanley



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Removal of part of allotment open space in Westerham at Currant Hill allotments  
For consistency with the housing allocation H1(m) the area outlined in red on the map below is to be removed from the draft open space designation.



Extension of natural and semi natural open space adjoining Bubblestone Road in Otford.  
The amendment has been made in response to consultation response from Otford Parish Council Area. The site outlined in red on the map below forms part of the natural and semi natural environment surrounding Bishop's Palace and should be allocated in the same way as adjoining land.



**Development Management Policies**

- 27 The Plan has been restructured to bring the Allocations DPD and the Development Management Policies DPD together in a logical order. The consistency of wording between and within the former two documents has been improved. The Plan has been revised to ensure it is consistent with the principles and policies set out in the Government’s new National Planning Policy Framework and so that it does not repeat Core Strategy policies. As the ADMP will be read as a whole, cross-referencing of Plan policies is not necessary and has been avoided.
- 28 The following policies which overlapped have been combined. This simplification does not change the impact of the policies which will not be diminished as a result.

<b>Former Policy</b>	<b>ADMP Combined Policy</b>	<b>Reason</b>
Policy SC1 - Design Principles Policy SC4 – Crime and Disorder	Policy EN1 – Design Principles	Policy SC4 is covered in Policy SC2(h). Policy SC2(h) and the reasoned justification has been expanded to cover safe and secure environments.
Policy LC4 - Neighbourhood Centres Policy LC 5 – Village Centres	Policy LC4 – Neighbourhood and Village Centres	The criteria in the policies were exactly the same. The policies have now been combined.
Policy SC6 - Re-use of School Playing Fields	Policy GI2 – Loss of Open Space	Both policies sought to protect against the loss of open space with the

## Agenda Item 5g

Policy GI2 – Open Space		same criteria. The policies have now been combined.
Policy LT1 – Hotels and Tourist Accommodation  Policy LT2 - New Tourist Attractions and Tourist Facilities.	Policy LT1 – Tourist Accommodation and Visitor Attractions	Both policies sought to encourage hotels and tourist attractions. Former LT1 sought to protect hotels only. LT2 did not seek to protect tourist attractions. The new policy seeks to encourage tourist accommodation and facilities and to protect both types of use.

### Green Belt Boundary

- 29 The Core Strategy established that Green Belt land was not required to meet the Council’s development needs up to 2026. However, in line with paragraph 4.1.17 of the Core Strategy the Council undertook a public consultation into the proposed Development Management Policies section of the emerging Allocations and Development Management Plan in May-Aug 2011. The consultation provided opportunity for land owners to promote examples of Minor Green Belt Boundary Amendments where it was felt that the land no longer contributed to Green Belt openness and where exceptional circumstances exist that would justify an amendment to the settlement boundary. At this time there was an opportunity to put forward proposals for The Council received 18 submissions for Green Belt Boundary Amendments. Following the consultation, officers considered all the comments received including the proposed Green Belt Boundary Amendments and a schedule of responses is included on Pages 74- 80 (Allocations Options consultation) and 145 - 153 (Development Management Policies consultation) in Appendix 9.
- 30 The Council concluded that there are three instances of sites demonstrating exceptional circumstances that warrant a minor amendment of the green belt boundary. Minor changes to the Green Belt boundary require a new policy to be added to the ADMP. No other Green Belt Boundary Amendments are proposed within the Allocations and Development Management Plan draft for submission however, all representations made regarding the draft submission will be considered by a Planning Inspector at an Independent Examination.
- 31 The following Policy has been added to the ADMP:

<b>New Policy</b>
<b>POLICY GB10 – GREEN BELT BOUNDARY</b>
<b>The Green Belt boundary will be maintained with the exception of small scale</b>

**adjustments.**

**a) Land at Billings Hill Shaw, Hartley, as defined in Map 4, is designated as Green Belt land**

**b) Land at Warren Court, Halstead, as defined in Map 4, is removed from the Green Belt**

**c) Land at College Road and Crawfords, Hextable, as defined in Map 5, is removed from the Green Belt**

**(Maps of the relevant areas are included in the ADMP)**

**Fort Halstead**

- 32 Fort Halstead is a Major Developed Employment Site within the Green Belt that was originally a Ministry of Defence research establishment and is still occupied by defence related industries. DSTL has announced its intention to withdraw from the site by 2016. The Council is working with the owners and other interested parties to develop achievable proposals for the future use and redevelopment of the site. The Council's starting point will remain the policy framework provided by the Core Strategy and relevant national policy. The Green Belt and AONB status of the site constrains the scale of development that can acceptably be accommodated. However, there is substantial development on the site at present and it remains an important employment site. The Council will expect future redevelopment to be employment-led, though it recognises that in view of the size of the site there may be some scope for widening the mix of uses subject to policy considerations. These include the requirement for the resultant development to comply with sustainability principles, including sustainable transport proposals for accessing the site. The Council has amended Policy EMP3 (Fort Halstead) which states the broad principles that will apply when redevelopment proposals are being considered.

**Green Belt SPD**

- 33 A Green Belt Supplementary Planning Document (SPD) has been prepared which provides additional interpretation of the Green Belt policies set out in the Allocations and Development Management Plan (see Appendix 10). It covers new buildings and provides a local interpretation of NPPF policy, which allows for limiting infilling in villages, provided it does not have an adverse impact on the openness of the Green Belt. The document also covers conversions, extensions, replacement dwellings, commercial development, agriculture, leisure, change of use and it provides design guidance and worked examples of how policies will be applied. This document will be reported back to committees and Cabinet for review, together with any consultation comments received, prior to its adoption
- 34 The SPD was considered by Environment Select Committee on 4 September and the LDF Advisory Group on 9 October and, in conjunction with the Allocations and Development Management Plan, was noted and supported and recommended to Cabinet. Presentational amendments are now incorporated in this SPD.

**Conclusion and Next Steps**

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- 35 The ADMP has been reviewed and updated in relation to progress on allocated sites, the amalgamation of plans and the publication of the NPPF. The report enables Members to consider changes to the plan.
- 36 It is recommended that the Pre-Submission version of the Allocations and Development Management Plan be approved by Cabinet and Full Council for pre-submission publication and that that the Cabinet approve the draft Green Belt Supplementary Planning Document for public consultation.
- 37 Following publication of the ADMP there will be a further opportunity to make representations before submission for independent examination to confirm the soundness of the plan.

### **Options**

- 38 The options are to agree, vary or reject the documents. The documents are considered appropriate to assist in achieving the detailed objectives of the Core Strategy.

### **Key Implications**

#### Financial

- 39 Budgetary provision has been made for the cost involved in preparing the ADMP and Green Belt SPD. Combining the site allocations and development policies into one document will achieve a significant budget saving in publication and examination costs compared with maintaining two separate DPDs. Combining the consultation on the AMDP and SPD also represents the most efficient use of resources.

#### Community Impact and Outcomes

- 40 These issues are addressed in the preparation of the documents concerned.
- 41 The Council has undertaken Sustainability Appraisal (SA) of the sites and policies, which have been published alongside the consultation documents, to ensure that the decision-making process takes into account the Government's key objective of Sustainable Development. The purpose of this document is to appraise a number of alternative approaches to Site Allocations and Development Management Policies that have emerged (subsequent to previous iterations of the policies). The appraisal findings from this SA have informed the preparation of the pre-submission plan.

#### Legal, Human Rights etc.

- 42 The preparation of an LDF is a requirement under planning legislation. The adopted Allocations and Development Management Plan and Green Belt SPD will form part of the "Development Plan" and has special status in the determination of planning applications. Production of DPDs is in accordance with the Town and Country Planning Local Development (England) Regulations 2004 (as amended).

#### Equality Impacts



<p>The Council has undertaken an Equalities Impact Assessment (EQIA) of the ADMP Pre-Submission document, and by association the SPD, to ensure that the decision-making process takes into account equalities issues. The EQIA assesses if there is anything in the policy document that could discriminate or put anyone at a disadvantage, particularly in relation to hard to reach groups.</p>		
Question	Answer	Explanation / Evidence
<p>a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?</p>	No	<p>The EQIA concludes that the ADMP and by association the SPD do not have a differential impact which will adversely affect any groups in the community.</p>
<p>b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?</p>	Yes	<p>The ADMP and by association the SPD are expected to have a positive impact on those people within the community who share the following characteristics:</p> <p>Age: Policy EN1: Design Principles ensures that new development is designed to a high quality and should be inclusive and make satisfactory provision for the safe and easy access of those with disabilities.</p> <p>The Town Centre and Shopping policies seek to achieve maintain vital and viable town centres in Sevenoaks, Swanley and Edenbridge that offer the quality, range and diversity of retail, services and community facilities to meet the needs of the population they serve. The local centre policies aim to ensure that shops and services in the defined neighbourhood and village centres provide a range of day to day facilities for local residents and, therefore, reducing the need to travel.</p> <p>Some housing allocations have been identified as potentially suitable for older people/those with special needs.</p> <p>Disability: Policy EN1: Design Principles ensures that new development is designed to a high quality and should be inclusive and make satisfactory provision for the safe and easy access of those with disabilities.</p>

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<p>The Council has undertaken an Equalities Impact Assessment (EQIA) of the ADMP Pre-Submission document, and by association the SPD, to ensure that the decision-making process takes into account equalities issues. The EQIA assesses if there is anything in the policy document that could discriminate or put anyone at a disadvantage, particularly in relation to hard to reach groups.</p>		
Question	Answer	Explanation / Evidence
<p>c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?</p>		<p>The EQIA concludes that the ADMP does not have a differential impact which will adversely affect any groups in the community therefore no steps are required.</p>

### Sustainability Checklist

43 The ADMP is accompanied by a Sustainability Appraisal (see Background Papers).

### **Risk Assessment Statement**

44 LDF documents are subject to independent examination and the principal risk involved with their preparation is that the examination finds the document to be unsound. The ADMP should be consistent with national policy, align with the adopted Core Strategy, be positively prepared, justified as the most appropriate strategy, and deliverable over the plan period. The document will progress to publication in which the Council will be required to meet the requirements as set out in the Town and Country Planning Local Development (England) Regulations, at which time it will formally seek the views of key stakeholders in accordance with the Council's Statement of Community Involvement. The outcome of these processes is unknown but the Local Planning Authority has sought to comply with the tests to which the ADMP will be subjected.

### **Appendices**

Please note: All the appendices are available electronically and paper copies can be provided to Members on request.

Appendix 1 – Allocations and Development Management Plan Pre-Submission document (Separate Document)

Appendix 2 - Policy H1 - Housing Allocation Maps and Development Guidance (Separate Document)

Appendix 3 – Policy Emp1 - Land For Business Allocation Maps (Separate Document)

Appendix 4 – Policy H2 - Mixed Use Development Allocation Maps (Separate Document)

Appendix 5 - Policy Emp2 - Major Developed Employment Sites In the Green Belt (Separate Document)

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Appendix 6 - Town And Local Centre Maps (Separate Document)

Appendix 7 - Policy Lc4 – Neighbourhood and Village Centre Maps (Separate Document)

Appendix 8 – Policy Gi2 - Open Space Allocations (Separate Document)

Appendix 9 - Summary of Public Consultation (Separate Document)

Appendix 10 – Draft Green Belt Supplementary Planning Document (Separate Document)

### **Background Papers:**

[Core Strategy, adopted February 2011](#)

Sustainability Appraisal, January 2013

Duty to Cooperate Statement, January 2013

[Employment Land Review in relation to:](#)

- [United House, Swanley](#)
- [Manor House New Ash Green](#)
- [Trading Estate to r/o Premier Inn, Swanley](#)
- [West Kingsdown Industrial Estate](#)

[URS, December 2012.](#)

Equality Impact Assessment

### **Contact Officer(s):**

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LOCAL DEVELOPMENT FRAMEWORK

ALLOCATIONS AND  
DEVELOPMENT MANAGEMENT PLAN

DRAFT FOR SUBMISSION  
JANUARY 2013

### ABOUT THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN

The Allocations and Development Management Plan is being prepared as part of the Sevenoaks District Local Development Framework (LDF). We have previously consulted on 'options' for site allocations, the protection of open space and development management policies.

This version of the document is the Council's draft for submission and represents the version of the document that the Council wish to submit for independent examination.

#### How to comment

By completing the form online ([www.planningconsult.sevenoaks.gov.uk](http://www.planningconsult.sevenoaks.gov.uk)); or

Email [ldf.consultation@sevenoaks.gov.uk](mailto:ldf.consultation@sevenoaks.gov.uk); or

By completing and returning the consultation response form; or

Downloading additional copies of the response form at [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

#### How to view the Consultation Documents

The consultation documents consist of the following parts:

Allocations and Development Management Plan

Consultation Response form;

Sustainability Appraisal Report – separate document.

All these documents can be viewed at [www.sevenoaks.gov.uk/ldfconsultations](http://www.sevenoaks.gov.uk/ldfconsultations)

Hard copies can be viewed at Sevenoaks District Council offices and public libraries throughout the District (see [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for opening hours) during the consultation period.



**ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN  
DRAFT FOR SUBMISSION**

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APPENDIX 6 - POLICY EMP2 - MAJOR DEVELOPED EMPLOYMENT SITES IN THE GREEN BELT	Separate Document

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APPENDIX 7 – TOWN CENTRE MAPS

Separate  
Document

APPENDIX 8 - POLICY LC4 – NEIGHBOURHOOD AND VILLAGE CENTRE MAPS

Separate  
Document

APPENDIX 9 – POLICY GI2 - OPEN SPACE ALLOCATIONS

Separate  
Document



**ALLOCATION AND DEVELOPMENT MANAGEMENT POLICY LISTING**

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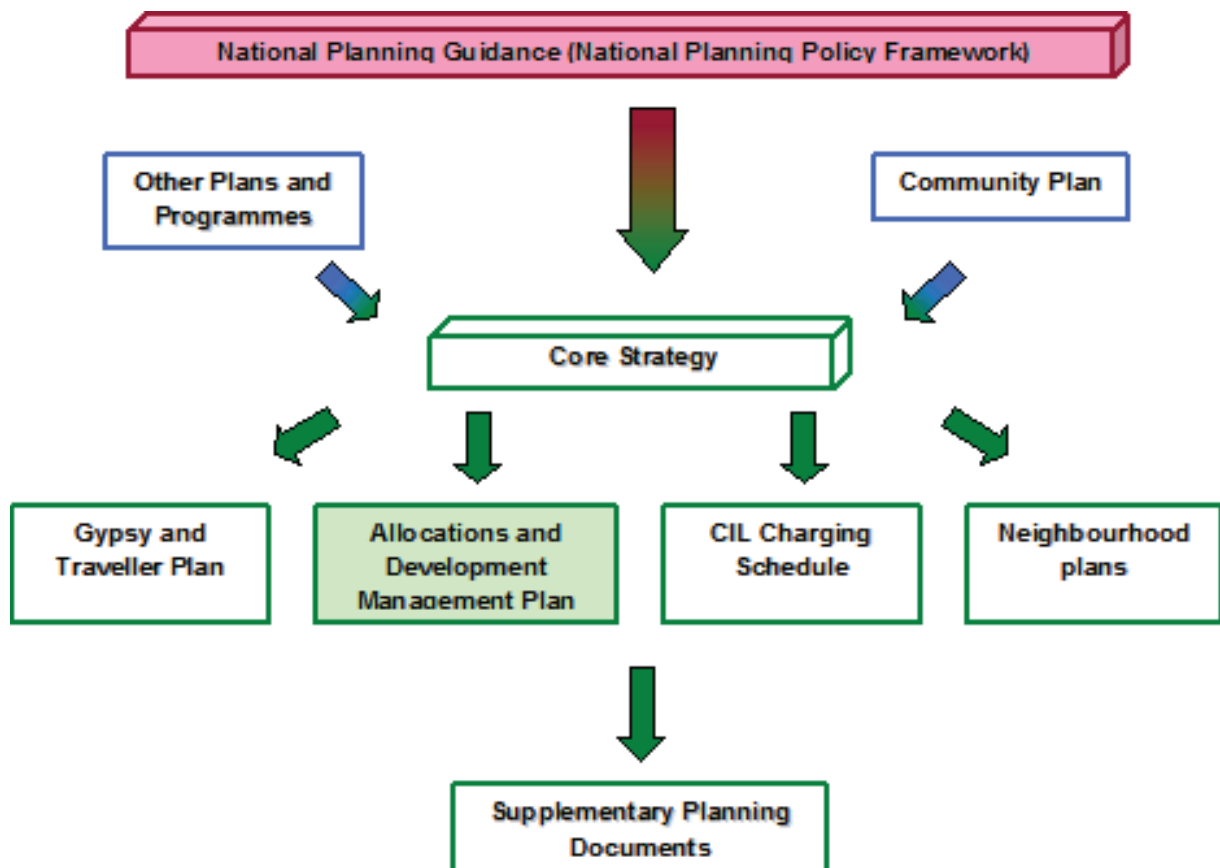
## FOREWORD AND BACKGROUND INFORMATION

In accordance with the Government’s planning system, the Council is preparing the Local Development Framework for the period up to 2026. The LDF will eventually replace the Sevenoaks District Local Plan, 2000 (further detail is included at Appendix 1) and will include the Core Strategy, the Allocations and Development Management Plan (ADMP), which is a development plan document (DPD), the Gypsy and Traveller Plan and a number of supplementary planning documents.

A Community Infrastructure Levy (CIL) Charging Schedule will also be produced to set out contributions to be sought from developers to fund infrastructure improvements.

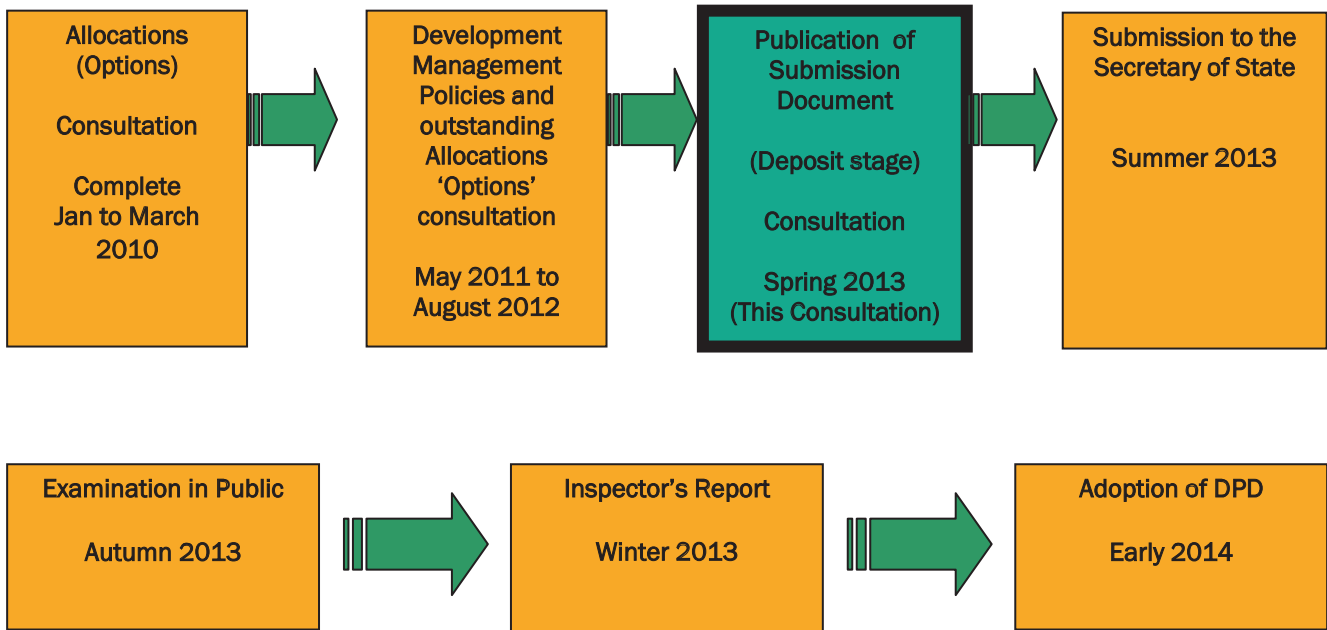
The Core Strategy was adopted in February 2011 and sets out the Council’s general strategy for where future development should be located in the District. The Allocations and Development Management Plan must be consistent with the Core Strategy and is the LDF document that

- Allocates sites for new development such as housing and employment
- Defines sites to be protected in their current use such as open space and employment
- Designates boundaries for the Green Belt and
- Contains detailed policies for determining planning applications. On adoption it will replace all those remaining policies saved from the Sevenoaks District Local Plan. (Further detail is included at Appendix 1)



## Preparation of the Allocations and Development Management Plan (ADMP)

In the process of developing the Allocations and Development Management Plan, the District Council has consulted on potential site allocations. This document consolidates and amends previous consultation documents. There is now the opportunity to make representations on the draft for submission prior to it being submitted to the Secretary of State. After submission to the Secretary of State, the DPD is examined by a Planning Inspector, and if it is found to be “sound”, it is adopted for use by the Council for planning purposes. The key stages and anticipated dates for the ADMP are:



### Sustainability Appraisal

Sustainability Appraisal is used to test the component LDF documents to ensure that they do not conflict with the aims of sustainable development. The Sustainability Appraisals for the Local Development Framework and the Core Strategy have previously been agreed and sets the parameters for subsequent DPDs to ensure consistency. The sustainability effects of sites and policies have been considered against a range of economic, social and environmental objectives. The outcomes of the SA process have assisted in determining which sites and policies provide the most sustainable development opportunities.

The allocations and policies listed in this document have been appraised against a set of defined criteria, in accordance with the LDF Sustainability Objectives to assess their suitability. The findings of this initial scoping exercise are included within the Allocations and Development Management DPD (Draft for Submission) Sustainability Appraisal document that accompanies this document.

### Proposals Map and Site Maps

The draft for submission is accompanied by detailed plans showing the extent of the proposed allocations and areas to which policies apply. Once adopted the policy allocations of this document will be shown on a revised Proposals Map.

**Supporting Background Evidence**

As part of the wider LDF process, the District Council have prepared or commissioned supporting evidence which forms background evidence in the policy formulation process. These studies cover a range of issues including housing, employment, gypsy and travellers, retail, open space and flooding. The individual documents and any subsequent amendments or updates can be viewed on the Planning Policy pages of the Council's website at [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

## 1 SUSTAINABLE COMMUNITIES & DEVELOPMENT PRINCIPLES

The principles of sustainable development are fundamental to planning policy set out at a national and regional level and through all policies and proposals of the Sevenoaks District Local Development Framework.

The National Planning Policy Framework (NPPF) paragraphs 6-16 set out that sustainable development is the core principle underpinning planning, and that there is a presumption in favour of sustainable development.

### Core Strategy

The Core Strategy promotes sustainable development. It is the over-arching planning document that sets out the Council's vision, strategic objectives and broad policies for where future development should be sustainably located in the District over the period 2006 -2026, as well as a number of generic policies concerning, for example, design quality, sustainable development and infrastructure provision. A summary of the approach included in the Core Strategy is set out below:

- to locate development in sustainable locations on previously developed land, ensuring that the main focus for major development is in Sevenoaks, Swanley and Edenbridge;
- to meet housing provision of 3,300 dwellings primarily in existing urban areas and at a smaller scale in village settlements. The Core Strategy targets at least two thirds of new housing to be in Sevenoaks, Swanley and Edenbridge and at least half in Sevenoaks and Swanley; criteria are set for allocating sites to meet the needs of gypsies, travellers and if necessary travelling showpeople.
- to retain, intensify and regenerate existing business areas primarily at Sevenoaks, Swanley, and Edenbridge and Major Developed Sites in rural areas, locate new business development in urban areas, review poorly located non-strategic employment land for other uses and support appropriate diversification of the rural economy in a sustainable manner.
- to locate new retail development within existing retail centres, focussing on Sevenoaks, Swanley and Edenbridge, whilst allowing for local needs in other settlements;
- to promote specific regeneration opportunities comprising mixed use developments in the centres of Swanley and New Ash Green;
- to locate major forms of traffic generating development in sustainable locations, accessible by a range of transport modes;
- to generally maintain the extent of the Green Belt with the case for any small scale adjustments to cater for situations where land no longer contributes to the Green Belt considered through this Allocations and Development Management DPD;
- to safeguard existing open spaces, sport and recreational facilities that meet community needs and improve provision where necessary.
- to maintain and enhance the biodiversity of the District including provision of a network of habitat corridors as part of the Green Infrastructure Network.

- to protect the high quality environment from inappropriate development.
- to ensure that a new development is designed to a high quality and where possible makes a positive contribution to the distinctive character of the area in which it is situated.
- to ensure that new development takes account of the need to mitigate and adapt to climate change including encouraging sustainable construction through measures to reduce energy consumption and promote the use of renewable energy.
- to ensure new development in areas of poor air quality incorporate measures in the design and orientation that demonstrate an acceptable environment will be created for future occupiers.
- to ensure that any infrastructure and service improvements needed to support delivery of Core Strategy objectives and policies or resolve existing deficiencies are brought forward in a co-ordinated and timely manner and that new development makes an appropriate contribution towards any improvements required as a result of new development.

The following are the key Core Strategy Objectives in respect of Climate Change and the Environment:

- To ensure that new development takes account of the need to mitigate and adapt to climate change including principles of sustainable development, including locating development to minimise energy use, promoting travel patterns that reduce the need to travel by car, and encouraging sustainable construction including measures to reduce energy consumption and promote the use of renewable energy.
- To ensure new development takes place in a way that contributes to an improvement in the District's air quality.

Core Strategy Policy SP1 sets out specifically that:

*'New development should create safe, inclusive and attractive environments that meet the needs of users, incorporate principles of sustainable development and maintain and enhance biodiversity'.*

#### Sustainable Construction

The Core Strategy places great emphasis on the importance of sustainable construction, with the Code for Sustainable Homes as the key mechanism and is this is covered at a strategic level through Policy SP2 of the Core Strategy.

#### Environmental Protection and Pollution Control

The NPPF does not contain specific waste policies, since national waste planning policy will be published alongside the National Waste Management Plan for England. However currently Planning Policy Statement 10 (PPS10) 'Planning for Sustainable Waste Management', seeks to ensure that waste disposal is a last resort and that re-use, recycling and composting should be the priority. It is unlikely that the approach to waste management will be altered significantly.

Development proposals will be required to make adequate arrangements for the provision of recycling.

### Water Pollution and Efficiency

Developers must be mindful that the pollution of ground water and/or surface water is an offence under the Water Resources Act 1991. Also, the Water Framework Directive requires there to be no deterioration in water status. Efficiency of water use is also a consideration in determining planning applications.

### Flooding

Increased surface water run-off from a development can affect both adjoining sites and more remote sites further downstream by increasing the risk of flooding. Run-off can also physically damage the river environment itself. Surface water run-off is a mandatory component of the Code for Sustainable Homes applied by the District Council. Where possible the Council encourages developers to utilise Sustainable Drainage Systems (SuDS), unless following adequate assessment, soil conditions and/or engineering feasibility demonstrates this method is inappropriate.

In terms of addressing flood risk in development proposals the NPPF (paragraphs 100-104) and the associated Technical Guidance require the use of a sequential test when considering development proposals, to determine the suitability of types of development within the different flood zones (Zone 1 Little or No Risk Less than 0.1% annual probability; Zone 2 - Low to Medium Risk 0.1% to 1.0% annual probability; Zone 3 - High Risk Greater than 1.0% annual probability). Core Strategy Policy LO1 states that development will be located to avoid areas at risk of flooding and more detailed guidance is set out within National Planning Policy. Consequently there is no requirement for a specific localised policy.

### Allocations and Development Management Plan

This DPD, in conjunction with the adopted Core Strategy, is a positive plan to promote development, unless the adverse impacts of allowing such development would significantly and demonstrably outweigh the benefits, when assessed against the policies set out in the LDF and NPPF.

Some of the DPD policies are general and apply throughout the Plan area, whilst others are site - or area-specific and apply only to the appropriate areas illustrated on the relevant Map. Nevertheless, in considering proposals for development, the District Council will apply all relevant policies of the Plan. It is therefore assumed that the Plan will be read as a whole and cross-referencing between Plan policies has been avoided.

Policy SC1 draws together the sustainable approach to ensure that the fundamental principles of sustainable development underpin all development proposals whether they be of a strategic or non-strategic nature.

Development that is consistent with the NPPF and Core Strategy will be regarded as sustainable subject to complying with the more detailed policies in this plan where relevant.



**POLICY SC 1 – PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Planning applications that accord with the policies in the LDF will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

Where appropriate to the proposed development, proposals should have regard to:

- a) the compatibility and suitability of the proposal to its location;
- b) the impact of the proposal on the surrounding environment, landscape, habitats and biodiversity, including the Green Belt and AONB;
- c) the contribution to creating balanced communities;
- d) the conservation and enhancement of the Districts cultural heritage;
- e) the contribution to and impact on the District's economy;
- f) the impact on existing infrastructure and contribution to new supporting infrastructure.

**Performance Indicators:**

Proportion of completed housing in main settlements of Sevenoaks, Swanley and Edenbridge; *(CS indicator)*

Change in Employment floor space in the Main Settlements; *(CS indicator)*

Proportion of additional employment floor space in Urban Confines; *(CS indicator)*

Proportion of completed housing in Urban Confines; *(CS indicator)*

Changes in Settlement Hierarchy services and facilities score for individual settlements; *(CS indicator)*

## **2 ENVIRONMENT**

A distinctive feature of the District is the high quality of the natural and built environment which contains a wealth of nationally and locally important designated environmental areas such as the Kent Downs and High Weald Areas of Outstanding Natural Beauty and Conservation Areas. All these features contribute to the special quality and character of many parts of the District. The District's towns and villages include other areas of distinctive character as illustrated in Character Area Assessments. Outside the built up areas, the distinctive landscape character is illustrated in the Sevenoaks Countryside Assessment SPD. A key responsibility of the plan is to ensure their continued protection, conservation and enhancement through sensitive design which is well suited to its context.

### **General Design Principles**

The National Planning Policy Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Sustainable development involves achieving positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including replacing poor design with better design. One of the Government's core planning principles is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Improving design quality and conservation is a key Core Strategy theme. The Spatial Vision of the Core Strategy envisages that all development will be should demonstrate high quality and compatibility with the area, whilst also emphasising the need to incorporate sustainability principles.

Core Strategy Policy SP1 specifically addresses Design of New Development and Conservation and specifies that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated. It goes on to make it clear that account should be taken of guidance adopted by the Council in the form of Kent Design, local Character Area Assessments, Conservation Area Appraisals and Management Plans, Village Design Statements and Parish Plans. In rural areas account should be taken of guidance in the Countryside Assessment and AONB Management Plans. Account should also be taken of any adopted Neighbourhood Plans, prepared by local communities.

Policy EN1 provides a detailed framework for assessing planning applications against Core Strategy Policy SP1. It gives criteria against which proposals can be assessed with so as to deliver high quality design that responds to local character. Dependant on the context of the proposal, the local character may be formed by the built up area or the landscape character of the extensive countryside. Issues of key importance to design such as the scale, height, site coverage and the layout are to be assessed when considering the detailed design of a proposal, along with other considerations such as parking and the protection and enhancement of biodiversity. Development should ensure that the need to create and maintain a safe environment is addressed, including minimising opportunities for crime, fear of crime, disorder or anti- social behaviour. The council will resist proposals that result in an unacceptable material loss of amenity in relation to crime, fear of crime, disorder or anti-social behaviour. These criteria included in Policy EN1 will be the delivery mechanism for the strategic Core Strategy design policy.

In addition Core Strategy Policy SP7 sets out the approach to density of new development in differing locations and stresses the importance in ensuring that within urban areas, sites are used to their full potential subject to environmental considerations.

There are a number of issues that are common to many types of development and consequently need to be taken into account when determining a wide range of planning applications at a more detailed level, however ensuring new development meets the test of time is an important consideration in delivering sustainable development. Therefore criteria set out in “Building for Life” and other post-occupation assessments will be used as an additional tool for assessing design quality, both at planning application and building completion stages, and the Council will encourage developers to use it in developing their proposals.

Matters of amenity protection have been separated from the basic design principles, which is a departure from the previous approach adopted by Saved Local Plan Policy EN1. The basis for doing this is to ensure greater and more focussed decision making powers. For example applications that should be refused solely on amenity grounds, but are fully acceptable in design aspects, will be underpinned by a single clear policy (See EN2).

**POLICY EN1 - DESIGN PRINCIPLES**

Proposals which would create high quality design and meet the following criteria will be permitted:

- a) The form of the proposed development would respond to the scale, height, materials and site coverage of the area;
- b) The layout of the proposed development would respect the topography and character of the site and the surrounding area and sensitively incorporate natural features such as trees, hedges and ponds within the site;
- c) The proposal would not result in the loss of buildings, open spaces or green infrastructure that would have an unacceptable impact on the character of the area;
- d) The proposal would ensure satisfactory means of access for vehicles and pedestrians and provide adequate parking and refuse facilities;
- e) The proposal would incorporate within the design opportunities for increasing biodiversity potential, where possible, and retaining and enhancing Green Infrastructure features including sustainable drainage systems. Proposals that affect a site’s existing biodiversity and GI should be designed in a way that avoids or mitigates any potential harm;
- f) The design of new buildings and the layout of spaces, including footways, car and cycle parking areas, would be permeable and provide connectivity with neighbouring areas;
- g) New development would be inclusive and make satisfactory provision for the safe and easy access of those with disabilities; and
- h) The design of new developments would result in the creation of a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour.

Where appropriate, new developments should include infrastructure that complements modern communication and technology needs and restricts the need for future

retrofitting. Such infrastructure should include Broadband, high speed internet cabling, digital TV cabling and provision of a power supply that would support green technology initiatives such as in home electric car charging points.

Subject to the above considerations development should make efficient use of the land on which it is proposed.

Where appropriate proposals should include details and strategies for the effective management and maintenance of sites following their completion.

### Delivery Mechanisms:

The Residential Extensions and Residential Character Area Assessment SPDs provide detailed design guidance for residential development

## Amenity

The concept of amenity relates to the living conditions of those that will be affected by development proposals either as a future occupant or a neighbour. It is the aim of the Core Strategy and Community Plan to ensure that all development provides an acceptable standard of amenity for its occupants and does not result in significant harmful effects to surrounding uses. Harmful effects can include overlooking, loss of privacy, noise and pollution.

The effects of some developments, such as a poorly designed house extension, can have direct impacts on neighbouring occupiers. Others can cumulatively impact on the general amenity of an area. As such, all development proposals, including intensification of uses and cumulative impacts of similar uses, will be expected to have regard to the amenity of neighbouring uses and occupiers, occupiers of the proposed development and the wider environment. Proposals that seek to introduce sensitive uses, such as residential development, into areas of poor environmental quality will be resisted unless amenity can be adequately safeguarded, such as through mitigation and environmental improvements.

### POLICY EN2 – AMENITY PROTECTION

Proposals will be permitted where they safeguard the amenities of occupants and occupants of nearby properties by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or visual intrusion and that the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.

### Delivery Mechanisms:

The Residential Extensions and Residential Character Area Assessment SPDs provide detailed design guidance for residential development

## Heritage Assets

‘Heritage Assets’ is the term used to describe the highly valued components which make up the historic character of the District, they can be buildings, monuments, woodland, particular street scenes or areas, landscapes or outstanding views. Heritage assets can be nationally or locally designated by the Local Planning Authority, or those identified during the determination of planning applications.

Heritage Assets include:

- Scheduled Ancient Monuments
- Archaeological Sites
- Listed Buildings
- Conservation Areas
- Historic Parks and Gardens
- Ancient Woodland and Ancient Trees
- Areas of Outstanding Natural Beauty (AONB)

Sevenoaks District is characterised by a significant legacy of historic towns and villages, with many listed buildings, Conservation Areas and extensive areas of ancient woodland. These Heritage Assets and their settings are a key feature of the District, as they provide interest, variety, local character and distinctiveness to the many settlements and wider countryside.

Some of these Heritage Assets and features are protected by other policies or legislation, for instance if they are a listed building, Scheduled Monument or covered by a Site of Special Scientific Interest (SSSI). However, the complex history of the landscape means that there are many sites and features which do not have a specific designation. Nevertheless these should also be conserved and enhanced because of their contribution to the wider landscape and to the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring.

## Archaeology

Scheduled monuments are protected against disturbance, and therefore prior consent from the Secretary of State is required for all works affecting such monuments, whether or not those works require planning permission. Some types of work, generally related to agriculture or gardening, where these activities are already being carried out, are allowed to proceed without such consent.

Owners are encouraged to maintain their Scheduled Monuments in good condition by adopting sympathetic land uses. However, as scheduling is not comprehensive, this Development Plan Document makes provision for the protection of future Scheduled Monuments and archaeological sites, as well as those that have already been identified.

## Listed Buildings

National legislation provides for the protection of Listed Buildings under the Planning (Listed Buildings and Conservation Areas) Act 1990. There is a presumption in favour of retaining Listed Buildings so permission to demolish will be the exception and only allowed if all other options to retain the building are demonstrated to have been thoroughly explored.

The repair, renovation, alteration and extension of a Listed Building should not be at the expense of its intrinsic value. It is important to guard against unnecessary change or over-restoration. In any change, materials should be sympathetic to those used in the original building. In particular the District Council will resist applications that result in the loss of traditional features that could be preserved.

Listed Buildings may become vacant and derelict if no acceptable use can be found. The original use may be the most appropriate and will be encouraged where possible.

Where this is not practicable the alternative use proposed must not require alteration to the extent that the character and historical importance of the building is destroyed or materially harmed.

Where the District Council considers that a proposal would have an impact on the setting of a Listed Building, it will require the submission of illustrative and technical material to allow that impact to be properly assessed. This will include details to show the existing situation and the precise effect on the fabric and character of the Listed Building and its setting.

Planning permission will be refused where the District Council considers that the proposal would dominate the Listed Building or buildings within its curtilage by scale, form, mass or appearance or harm the visual relationship between the Listed Building and its formal or natural landscape setting.

### **Conservation Areas**

Conservation Areas are designated not on the basis of individual buildings but because of the overall quality of the area, its mix of uses, historic layout, characteristic materials, scale and detailing of buildings and open spaces. It also takes into account the need to protect trees, hedges, walls, railings and other characteristic features. Once designated, special attention must be paid in all planning decisions to the desirability of conserving or enhancing its character and appearance as required by Core Strategy Policy SP1 Design of New Development and Conservation. The choice of materials and detailed design are vital elements in achieving new buildings which preserve the local character and distinctiveness which typifies the Districts Conservation Areas.

In order to assess the impact of proposals whether for redevelopment or alterations/additions to buildings, the District Council will require an appropriate level of detail including drawings or other pictorial material which shows the proposed development in its setting.

### **Demolition in Conservation Areas**

When considering proposals for demolition of buildings within a Conservation Area, the District Council will be looking for any redevelopment to provide a level of visual quality equivalent to that of the existing buildings in the Conservation Area.

#### **POLICY EN3 – DEMOLITION IN CONSERVATION AREAS**

**Proposals involving the demolition of non-listed buildings in Conservation Areas will be assessed against the contribution to the architectural or historic interest of the area made by that building.**

**Buildings that make a positive contribution to the character and appearance of the Conservation Area should be conserved. Where a building makes no significant**

**contribution to the area, consent for demolition will be given subject to submission and approval of a detailed plan for redevelopment or after use of the site.**

### **Historic Parks and Gardens**

English Heritage has compiled a Register of Parks and Gardens of Special Historic Interest in England which includes sites within the District. Although no additional statutory controls on development are available, the Local Planning Authority considers that the Historic Parks and Gardens are an important part of the area's heritage and make a significant contribution to the character of the area in which they are located. New development may not be in the best interests of the conservation of the site and principal buildings. Any development must have careful regard to the important landscape architecture of the site and the setting of the historic buildings within the site. The Council will expect sufficient information to be submitted with all applications to enable the impact of development on a historic park or garden to be properly assessed.

### **Ancient Woodland**

National Policy requires the protection of Ancient Woodland, Veteran and Ancient trees from further loss or damage and the District Council will expect applicants with proposals within or adjoining Ancient Woodland or sites containing ancient or veteran trees, to conserve and, where possible, enhance the woodland and to demonstrate that any potential harm can be mitigated.

### **Areas of Outstanding Natural Beauty (AONB)**

The importance of the wider landscape character of the District is recognised by the extent of the High Weald and Kent Downs Areas of Outstanding Natural Beauty. The AONB designation gives these areas the highest protection in terms of their landscape and scenic beauty and highlights the importance of the conservation of the wildlife and the cultural heritage of these landscapes. The character of the AONB's will be conserved and enhanced primarily through Core Strategy Policy LO8 - Countryside and the Rural Economy. Proposals in AONBs will be assessed against LO8 and the detailed development management policies which support this overarching policy, such as SC1 Sustainable Development and GI1 Green Infrastructure and New Development. Any proposal within the AONB must take into account the guidance laid out in the appropriate AONB Management Plan and any relevant more specific AONB guidance for example Kent Historic Farmsteads and Managing Land for Horses.

Heritage Assets are an irreplaceable resource and they should be conserved and enhanced in a manner appropriate to their significance. Any harm or loss will require a clear and convincing justification. Substantial harm to or loss of heritage assets of the highest significance, such as scheduled monuments, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, will be wholly exceptional. The Spatial Vision of the Core Strategy sets out that the high quality natural built and historic environment will be conserved and enhanced. Core Strategy Policy SP1 Design of New Development and Conservation states that the District's heritage assets and their settings will be protected and enhanced,

Policy EN4 seeks to draw together a comprehensive approach to conserving and enhancing the District's Heritage Assets.

### **POLICY EN4 – HERITAGE ASSETS**

Proposals that affect a Heritage Asset, or its setting, will be permitted where the development conserves or enhances the character, appearance and setting of the asset.

Applications will be assessed with reference to the following:

- a) the historic and/or architectural significance of the asset;
- b) the prominence of its location and setting; and
- c) the historic and/or architectural significance of any elements to be lost or replaced.

Where the application is located within, or would affect, an area or suspected area of archaeological importance an archaeological assessment must be included to ensure that provision is made for the preservation of important archaeological remains/findings. Preference will be given to preservation in situ unless it can be shown that recording of remains, assessment, analysis report and deposition of archive is more appropriate.

### **Outdoor Lighting**

Artificial lighting is essential for reasons of safety and security. However, insensitive lighting can cause what is termed as light pollution. Sevenoaks District, as a predominantly rural area, is sensitive to light pollution through sky glow which can affect the character of the countryside and have a negative impact upon biodiversity.

External lighting is needed for commercial use and for some community and sports facilities such as floodlit sports pitches. Whilst the lighting has to be adequate for the purpose, it is important that there is no significant nuisance to the amenity of surrounding properties. This may require the use of planning conditions to limit the times when lighting is used to minimise the disturbance. The use of low energy lighting will be encouraged.

### **POLICY EN 5 - OUTDOOR LIGHTING**

Proposals for lighting that affect the outdoor environment which meet the following criteria will be permitted:

- a) the proposal would be integrated within a wider related development scheme;
- b) any impact on the night sky would be be minimised through the alignment of lamps, provision of shielding and selection of appropriate lighting type and intensity
- c) there would be no harmful impact on privacy or amenity for nearby residential properties;
- d) the proposal would preserve or enhance the character or appearance of any Heritage Asset which may be affected;
- e) any potential impacts on wildlife would be avoided or adequately mitigated where avoidance is not possible; and



**f) where proposals affect Areas of Outstanding Natural Beauty or open countryside, it can be demonstrated that the lighting is essential for safety or security reasons.**

**Where these criteria are met, proposals incorporating the use of low energy lighting will be encouraged.**

## **Noise Pollution**

The NPPF states (paragraph 123) that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

The Noise Policy Statement for England (DEFRA, March 2010) seeks to promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development.

Noise sensitive developments should be located away from existing sources of significant noise, and potentially noisy developments are located in areas where noise will not be such an important consideration or where its impact can be minimised. Acceptable noise levels will be based upon technical guidance and the advice of noise specialists.

The DEFRA statement references “Significant adverse” and “adverse” that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level - This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level - This is the level above which adverse effects on health and quality of life can be detected.

SOAEL – Significant Observed Adverse Effect Level - This is the level which significant adverse effects on health and quality of life occur.

These levels can assist local planning authorities in their consideration of sensitive and noise related development. Conditions may be attached to any planning permission to ensure adequate attenuation of noise emissions or to control the noise at source.

### **POLICY EN6 – NOISE POLLUTION**

**Proposals which would meet the following criteria will be permitted:**

**a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment of surrounding occupiers or occupiers of any future units within the scheme; and**

**b) development would not result in unacceptable noise levels from existing noise sources that cannot be adequately mitigated.**

**Where proposals for high noise generating development would affect Areas of Outstanding Natural Beauty or open countryside or sites designated for their biodiversity value, development will not be permitted if it would undermine the character or harm the biodiversity of these areas.**

## **Air Quality and Odour**

Policy SP2 of the Core Strategy sets out the policy approach to air quality. Air pollutants (including dust and odour) have been shown to have adverse effects on health and the environment. Emissions arising from any development including indirect emissions such as those attributable to associated traffic generation must therefore be considered in determining planning applications.

Certain developments, such as hot food takeaways, workshops and activities associated with the keeping of animals, can cause a detrimental effect on amenity due to odour nuisance. Therefore, consideration will be given to the odour levels likely to be produced from such premises and their proximity to sensitive development, e.g. residential properties, when determining such planning applications. Proposals that have an unacceptable impact on amenity in terms of odour will be resisted in line with Policy EN2 of this document.

### **Performance Indicators:**

Performance of new housing against Building for Life criteria; *(CS Indicator)*

Percentage of new dwellings completed meeting the Lifetime Homes Standard; *(CS Indicator)*

Changes in Settlement Hierarchy services and facilities score for individual settlements; *(CS indicator)* Change in number of Heritage Assets; *(CS Indicator)*

The Proportion of Conservation Areas with up to date Appraisals; *(CS Indicator)*

Change in Conservation Area extents; *(CS Indicator)*

Number of applications for demolitions in Conservation Areas;

### 3 HOUSING AND MIXED USE DEVELOPMENT

For new homes to meet the needs of current and future residents, it is important that they are designed to a high quality and create an attractive environment that functions well, where people want to live, which meets their needs, and which creates a sense of place where community identity can develop.

Residential proposals should therefore be consistent with the adopted Core Strategy housing policies and comply with the policies in the Sustainable Communities and Development Principles and Environment Chapters of this document. In addition the Residential Extensions and Residential Character Area Assessment SPDs contain detailed design advice to assist in achieving quality living environments and residential areas.

#### Core Strategy Housing Objectives

- To increase the proportion of affordable housing in new development in response to the level of local housing need from those unable to rent or buy in the open market. To make specific provision for small scale affordable housing schemes to meet identified local needs in rural areas.
- To ensure that the form of future provision for housing meets the changing needs of the District's population, including provision for a greater proportion of older people and small households, and meets the needs of the Gypsy and Traveller Community.
- To make efficient use of urban land for housing, with higher density development focused on the most accessible locations in and adjoining town centres, through well-designed schemes that do not compromise the distinct character of the local environment.
- To support new housing in local service centres and service villages of a design, scale, character and tenure appropriate to the settlement and support the provision and retention of services and facilities that meet a local need and existing employment opportunities.

In addition to the above objectives, the Core Strategy sets out the general distribution of housing development, which sets the framework for the allocations in this document.

#### Housing Supply

The Council has carried out a Strategic Housing Land Availability Assessment (SHLAA) that informed the Core Strategy.

The assessment demonstrated that the housing provision figure of 3,300 dwellings (2006-2026) for the District can be met from sites located within existing built up settlements, enabling the Green Belt to continue to be protected. It was also further identified through the Core Strategy process that a significant number of the housing supply comes in the form of existing completions and commitments through outstanding full or outline planning permissions. As at 1<sup>st</sup> April 2012, the completions (2006-2012) and permissions amount to 2,330 units.

The housing sites identified for allocation were established through a detailed evidence base process. A call for sites was undertaken in 2007, which informed the Strategic Housing Land

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Availability Study (SHLAA) that was published in 2008. This process effectively requested landowners/agents to submit land which they considered to have development potential for a range of uses. A review of the SHLAA was undertaken in Summer 2009 and an 'Options' Draft of the Allocations DPD presented the identified housing sites for consultation in early 2010. The 'options' draft was a scoping exercise to establish the key planning issues and development constraints for sites for consideration at this detailed stage.

Each site was considered through detailed assessment and analysed against the consultation comments received. New sites presented for consideration during the 'options' stage, were subsequently assessed and added where consistent with Core Strategy policy. Sites that were shown to be unsuitable through the initial 'options' consultation process were removed at this stage.

Following scrutiny of the SHLAA methodology and process during the Core Strategy, in which the Inspector deemed the methodology to be appropriate, the Council updated its housing supply to a base date of 1<sup>st</sup> April 2012. Based on this assessment the Council can currently demonstrate a housing land supply of 3,540 dwellings for the plan period of 2006 –2026 This amounts to a surplus of approximately 240 units over and above the provision identified (3,300) in the Core Strategy, which will provide flexibility in the housing supply.

Summary of Housing Supply Components as at 1 April 2012	No. of units
Completions 2006 – 2012	1,360
Permissions (at 01.04.2012)	970
Permissions granted on Proposed Allocations since 01.04.12	44
Windfall <sup>1</sup> Allowance Small Sites 2017 – 2026	432
Proposed Housing Allocations	394
Proposed units from Mixed Use Allocations	340
<b>TOTAL</b>	<b>3,540</b>

It therefore remains the position that the Council can meet its Core Strategy housing target without the need to release land in the Green Belt and by focussing development within the existing urban and village locations of the District. Further to this, in accordance with the Core Strategy and Settlement Hierarchy, housing allocations will primarily be focussed on the existing principal towns in the District over other smaller settlements in order to promote the most sustainable development options.

In order to ensure that housing supply remains flexible the Core Strategy (through Policy L06) identifies land at Enterprise Way Edenbridge as a reserve site for housing. The Policy states that the site cannot be brought forward before 2015 and should only be developed in the plan period if the Council cannot identify an adequate five year housing supply. The detailed boundary of the reserve site is shown in Figure 6 of the Core Strategy

<sup>1</sup> The NPPF sets out how Local Planning Authorities should demonstrate their housing supply. Windfall sites are permitted to be included within the first 5 years of the housing supply if there is "compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens." Windfalls are defined in Sevenoaks as housing units which are expected to be delivered on sites below the allocation threshold (< 0.2ha). The allowance is calculated by averaging the number of units on previously developed land (not including garden land) provided each year for past 6 years. Allowance has not been included in the first five years, but is made from year six onwards to reflect the unallocated planning permissions (currently 48 dwellings per year from 2017/18 to 2025/26).

**Affordable Housing**

Affordable Housing is clearly needed in Sevenoaks District. Policy SP3 of the Core Strategy introduced a new (gross) sliding thresholds which will trigger the requirement for on-site affordable housing provision. The Policy applies to the allocations set out within this chapter.

**Housing Allocations**

Policy H1 sets out the proposed residential allocations for the period up until 2026. All proposals should comprise high quality sustainable designs in accordance with Core Strategy Policies and Policy EN1 of this Plan. Proposals will also be subject to the specific development guidance set out for each site at Appendix 3. Location plans for each of the housing allocation sites are included at Appendix 3 and the mixed use allocation sites at Appendix 5.

Sites that currently benefit from Outline Planning Permission are not proposed to be allocated within this plan as most are likely to have reserved matters resolved prior to the adoption of the document. The Council will support and monitor the implementation of existing residential planning permissions that have been granted. The Council will generally resist any reduction in the number of dwellings already permitted on a site in order to achieve the housing targets.

The policy includes an indicative dwelling yield for each site based on an assessment of an appropriate density that takes into consideration the location and context of the sites. Densities, as proposed in Core Strategy Policy SP7, are generally sought in order to achieve sustainable forms of development, and reduce unnecessary use of greenfield land. However to ensure that new development integrates well within the local character of established areas some allocations have been subject to densities below those set out in Policy SP7. However, it must be emphasised that the yields are approximate and the actual dwelling yield that might be achieved on each site could vary from that indicated. It will be for planning applications to demonstrate how high quality sustainable designs can achieve an appropriate density for each site.

<b>POLICY H1: RESIDENTIAL DEVELOPMENT ALLOCATIONS</b>		
<p>The following sites, as defined in Appendix 3, are allocated for residential development purposes to deliver the Core Strategy housing requirements (3,300 units) over the period until 2026.</p>		
<p>These sites will provide for a range of housing types, density, mix and tenure and will be subject to the site areas and design guidance as set out in detail at Appendix 3.</p>		
REF	SETTLEMENT/SITE ADDRESS	APPROXIMATE NO. UNITS
<u>Sevenoaks Urban Area</u>		
H1(a)	Car Park, Hitchen Hatch Lane	17
H1(b)	Cramptons Road Water Works, Cramptons Road	50
H1(c)	Sevenoaks Gasholder Station, Cramptons Road	35
H1(d)	School House, Oak Lane & Hopgarden Lane	19
H1(e)	Johnsons, Oak Lane & Hopgarden Lane	18
H1 (f)	Greatness Mill, Mill Lane	20
	<b>Sub Total</b>	<b>159</b>

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<u>Swanley</u>		
H1(g)	Bevan Place	46
H1(h)	Bus Garage/Kingdom Hall, London Road	30
H1(i)	Land West of Cherry Avenue (mixed housing and open space)	50
	Sub Total	126
<u>Other Settlements</u>		
H1(j)	57 Top Dartford Road, Hextable	14
H1(k)	Foxs Garage, London Road, Badgers Mount	15
H1(l)	Land adjacent to London Road, Westerham	30
H1(m)	Currant Hill Allotments, Westerham	20
H1(n)	Land at Croft Road, Westerham	15
H1 (o)	Warren Court, Halstead	15
	Sub Total	109
	<b>GRAND TOTAL</b>	<b>394</b>

### Delivery Mechanism

See detailed design guidance in Appendix 3

### Mixed Use Development

Paragraph 38 of the NPPF recognises that larger scale residential developments offer opportunities to provide employment, community and housing benefits as part of comprehensive site developments. The advantages of the mixed use approach includes reducing the need for people to travel to and from work and can increase the variety of activity on sites at different days and times of the week, which aids the reduction and opportunity for crimes to take place. Mixed use development will only be promoted where it is consistent with Core Strategy policy. The purpose is to assist delivery of the Core Strategy housing requirements (3300 units) over the period 2006 – 2026 and to provide additional appropriate uses that complement the provision of new houses.

Policy H2 sets out those sites that are considered suitable for mixed use development, primarily incorporating a significant element of residential development.

### POLICY H2: MIXED USE DEVELOPMENT ALLOCATIONS

The following sites (0.2 hectares or greater), as defined in Appendix 5, are allocated for mixed use development that incorporates an element of residential development.

These sites will provide for a range employment, retail and community facilities in addition to housing types, density, mix and tenure considered appropriate.

REF	SETTLEMENT/SITE ADDRESS	INDICATIVE SITE CAPACITY NO. UNITS
H2(a)	BT Exchange, South Park, Sevenoaks	25
H2(b)	United House, Goldsel Road, Swanley	185
H2(c)	Swanley Centre, Nightingale Way, Swanley (only as part of regeneration proposals)	0
H2(d)	Station Approach, Edenbridge	20
H2(e)	New Ash Green Village Centre, New Ash Green (only as part of regeneration proposals)	50
H2(f)	Powder Mills (Former GSK Site), Leigh	60
	<b>TOTAL</b>	<b>340</b>

**Delivery Mechanism**

See detailed design guidance in Appendix 3  
 Planning Briefs for mixed-use sites will be prepared as appropriate

**Housing for People with Special Needs, including Older People**

Sevenoaks is experiencing a steady increase in the number of its population over retirement age. This trend is likely to continue, and will result in more very old people who are likely to require community care or accommodation in nursing homes. Other groups in society also require ‘institutional accommodation’ and it is important that adequate provision is made to meet the full spectrum of local needs.

Residential Institutions are defined in Class C2 of the Town & Country Planning (Use Classes) Order 1987 (as amended). This definition covers residential institutions and other non-custodial institutions where a significant element of care is provided for the residents. This can cover a range of uses such as nursing and convalescent homes; community care and care homes for the elderly; centres for those with severe disabilities; and residential schools.

The Council strongly supports the provision of housing to meet the requirements of people in special need of help or supervision where they are fully integrated into existing communities and located in sustainable locations. The development guidance accompanying each site at Appendix 3 identifies sites that are particularly suitable for this form of housing due to their proximity to facilities or the gentle topography of the area. Examples of inappropriate environments for residential institutions would be include those properties that do not have access to garden areas of an adequate size or areas where the topography makes it difficult for pedestrians.

The Council has also identified a specific requirement, as set out in the Supporting People Strategy 2010-15, for a Young Persons Unit (approximately nine units), to provide assisted living for vulnerable young people, including care leavers. The need has been identified within the Sevenoaks urban confines and the District Council will work with partners and landowners to identify and bring forward a suitable site, well-connected to the town centre.

### Housing within Urban Confines

For new homes to meet the needs of current and future residents, it is important that they are designed to a high quality and create an attractive environment that functions well, where people want to live, which meets their needs, and which creates a sense of place where community identity can develop. Higher residential densities are required in the principal settlements of Sevenoaks, Swanley and Edenbridge to maximise the efficient use of previously developed land and in the interests of achieving more sustainable forms of development, and reducing use of greenfield land. There is no reason why higher densities should compromise the quality of new development.

Within existing built confines all proposals for new or replacement dwellings will be assessed against the design, amenity, safety and environmental principles set out in Policies SC1, EN1 and EN2. Proposals for the temporary or permanent location of a mobile home or caravan in the confines of an existing settlement will be considered in the same manner as a new permanent dwelling.

### Residential Subdivision

Subdivision of large dwellings often provides opportunities to create smaller units of accommodation, which can be of benefit to the settlement, especially where there are identified shortages of smaller homes. The proposal should not harm the amenities of surrounding residents in accordance with Policy EN2. Proposals for subdivision in the Green Belt need to be carefully considered to ensure that there is no greater impact on openness.

#### **POLICY H3 - RESIDENTIAL SUBDIVISION**

**Within the built confines of existing settlements proposals for the subdivision of residential properties into smaller units which would meet the following criteria will be permitted:**

- a) the building would be structurally suitable for subdivision;**
- b) the proposal, including any extensions, hard standing, enclosure or other ancillary element would reflect the form, integrity and character of the building and its surroundings; and**
- c) Suitable parking and access arrangements could be achieved.**

**Within the Green Belt the conversion of a residential property into smaller units will be permitted where the above criteria are met and where the proposal (including any ancillary works such as car parking provision) would not have a materially greater impact on the openness of the Green Belt.**

### Residential Annexes

Residential annexes within urban confines (not in the Green Belt) are acceptable in principle where their proposed use is ancillary to the enjoyment of the main house and where there is a demonstrable tie to the host dwelling. In most instances annexes ancillary to the enjoyment of a dwelling house can be constructed as permitted development, therefore a detailed policy is not required. Developments that do require planning permission will be assessed against the design and amenity policies within this document.



Where proposals could lead to the creation of a new self contained dwelling the proposal will be considered in the same way as a new dwelling.

### **Loss of Housing Stock**

The Council considers it has appropriate policies/strategies in place to maximise housing options and make best use of the existing housing stock, taking into account national policy set out in The Strategic Housing Role of Local Authorities: Powers and Duties and Planning Guidance on urban renaissance and sustainability. These include;

- Housing Strategy 2003 (adoption of updated version expected 2012)
- The SHMA 2008
- Draft Sevenoaks District Empty Homes Action Plan 2009
- Private Sector Housing Assistance Policy 2008 including Funding the Mid & West Kent Home Improvement Agency which administers the Disabled Facilities Grant for the Council.
- Houses in Multiple Occupancy. HMO Information Pack
- Core Strategy Policies.

To support these policies/strategies a stock condition survey was undertaken in 2004 and has been updated in 2010/11. This updates information on;

- Level of private and public sector stock unfit for habitation.
- SAP (energy efficiency measure) rating of public and private dwellings.
- Condition of Mobile homes.

The SHMA highlights under occupation as an issue. Paragraph 5.3.13 of the Core Strategy outlines the Council's approach to reducing the level of "under occupation" of family homes. West Kent Housing Association which manages the social housing in the District also operates the Small is Beautiful scheme which offers incentives for tenants downsizing.

The Council is being pro-active through its housing strategies, in bringing empty properties back into use for affordable housing. The draft Sevenoaks District Empty Homes Action Plan 2009 aims to continue enabling empty homes to be brought back into use, thereby providing further usable and decent homes. Proposals that allow tenants to downsize will be supported subject to the proposal not conflicting with relevant housing policies such as replacement dwellings in the Green Belt (GB4).

**POLICY H4 – REUSE AND PROTECTION OF EXISTING HOUSING STOCK**

The Council will support proposals that bring empty properties back into residential use or provide opportunities for tenants to downsize.

The loss of housing stock through change of use or redevelopment will not be permitted unless it is demonstrated that:

a) the dwelling no longer provides accommodation of a satisfactory standard and is incapable of being improved at reasonable expense;

b) the locality and character of the surroundings are no longer appropriate for residential purposes; or

c) the dwelling is located within a Primary or Secondary Retail Frontage, a Neighbourhood or Village Centre Area or land allocated for business uses within Policy EMP1, as defined in Appendices 7, 8 and 4.

**Gypsies and Travellers and Travelling Show People**

‘Planning Policy for Traveller Sites’ was published in March 2012, alongside the NPPF and suggests that local authorities should work collaboratively to meet needs, in accordance with the Duty to Cooperate.

The District Council commissioned a Gypsy, Traveller and Travelling Showperson Accommodation Assessment to provide an update on the current need in the District and to consider how the issues on local and historic demand could be addressed.

A Gypsy and Traveller Accommodation DPD is being prepared which will set an overall level of future provision of accommodation for gypsies, travellers and travelling show people. The Council is seeking to identify acceptable sites to be allocated, taking account of relevant planning policy guidance, in the Gypsy and Traveller Accommodation Plan. National planning guidance maintains the approach that Gypsy and Traveller development is inappropriate in the Green Belt. For this reason, sites outside the Green Belt must be assessed as the first in a sequence of options. This in turn means assessing the suitability of sites allocated for housing development in the ADMP Plan.

It is unlikely that a site currently proposed for housing development would be re-allocated as a gypsy site as this is not likely to be viable or deliverable. One option under consideration is to substitute the affordable housing requirement for gypsy site provision on a very limited number of suitable sites.

**Performance Indicators for Housing and Residential Development:**

Progress on Housing Allocations;

Progress on Mixed Use Allocations;

Additional completed units from residential subdivision;

Number of completed housing sites with a net loss of units;

## 4 THE ECONOMY AND EMPLOYMENT

The Council is committed to providing and preserving a range of employment sites for a variety of business uses. These sites need to be in sustainable locations, provide modern and flexible opportunities for existing businesses, and offer attractive sites for new employers. It is also important to support the rural economy and rural businesses. This in turn will maintain and enhance the economic wellbeing of the District in the future.

### Core Strategy Objective

- To provide land for employment development to support the future development of the District's economy.

The Core Strategy sets out that the employment land provision for the District over the plan period, excluding MDS sites is 86.1 hectares. Following work on the proposed allocations this figure has reduced slightly to 79.6 hectares (75.5ha of existing sites and 4.1ha new allocation at Broom Hill, Swanley) primarily as a result of detailed boundary amendments to better represent the existing extent of established employment sites. This recalculation has no effect on future requirements.

In 2007, the District Council commissioned an Employment Land Study to assess both the demand and supply of land in Sevenoaks, to help meet future needs. The study shows that the majority of sites in the District are still required to provide a range of premises. It is therefore essential that designated employment land, with the exception of those sites identified for alternative uses, is protected from other non employment generating uses and to ensure that adequate land and premises are available to support and regenerate the local economy.

In 2011 the Council commissioned URS to undertake a review of the current employment forecasts previously published in 2007. URS identified that the long-term demand trends for Sevenoaks show a change since the 2008-09 recession, with a flat forecast of demand for additional office floorspace. The report also shows that space required for storage and distribution purposes is expected to grow in line with the economy but space required for manufacturing activities is expected to continue to decline.

The trends affecting change in the demand for employment space in the rural economy are considered to be similar to those underlying the broader economy.

### Employment Allocations

Core Strategy Policy SP8 is the overarching strategic policy that provides for the retention and creation of employment and business facilities and opportunities throughout the District. It promotes a flexible approach to the use of land for business and employment purposes and as such it is the role of this document to formally identify the sites to which sites Policy SP8 of the Core Strategy applies.

Individual location plans for each of these existing sites, indicating the site boundaries, are located in Appendix 4.

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<b>POLICY EMP1 - LAND FOR BUSINESS</b>		
<p>In accordance with Policy SP8 of the Core Strategy the following existing employment sites, as defined in Appendix 4, will be retained, intensified and regenerated for B1 – B8 uses. Appropriate new development within these areas, including the provision of sites for small and medium size businesses and “start-up” facilities, will be supported.</p>		
	<b>Site Address</b>	<b>Total Area (hectares)</b>
	<u><b>Sevenoaks</b></u>	
EMP1(a)	Vestry Road, Sevenoaks	11.3
EMP1(b)	Bat & Ball Enterprise Centre, Sevenoaks	1.8
EMP1(c)	British Telecom, Sevenoaks	1.8
EMP1(d)	Erskine House, Sevenoaks	0.5
EMP1(e)	Hardy’s Yard, Riverhead	1.3
EMP1(f)	High Street, Sevenoaks	1.5
EMP1(g)	London Road, Sevenoaks	4.0
EMP1(h)	Morewood Close (Outside Housing Area), Sevenoaks	3.7
EMP1(i)	South Park , Sevenoaks	0.2
EMP1(j)	Tubs Hill House, Tubs Hill Road, Sevenoaks	0.4
EMP1 (k)	Lime Tree Walk, Sevenoaks	0.6
	<b>Sub Total</b>	<b>27.1</b>
	<u><b>Swanley</b></u>	
EMP1(l)	Wested Lane Industrial Estate, Swanley	8.2
EMP1(m)	Swanley Town Council Offices, Swanley	0.4
EMP1(n)	Swan Mill, Goldsel Road, Swanley	2.6
EMP1(o)	Horizon House, Swanley	0.3
EMP1(p)	Media House, Swanley	0.3
EMP1(q)	Moreton Industrial Estate, Swanley	1.8
EMP1(r)	Park Road Industrial Estate, Swanley	1.3
EMP1(s)	Southern Cross Ind. Estate, Swanley	1.9
EMP1(t)	Teardrop Industrial Estate, Swanley	3.4
EMP1(u)	The Technology Centre, Swanley	1.9
	<b>Sub Total</b>	<b>22.1</b>
	<u><b>Edenbridge</b></u>	
EMP1(v)	Station Road, Edenbridge	18.8
EMP1(w)	Edenbridge / Warsop Trading Centre	1.6
	<b>Sub Total</b>	<b>20.4</b>
	<u><b>Other Settlements</b></u>	
EMP1(x)	Westerham Trading Centre, Westerham	3.7
EMP1(y)	Blue Chalet Industrial Park, West Kingsdown	0.9
EMP1(z)	West Kingsdown Industrial Estate, West Kingsdown	0.5
EMP1(zz)	Horton Kirby Trading Estate, South Darent	0.8
	<b>Sub Total</b>	<b>5.9</b>
	<b>GRAND TOTAL</b>	<b>75.5</b>

**Major Developed Employment Sites in the Green Belt**

There are a number of employment sites in the District, divorced from existing settlements, that have become built up over the years and which are designated as “Major Developed Sites” in the Green Belt in the Sevenoaks Core Strategy and under guidance previously set out in PPG2:

1. Fort Halstead, Halstead
2. North Downs Business Park, Dunton Green
3. Chaucer Business Park, Kemsing
4. Glaxo Smith Kline, Leigh

Under the Major Developed Sites (MDS) designation the owners of these sites were able to carry out limited development consistent with criteria set out in Annex C of PPG2. However since the adoption of the Core Strategy, the NPPF no longer references MDS designation, and has instead set out that limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) is appropriate development, provided it does not have a greater impact on the openness of the Green Belt. The NPPF (paragraph 89) also states that the replacement of any building in the Green Belt is appropriate development, provided the new building is not materially larger than the one it replaces and is in the same use.

Whilst the NPPF (paragraph 89) sets out what is appropriate development in the Green Belt and no longer provides Local Authorities with the opportunity to designate Major Developed Sites, the Council recognises that three of the sites identified continue to be major employers in the District, these being;

1. Fort Halstead, Halstead
2. North Downs Business Park, Dunton Green
3. Chaucer Business Park, Kemsing

As such these three sites have been formally identified within the plan as sites which are considered to be important employment generating sites, where proposals consistent with Green Belt policy will be supported.

**POLICY EMP2 - MAJOR DEVELOPED EMPLOYMENT SITES IN THE GREEN BELT**

The following three sites identified in the Core Strategy, as defined in Appendix 6, are considered to be important employment generating sites, where proposals consistent with Green Belt policy will be supported.

<b>MDES 1</b>	<b>Fort Halstead, Halstead</b>
<b>MDES 2</b>	<b>North Downs Business Park, Dunton Green</b>
<b>MDES 3</b>	<b>Chaucer Business Park, Kemsing</b>

**Delivery Mechanism:**

**See employment allocation sheets in Appendix 4**

Details of the four previously defined MDES sites are included below.

## Fort Halstead

Fort Halstead is a Major Developed Site within the Green Belt and the Kent Downs AONB that was originally a Ministry of Defence research establishment and is still occupied by defence related industries. It remains a major employer in the District.

Proposals for a major residential-led mixed use redevelopment of the site were considered and rejected through the Core Strategy process. However the Core Strategy states (para 4.5.21) that the main requirements of the current occupiers of Fort Halstead, QinetiQ and the Defence Science and Technology Laboratory (DSTL), may vary during the Plan period. It adds that the implications of a future decline in occupancy of the site will be considered within the policy framework of the Core Strategy and relevant national planning policy

Since the adoption of the Core Strategy, DSTL, the largest employer, has announced its intention to withdraw from the site by 2016. The Council is working with DSTL, QinetiQ and the site owners to assess and mitigate the impact on the local economy of the planned withdrawal. It will also be working with the owners and other interested parties to develop achievable proposals for the future use and redevelopment of the site.

Any proposals will be tested against the policy framework provided by the Core Strategy and relevant national policy. The Green Belt status of the site constrains the scale of development that can acceptably be accommodated, while its AONB status provides a further constraint on future development. However, there is substantial development on the site at present, as set out in the CLUED granted by SE/03/02897/LDCEX, and it remains an important employment site subject to Core Strategy Policy SP8 on the protection and regeneration of such sites. The Council will, therefore, expect future redevelopment to be employment-led, though it recognises that in view of the size of the site and the specialist nature of some of the buildings that there may be some scope for widening the mix of uses if required to support the employment-led regeneration, subject to policy considerations. The size of the site makes it feasible to accommodate a range of housing types and tenures. Policy considerations include the requirement for the resultant development to comply with sustainability principles, including conserving and enhancing the Kent Downs AONB, and sustainable transport proposals for accessing the site. The District Council will expect redevelopment proposals to provide for approximately 1200 jobs which were provided on site prior to the announced withdrawal of DSTL.

At this stage it is considered premature to set out a detailed proposal for future redevelopment and Policy EMP3 instead sets out broad principles that will apply when redevelopment proposals are being considered. The delivery mechanism to the policy proposes the preparation of a development brief for the site to provide a more specific agreed planning framework.

The Core Strategy states (para 4.5.20) that the defined boundary of the site from the Saved Local Plan will be reviewed to more fully reflect the developed area in business use. This review has been carried out and the new boundary is shown in Appendix 6.

### **POLICY EMP3 - REDEVELOPMENT OF FORT HALSTEAD**

**Fort Halstead, as defined in Appendix 6, is allocated as a Major Employment Site in the Green Belt.**

**Redevelopment proposals will be expected to achieve a range of employment uses such as**

serviced offices, workshops or land based employment, and generate at least the number of jobs that the site accommodated immediately prior to the announced withdrawal of DSTL from the site.

Redevelopment of the site will maintain or reduce the amount of built development on the site and be fully contained within the Major Employment Site Boundary. It should have no greater impact on the openness of the Green Belt. The height of the buildings must take into account the need to conserve and enhance the natural beauty of the countryside in this location.

Redevelopment proposals, including those to widen the mix of uses on site, such as including an element of residential development and a hotel, would be expected to:

- Be sustainable in respect of the location, uses and quantum of development and be accompanied by a Travel Plan incorporating binding measures to reduce dependency of future occupants on car use;
- Provide accessibility to jobs, shops and services by public transport, cycling or walking, including proposals for onsite provision proportionate to the proposed development;
- Make a positive contribution to the achievement of aims and objectives of the Kent Downs AONB Management Plan and conserve and enhance the natural beauty and tranquillity of the Kent Downs Area of Outstanding Natural Beauty;
- Confirm, by way of a Transport Assessment, that the development would not have an unacceptable adverse impact on the local and strategic road networks;
- Protect and integrate the Scheduled Ancient Monument into the development with improved access and setting;
- Integrate existing dwellings located in close proximity to the boundary of the Major Employment Site into the new development;
- Incorporate principles of sustainable design and construction to minimise energy consumption in its construction and operation;
- Improve the provision and connectivity of green infrastructure, including the protection and enhancement of biodiversity and the provision of improvements to the Public Right of Way network.
- Provide for a comprehensive development and include a phasing plan, including phasing of infrastructure provision, showing how each phase of the development will contribute to the implementation of the policy.

#### Delivery Mechanism:

A Planning Brief will be prepared to guide the redevelopment of Fort Halstead, in consultation with, amongst others, the site owners, local parish councils, the Kent Downs AONB Unit and infrastructure providers.

### **Chaucer Business Park**

Chaucer Business Park is located in Kemsing along Watery Lane. It covers an area of approximately 3.9 ha and there is no available developable land.

The site is primarily used for transport and storage or general business use with some manufacturing.

The site and most of the buildings are new and in good condition. There is on-site parking and good HGV access.

The Council promotes the continuation of the site in its current form. A plan showing the extent of the employment site is included in Appendix 6.

### **North Downs Business Park**

North Downs Business Park is located in Dunton Green and is being used for a variety of activities including manufacturing and various business uses.

The business area is in good condition and the majority of the surveyed buildings are well maintained. There is on-site parking and good HGV access in most areas.

The Council promotes the continuation of the site in its current form. A plan showing the extent of the employment site is included in Appendix 6.

### **Glaxo Smith Kline, Powder Mills, Leigh**

In February 2010 Glaxo Smith Kline announced its intention to close its pharmaceutical site at Leigh, where it is the sole occupier.

The Council commissioned consultants to undertake an independent report into the potential to re-use the site in employment use. The Report undertaken by URS Scott Wilson set out that it was not viable for re-use solely for employment and that a residential led mixed use development would be the most appropriate re-use of the site.

Taking this into consideration the Council has allocated the site for residential mixed use development under Policy H2 of this document. This allocation may involve the preparation of a Planning Brief as a supplementary planning document to guide future redevelopment.

### **Broom Hill**

The Broom Hill development site, adjacent to the M25 in Swanley, is a longstanding employment land allocation. The Core Strategy proposes that it should be carried forward in the Allocations and Development Management Plan, subject to further consideration of the traffic impacts and the impact on on-site biodiversity. Employment development on the Broom Hill site has the potential to support the economic regeneration of Swanley.

The 'Employment Land Review' (2008) and the URS 'Employment Land Review Update' (2011) are based on the development of 4.1ha of the total 8.1ha allocated for employment use at Broom Hill. This provides the opportunity to consider a mix of uses on the site. The Council consider that the site is suitable for a mix of employment, as well as providing opportunities for improved open space provision on the site and on land in the Green Belt to the north.



**POLICY EMP4: BUSINESS ALLOCATION AT BROOM HILL, SWANLEY**

A comprehensively planned employment development at Broom Hill, Swanley, as defined in Appendix 4, will be supported by the Council, subject to confirmation through a Transport Assessment that the transport impacts of development will be acceptable. Proposals should include:

- Development of 4.1 ha of employment land;
- Improved public access to open space through on site provision and improvements in the quality and connectivity of open space on Green Belt land to the north

The proposed layout of development should take account of the noise and air quality constraints that exist on the site and should be sensitive to the existing topography, green infrastructure features of the site and its surroundings and the amenity of nearby properties.

Access to employment development on the site will be provided through the existing employment site to the south.

Enhancement of habitats on Green Belt land to the north of the site will ensure that there is no net adverse impact on biodiversity and, where possible, a net improvement should be secured.

**Delivery Mechanism:**

See employment allocation sheets in Appendix 4

**Non- allocated employment sites**

Redevelopment for mixed use of business sites in urban areas may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.

Policy EMP5 below relates to Core Strategy Policy SP8 and acts as a supplementary development management policy to cover non-allocated employment sites. These sites will usually be below 0.2 ha, as sites above this threshold will have been assessed through the Council's Employment Land Review, and either be allocated for employment purposes or recommended for release.

**POLICY EMP5 – NON ALLOCATED EMPLOYMENT SITES**

When considering proposals for the creation or loss of employment on unallocated sites, the Council will assess the impact of the proposals on the environment, local economy and the local community.

For new proposals the Council will also consider the impact on the transport network and ensure there is no harm to surrounding uses, including nature conservation areas.

Proposals for mixed use redevelopment on existing unallocated business sites will be

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permitted providing the proposal includes a significant element of business use and the proposal complies with all other relevant planning policies.

The Council will permit the loss of non-allocated lawful business premises and sites to other uses provided it can be demonstrated, to the satisfaction of the Council, that the site has been unsuccessfully marketed for re-use in employment for a period of at least 6 months and that there is no longer a demand for business use at the site/premises.

### Performance Indicators for The Economy and Employment:

Maintenance of Employment Allocations and Major Developed Employment Sites in the Green Belt;

Progress on Broom Hill development;

Change in Employment floor space in non allocated sites;

## 5 TOWN AND LOCAL CENTRES

The NPPF identifies the aims of town centres and suggests that the main uses which should be focused within them are retail development, leisure and entertainment facilities, offices and arts, culture and tourism development.

The Core Strategy includes the objective:

- To focus the majority of new housing, employment and retail development in the towns of Sevenoaks and Swanley and, to a lesser extent, in Edenbridge with smaller scale development in the larger villages which have a more limited range of local facilities.

Policy LO1 of the Core Strategy identifies the generic distribution of development and confirms the roles of the main settlements within the district during the plan period. It confirms the following settlement hierarchy:

Sevenoaks Settlement Hierarchy	
<b>Principal Town:</b>	Sevenoaks
<b>Secondary Town:</b>	Swanley
<b>Rural Service Centre:</b>	Edenbridge
<b>Local Service Centres:</b>	Westerham, New Ash Green and Otford
<b>Service Village</b>	Brasted, Crockenhill, Eynsford, Farningham, Halstead, Hartley, Hextable, Horton Kirby, Kemsing, Knockholt Pound, Leigh, Seal, Sevenoaks Weald, Shoreham, South Darenth, Sundridge and West Kingsdown.

New development will focus on the larger settlements, principally Sevenoaks, Swanley and Edenbridge, in line with Government planning advice and the principles of sustainability. However, local shopping provision is also an important facility within many of the District’s neighbourhoods and smaller settlements. In these localised shopping centres small scale retail development should be allowed appropriate in scale to the settlements.

Defined town centre boundaries in previous Local Plans have worked well in focusing town centre uses in areas where there are the best opportunities for linked trips and for access by public transport, cycling and walking. The provision of sustainable transport and sufficient town centre parking also plays a key role in helping to maintain the vitality and viability of town centres. The Council will seek to broadly maintain the existing parking provision.

Town and Local Centre Definitions
<b>Town centre</b> – A defined area, including the primary shopping area and areas predominately occupied by main town centre uses within or adjacent to the primary shopping area.
<b>Primary shopping area</b> – defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage.
<b>Primary shopping frontage</b> – primary frontages are likely to include a high proportion of retail uses which may include food, drinks, clothing and household goods

**Secondary shopping frontage** – secondary frontages provide greater opportunities for a diversity of uses such as restaurants, cinemas and businesses.

**Town centre uses:**

- Retail Development (including warehouse clubs and factory outlet centres);
- Leisure, entertainment facilities and the more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, night-clubs, casinos, health and fitness centres, indoor bowling centres, and bingo halls);
- Offices, and
- Arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

**Local centre** – locally significant areas of retail to which specific retail protection policies apply, in accordance with the NPPF. This excludes small parades of purely neighbourhood significance and existing out-of-centre developments. Local centres have been divided into neighbourhood and village centres in this plan.

**Dead Town Centre Frontage** – A façade that is blank, e.g. lacking in a window display, entrance and offers no life or activity to the street.

Under the town centre policies and designations, set out in the following sub-sections, ground floor development and changes of use which result in a reduction of town centre uses, i.e. not meeting the town centre definition above, within the designated town centres will be restricted. The policies also include a specific focus to ensure that the town centres remain the key areas for retail (Use Class A1) and other ‘A Class’ uses within the District. ‘A Class’ uses are:

- A1 – Shops
- A2 – Financial and Professional Services
- A3 – Restaurants and Cafes
- A4 – Drinking Establishments
- A5 – Hot Food Takeaways.

Applicants will be expected to show that proposals for change of use away from retail uses (Use Class A1) in certain areas within the town centres will meet the tests set out in the policies. In line with the NPPF (paragraph 24), proposals for retail development should look to locate within the town centre boundaries before considering alternative edge-of-centre or out-of-centre sites.

The Council will support the provision and enhancement of markets, in accordance with the NPPF (paragraph 23).

The aim of the town centre policies is to achieve and maintain vital and viable town centres in Sevenoaks, Swanley and Edenbridge that offer the quality, range and diversity of retail, services and community facilities to meet the needs of the populations they serve.

### Sevenoaks

Sevenoaks has a successful town centre, which faces competition from larger centres outside the District and has suffered an increase in vacant premises as a result of the recession. Figure 4 of the Core Strategy identifies the town centre boundary for Sevenoaks and Policy L03

sets out the strategic policy for development of the town centre, which includes maintaining a mix of uses (including retail, offices, cultural, leisure, hotel and residential development). The 2009 Retail Study Update forecasts that there is likely to be some capacity for additional retail provision in Sevenoaks Town during the short to medium term. Core Strategy Policy L03 makes provision for the development of approximately 4,000 sq m of new shopping floorspace. This will include redevelopment of land west of Blighs Meadow (which has planning consent) and land east of the High Street in the longer term. In addition, the Council will seek to broadly maintain the existing retail floorspace within the town. Within the Sevenoaks Primary Retail Frontage ground floor, approximately 71% of the Primary Retail Frontage was in A1 use (including those vacant units considered to have last been in A1 use) in July/August 2011 and July/August 2012.

Within Sevenoaks town centre, an area dominated by retail uses can be identified, designated as the Primary Retail Frontage (see Appendix 7). Policy LC1 below seeks to maintain this predominance of retail within the Primary Frontage. A Secondary Retail Frontage is also identified in Sevenoaks town centre. This frontage contains a wider mix of uses, including banks, estate agents and restaurants, and is separated from the Primary Frontage by a significant physical barrier, such as a main road (Pembroke Road). The Secondary Frontage is characterised by an active frontage that contributes to the vitality of the town centre. Policy LC1 seeks to maintain this active frontage, whilst allowing for a range of uses.

**POLICY LC1 – SEVENOAKS TOWN CENTRE**

- a) Within Sevenoaks Town Centre, residential, business, leisure, entertainment, arts, culture, tourism or community facility uses will be permitted where consistent with criteria b), c) and d):
  - outside the Primary Retail Frontages and the area defined in Policy EMP1(g) for B1 Business Use, and
  - on the upper floors of units within Sevenoaks Primary Retail Frontages where there will be no adverse impact on the functioning of the ground floor use.
- b) Within the Sevenoaks Primary Retail Frontage, at least 70% of the ground floor frontage will be maintained in A1 use. Where proposals would not lead to the percentage of A1 frontage falling below this level, A Class uses will be permitted where they would complement the predominant retail function and not lead to a dead town centre frontage during regular shopping hours.
- c) Within the Sevenoaks Secondary Retail Frontage, proposals for the use of ground floor premises for retail and other A Class uses will be permitted where they would not lead to a dead town centre frontage. Ground floor A Class uses will be maintained except where evidence is provided by the applicant to show that these uses are no longer financially viable. In such circumstances, non-residential town centre uses at ground floor level would be permitted.
- d) Within the areas defined in Policy EMP1 Business Uses will be retained or permitted.

**Swanley Town Centre**

Swanley town centre contains a pedestrianised shopping centre, which includes a large food superstore, to the north-west of the railway line and a range of predominately smaller retail and

service units to the south-east. The Core Strategy notes that the centre suffers from a high level of vacancies and a limited range of stores.

The Retail Study Update 2009 shows that the town is only capturing a low proportion of available expenditure, particularly for non-food goods, and suggests that the attractiveness of the centre needs to be increased if local shoppers are to be brought back into the town. The Core Strategy (Policy LO5) promotes regeneration to achieve a development that enables the town centre to better meet the needs of the community it serves, increasing its attractiveness so that its market share can increase. It is proposed that the regeneration scheme includes a mix of uses (including retail, offices, residential and community facilities).

The proposed approach in Policy LC2 below is based on the existing town centre boundary (from Figure 5 of the Core Strategy) and frontages. It seeks to maintain a predominance of retail uses within the existing Primary Retail Frontage of the pedestrianised centre (see Appendix 7) and an active frontage and range of uses within the Secondary Retail Frontage. Proposals for the redevelopment of Swanley town Centre should identify a new Primary Retail Frontage to take account of changes to the built form and secure a proportion of these to remain in A1 use through condition. Within the Swanley Primary Retail Frontage ground floor, approximately 79% of the Primary Retail Frontage was in A1 use (including those vacant units considered to have last been in A1 use) in July/August 2011 and approximately 78% in July/August 2012 though this does include a significant length of the superstore frontage.

### **POLICY LC2 – SWANLEY TOWN CENTRE**

- a) Within Swanley Town Centre, residential, business, leisure, entertainment, arts, culture, tourism or community facility uses will be permitted where consistent with criteria b), c) and d):
  - outside the Primary Retail Frontages, and
  - on the upper floors of units within Swanley Primary Retail Frontages where there will be no adverse impact on the functioning of the ground floor use.
- b) Within the Swanley Primary Retail Frontage, at least 70% of the ground floor frontage will be maintained in A1 use. Where proposals would not lead to the percentage of A1 frontage falling below this level, A Class uses will be permitted where they would complement the predominant retail function and not lead to a dead town centre frontage during regular shopping hours. Proposals resulting in the change of use of existing non-A1 uses within the Primary Frontage to retail and other A class uses will be permitted where this would be complementary to the predominant retail function.
- c) Within the Swanley Secondary Retail Frontage, proposals for the use of ground floor premises for retail and other A Class uses will be permitted where they would not lead to a dead town centre frontage. Ground floor A Class uses will be maintained except where evidence is provided by the applicant to show that these uses are no longer financially viable units in these uses. In such circumstances, non-residential town centre uses at ground floor level would be permitted.

### **Edenbridge Town Centre**

Edenbridge town centre provides a range of shops and facilities to serve the town and surrounding area. Policy LO6 seeks to maintain a mix of retail and service uses. Edenbridge

Town Centre also contains a number of dwellings along the main High Street, which make a positive contribution towards the mix of uses. However, in accordance with Policy LO6, the Council will resist any proposals for new ground floor residential units where this would reduce the range of retail and service uses.

The Retail Study Update forecasts only limited scope for increasing convenience shopping provision. The Core Strategy does not identify a town centre boundary for Edenbridge but does suggest the need for ‘a consolidated town centre’ and a revised boundary to reflect the completion of the Co-operative food store and a greater focus to the south than the boundary in the Local Plan.

A Primary Retail Frontage in the town centre can be identified, as proposed in Policy LC3 below, which should be the focus of future retail activity. The Primary Retail Frontage excludes the area of the town centre designated in the Local Plan to the north of the Police Office and the Catholic Church of St Laurence. It is proposed that the area to the north of the Primary Retail Frontage is designated as the Northern Area of the town centre and an area to the south of the river, which includes protected retail units in the Local Plan, is designated as the Southern Area. In these areas, ground floor town centre uses and residential redevelopment will both be acceptable. The aim of this approach is to primarily focus new retail development on the Primary Retail Frontage and reduce the number of vacant units. Within the Edenbridge Primary Retail Frontage, approximately 51% of the Primary Retail Frontage ground floor was in A1 use (including those vacant units considered to have last been in A1 use) in July/August 2011 and approximately 50% in July/August 2012.

#### **POLICY LC3 – EDENBRIDGE TOWN CENTRE**

- a) Within Edenbridge Town Centre, residential, business, leisure, entertainment, arts, culture, tourism or community facility uses will be permitted where consistent with criteria b) and c)**
- outside the Primary Retail Frontage, and
  - on the upper floors of units within Edenbridge Primary Retail Frontages where there will be no adverse impact on the functioning of the ground floor use.
- b) Within the Edenbridge Primary Retail Frontage, at least 45% of the ground floor frontage will be maintained in A1 use. Where proposals would not lead to the percentage of A1 frontage falling below this level, A Class uses will be permitted where they would complement the predominant retail function and not lead to a dead town centre frontage during regular shopping hours. Proposals resulting in the change of use of existing non-A1 uses within the Primary Frontage to retail and other A class uses will be permitted where this would be complementary to the predominant retail function.**
- c) In the Northern and Southern Areas of Edenbridge town centre, the balance between shops, services and community facilities and residential uses should be maintained, except, where evidence is provided by the applicant to show that these non-residential uses are no longer financially viable. In such circumstances, residential redevelopment will be acceptable. Proposals that would result in changes between town centre uses in these areas will be permitted.**

### Local Centres

Local centres play an important role in meeting the day-to-day needs of many people in the District without the need to travel to a town centre. Local centres provide a range of small shops of a local nature, serving a small catchment and may include a small supermarket, post office, sometimes a pharmacy, a newsagent, launderette and hairdresser. Few local shopping centres within Sevenoaks District contain all of these shops and services, however, these centres still play an important role in meeting people's needs.

A distinction has been drawn between local centres within urban areas that contain a defined town centre (Sevenoaks, Swanley and Edenbridge) and other local centres. Centres meeting the former criteria have been identified as 'neighbourhood centres', whilst those meeting the latter are identified as 'village centres'.

Some local centres in Sevenoaks District also contain community facilities, such as libraries and doctors surgeries. In rural areas, Core Strategy Policy L07 seeks to ensure that these community facilities are retained. Policy CF2 of this DPD would offer similar protection to community facilities in urban areas.

The aim of the local centre policies are:

- To ensure that shops and services in defined neighbourhood and village centres provide a range of day to day facilities for local residents and, therefore, reduce the need to travel.

### Neighbourhood Centres

Neighbourhood centres should provide local shops and services that can meet the day-to-day needs of local residents with a reduced need to travel but should not undermine the vitality and viability of the town centre.

In order to be designated as a neighbourhood centre a group of shops and services should include a minimum number of retail units, one or more of which meets a day-to-day or routine need, and be of a large enough size to warrant designation. Centres have been designated if they meet the following criteria:

- They contain 5 or more A1 units; and
- They contain a supermarket, convenience store, newsagent, pharmacy or post office.

A key characteristic of neighbourhood centres is that they provide a cluster of units in Use Class A within convenient walking distance of one another. This ensures that centres provide opportunities for linked trips. In identifying local centres, units in Use Class A (occupied or vacant) have only been considered if they are less than 50m (as the crow flies) from another unit in Use Class A (occupied or vacant). However, some units that are less than 50m have been excluded where the physical form of a settlement indicates that a particular unit does not form part of a cluster of units within convenient walking distance of one another (e.g. where a unit is separated from the centre by a major road or longer walking distance).

Under these criteria, the following areas within the urban areas of Sevenoaks and Swanley are defined as neighbourhood centres and would be subject to Policy LC4.



- Northern St John's
- Southern St John's
- Tubs Hill and Station Parade
- London Road, Dunton Green (near Lennard Road)
- Riverhead
- Manse Parade, Swanley

Plans showing the extent of each of these neighbourhood centres are included in Appendix 8.

No neighbourhood shopping centres are designated in Edenbridge. Those existing retail units in Edenbridge and those in Sevenoaks and Swanley not designated as a neighbourhood centre should be protected where they are meeting a local need. These units would be subject to Policy CF2.

### Village Centres

Policy L07 of the Core Strategy seeks to support the provision and retention of services and facilities that meet a local need and existing employment opportunities. It states:

*'The loss from rural settlements of services and facilities that serve the local community will be resisted where possible. Exceptions will be made where equivalent replacement facilities are provided equally accessible to the population served, or where it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable'.*

In accordance with the aims and policies of the Core Strategy, the primary function of village centres should generally be to provide day-to-day shops and services for local residents that are appropriate for the scale and location of the settlement that they serve. However, some village centres that do not currently contain day-to-day shops and services for local residents may make a significant contribution towards the local economy, for example by providing shops and services for visitors. Given this, village centres are designated if they contain:

- 5 or more A1 units; or
- a supermarket and/or convenience store and 3 additional A1 units.

A key characteristic of village centres is that they provide a cluster of units in Use Class A within convenient walking distance of one another. This ensures that centres provide opportunities for linked trips. In identifying local centres, units in Use Class A (occupied or vacant) have only been considered if they are less than 50m (as the crow flies) from another unit in Use Class A (occupied or vacant). Some units that are less than 50m have been excluded where the physical form of a settlement indicates that a particular unit does not form part of a cluster of units within convenient walking distance of one another (e.g. where a unit is separated from the centre by a major road or longer walking distance).

On the basis of these criteria, the following areas are designated as village centres:

- Kemsing – The Parade
- Seal – High Street
- Otford – High Street
- Otford – Bubblestone Parade
- Brasted – High Street and the Green

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- Westerham Centre
- Crockenhill – Broadway
- West Kingsdown – Hever Road
- New Ash Green Centre
- Hartley – Cherry Trees
- Hextable – Upper Main Road

Plans showing the extent of each of these local centres are included in Appendix 8.

In accordance with the Core Strategy, Westerham is no longer designated as a town centre and is instead designated as a village centre, subject to Policy LC4.

Core Strategy Policy LO7 states that New Ash Green village centre will be regenerated so that it better meets the needs of the local community whilst respecting the distinctive character of the settlement. Policy LC4 will apply to the village centre, see Appendix 8, until the centre is redeveloped. Following the redevelopment, the policy will apply to the main retail and service area of the village centre, which should be identified through any planning application. In order to ensure consistency with other village centre boundaries, the car parks in New Ash Green village centre are identified as within the centre boundary.

### **POLICY LC4 – NEIGHBOURHOOD AND VILLAGE CENTRES**

Within neighbourhood and village centres, as defined in Appendix 8, a range of shops (including Use Class A1) and services (including Use Classes A2, A3, A4 and A5) will be maintained.

Changes of use between shopping and service uses within neighbourhood and village centres will be permitted where this would not lead to the loss of A1 units serving the day to day needs of the community or required to ensure that the centre is capable of meeting the day to day needs of the community during the plan period. Proposals resulting in a net loss of shopping or service uses will not be permitted unless evidence is provided to the Council to show that the operation of the facility is no longer financially viable and where there are no other realistic proposals for retail or service uses on the site, including through Community Right to Buy.

Appropriately located additional retail or service units in neighbourhood and village centres will be permitted where the proposal is of a scale appropriate to the centre and would not materially undermine the existing balance of uses.

Residential, business or community uses of the upper floors of units within village centres will be encouraged where there will be no adverse impact on the functioning of the ground floor retail or community use.

### **Performance Indicators for Town and Local Centres:**

Change in Retail floorspace in Main Settlements; *(CS Indicator)*

Town Centre Health Check; *(CS Indicator)*

Proportion of A1 units within Primary Frontages of Sevenoaks Town Centre;

Swanley regeneration scheme; *(CS Indicator)*

Proportion of A1 units within Primary Retail Frontage of Edenbridge Town Centre;

Changes in Settlement Hierarchy services and facilities score for individual settlements; (*CS Indicator*)

## 6 GREEN INFRASTRUCTURE AND OPEN SPACE

Protecting and improving the environment has always been a central aim of the planning process and is a key element of the Core Strategy. The District has extensive countryside and a unique landscape character, including designated areas of biodiversity value, AONB and many areas of open space.

The importance of these open spaces is that they are often multifunctional, with a variety of uses and designations. They may provide for formal and informal recreation, they are valuable to local communities contributing to their character and landscape and providing important areas for wildlife.

The following key Core Strategy Objectives are relevant to Green Infrastructure and Open Spaces:

- To safeguard and maintain the openness of the Green Belt and the distinctive character and biodiversity of the district's landscapes, particularly in the Kent Downs and High Weald Areas of Outstanding Natural Beauty, whilst facilitating the economic and social well-being of these areas including the diversification of the rural economy by adopting a positive approach to small scale economic development proposals which re-use existing buildings.
- To ensure that a new development is designed to a high quality and where possible makes a positive contribution to the distinctive character of the area in which it is situated.
- To safeguard existing open space, sport and recreational facilities that meet community needs and improve provision where necessary;
- To maintain and enhance the biodiversity of the District.

The policies for the protection and enhancement of the landscape character, open space, sport and recreational facilities and biodiversity are contained in Core Strategy Policies L08, SP10 and SP11.

### Green Infrastructure

The NPPF (paragraphs 73-77) encourages the creation and enhancement of a network of open spaces and natural habitats and the Core Strategy specifies the need to identify the Green Infrastructure (GI) Network across the District.

**The following areas can form part of networks of green infrastructure:**

- **Parks and gardens - including urban parks, country parks and formal gardens.**
- **Natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows), wetlands, open and running water, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits).**
- **Green corridors - including river and canal banks, cycleways, and rights of way**
- **Outdoor sports facilities (with natural or artificial surfaces, either publicly or**

privately owned) including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas.

- Amenity greenspace (most commonly, but not exclusively, in housing areas) – including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens.
- Provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging out' areas, teenage shelters).
- Allotments, community gardens, and city (urban) farms.
- Cemeteries and churchyards.
- Accessible countryside in urban fringe areas.
- River and canal corridors.
- Green roofs and walls.

### Sevenoaks District's Green Infrastructure Network

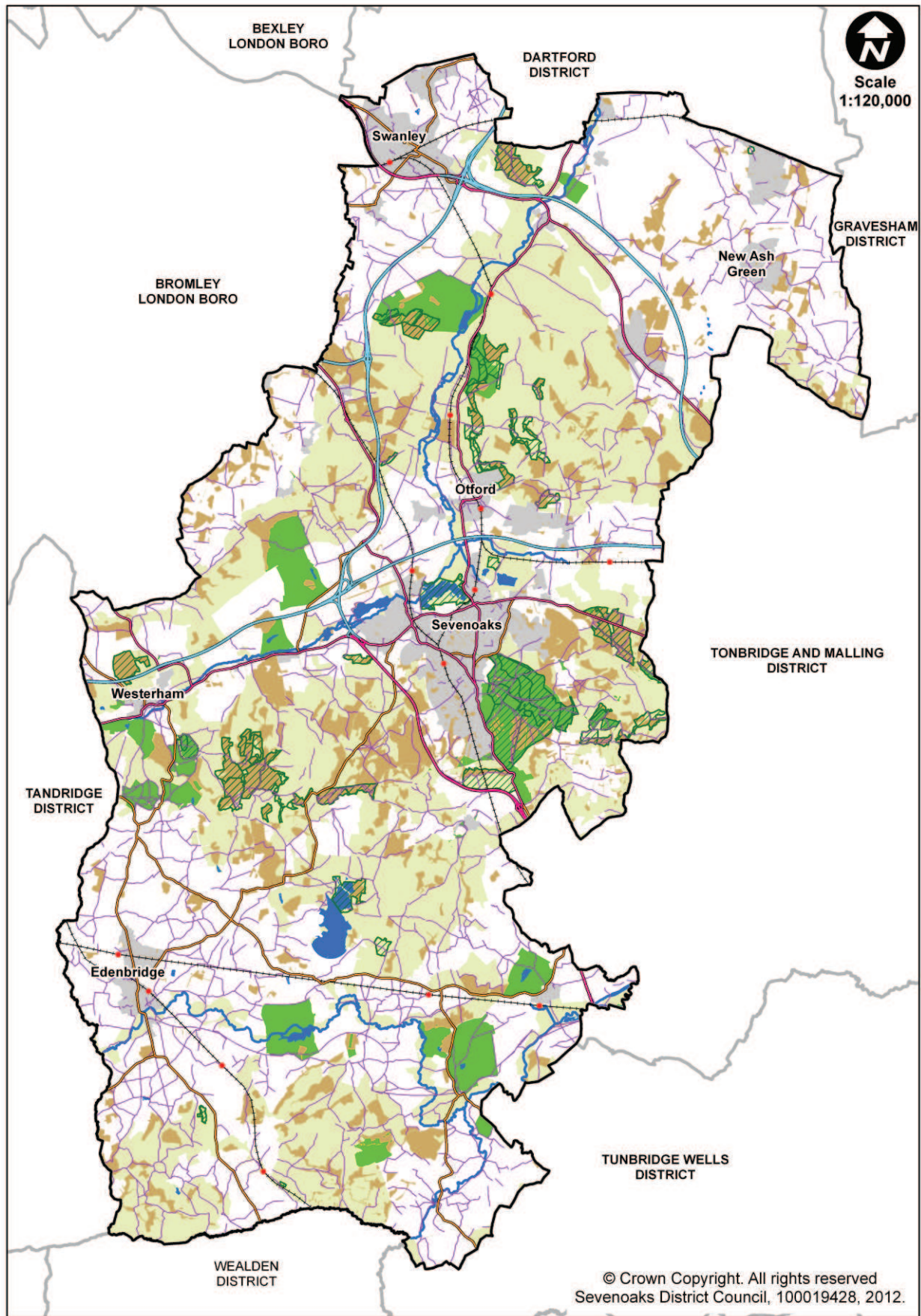
In the District, the Green Infrastructure Network includes nationally designated areas such as:

- Land of biodiversity value, including Biodiversity Opportunity Areas
- Sites of Special Scientific Interest, (SSSIs)
- Historic parks and gardens
- Land designated under The Countryside and Rights of Way Act 2000 (CROW) including Common Land and Public Rights of Way (PROW)

and locally recognised sites such as:

- Local Wildlife Sites, identified by the Kent Wildlife Trust
- Kent Wildlife Trust Reserves
- Local Nature Reserves
- Roadside Nature Reserves
- Ancient woodlands
- Country Parks
- Tree Preservation Orders
- River corridors and open bodies of water
- Cycle routes
- Amenity Greenspace
- Parks and Gardens
- Natural and Semi-Natural Green Space
- Provision for Children and Young People
- Outdoor Sports Facilities
- Allotments and Community Gardens
- Green Corridors
- Cemeteries and Churchyards

Map 1 Showing Existing Green Infrastructure Network across the District



**Legend**

-  SDC Boundary
-  Adjoining Districts
-  Motorway
-  A Road
-  B Road
-  Railway Stations
-  Railway Lines
-  River Corridors and Areas of Open Water
-  Biodiversity Opportunity Areas
-  Biodiversity Sites
  - SSSI's
  - Local Wildlife Sites
  - Roadside Reserves
  - Local Nature Reserves
  - KWT Reserves
-  Public Rights of Way and Cycle Routes
-  Trees
  - Ancient Woodland
  - TPO's
-  Parks and Open Spaces
  - Common Land
  - Country Parks
  - Historic Parks and Gardens
-  Urban Areas

## Green Infrastructure Opportunities across the District

The Core Strategy focuses development within the built confines of existing settlements and in allocating development seeks to protect sites designated for their wildlife, open space, amenity or recreational value. This approach means that the potential harmful effects of new development on the GI Network will be minimised.

The District's provision of new sites for development is relatively modest and this limits the scope for enhancing or creating additional green infrastructure as part of new development. Consequently it is important for the Council will also work with partner organisations to deliver both landscape scale schemes as well as more localised projects, which both enhance the existing GI Network and increase the network across the District.

The definition of the Green Infrastructure Network has allowed opportunities to be identified which enhance and extend the network, including improving cross boundary linkages, which could be implemented during the plan period.

- Landscape and Countryside –e.g. Kent Orchards Project
- Habitats and Biodiversity - e.g. NWCP Living Churchyards Project
- Cross Boundary Linkages –e.g. Extension of the Tonbridge to Penshurst Cycle Route
- Linkages within Sevenoaks District – e.g. Enhancement along the Darent Valley
- River Corridors and Areas of Open Water – e.g. Removal of Invasive Plant Species

## Legend

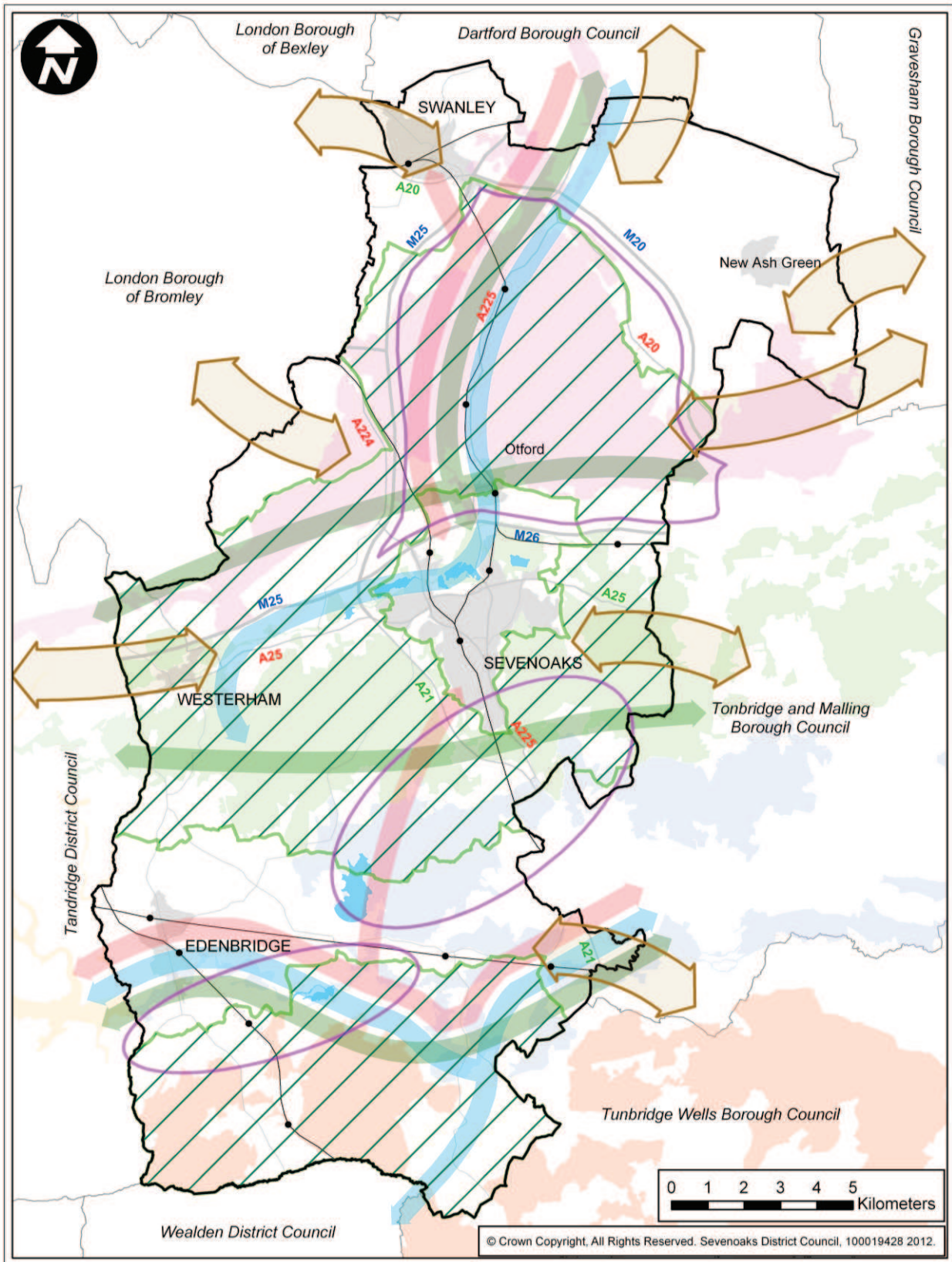
-  Cycling Route Opportunities
  - improvements/extensions to existing routes
  - creation of new routes
-  Walking Route Opportunities
  - improvements to existing routes
  - creation of new connections
-  Rivers and Areas of Open Water
  - habitat and biodiversity improvements
  - removal of invasive species
-  Opportunities for Cross Boundary Linkages
-  Areas of Outstanding Natural Beauty
  - North Downs AONB (North)
  - High Weald AONB (South)
-  Landscape Scale project areas
  - Darent Triangle Living Landscape
  - Sevenoaks Living Landscape

## Biodiversity Opportunity Areas

-  Central North Downs
-  Greensand Heaths & Commons
-  High Weald
-  Medway & Low Weald Greensand & Gault



Map 2 showing Green Infrastructure Opportunities across the District within the LDF Plan Period



### Green Infrastructure and New Development

The provision of green infrastructure is a key aspect in delivering development of high quality. The use of landscaping and green spaces in development benefits the health and wellbeing of future occupants and allows new development to integrate with its surroundings. However GI provision goes beyond traditional site based landscaping, it requires development proposals to take into account not only the natural/semi natural features and biodiversity within a site (as sought by Policy EN1) but also its links with the natural environment of its surroundings and where appropriate the wider character of the area (as sought by Policy EN2 and Core Strategy Policies SP10 and SP11).

The existing GI Network in the District is extensive and due to the extent of the Green Belt designation many GI features are already linked to each other by areas or corridors of undeveloped land, agricultural land, forestry or domestic gardens. Despite this it is important to give consideration to the possibilities for strengthening and enhancing these linkages particularly between wildlife corridors and open spaces within or connecting to urban areas.

Retaining existing features such as open space, trees and hedgerows, can help development to be more sensitively integrated into its surroundings and will allow the important links with the established GI Network to be maintained.

Incorporating existing features is also important for local biodiversity. Biodiversity is not confined to protected sites but occurs throughout rural and urban areas. New development, whether on previously developed or greenfield sites, provides opportunities to create or restore areas of biodiversity. It is therefore expected that any GI associated with development will be based on the use of native or local species. Priority habitats and species for the District are set out in Kent Biodiversity Action Plans (BAPs) and in Biodiversity Opportunity Areas (BOA's).

It is also important that the GI within the site reinforces the character of the wider landscape. Key landscape features are identified in The Sevenoaks Countryside Assessment SPD and the AONB Management Plans. It is important not to underestimate the cumulative impact of smaller developments. The conservation and enhancement of key landscape features contributes to the GI Network and must be taken into account in all proposals.

GI also plays an important role in helping development adapt to climate change. Climate change is expected to cause increased winter rainfall and summer temperatures across the South East. GI can help reduce surface water runoff, provide natural shading and create important areas for species migration and help to regulate the temperature of the building. Sustainable drainage systems should be included as part of on site green infrastructure to reduce the risk of surface water flooding. Any systems should have appropriate management arrangements.

GI can be incorporated into new development in a wide variety of ways. The nature and scale of the GI will depend upon the type of development proposed and the existing character of the site and its surroundings. A range of GI should be explored in order to determine what is most appropriate for the site.

Examples include:

- Incorporating Living Roofs
- Sustainable drainage systems
- Connecting with existing PROW network
- Using plants and trees which extend existing habitats around site boundaries

- Using GI which reflects the special character of the landscape or BOA.
- Formal and informal recreational GI (including the provision for children and young people where appropriate)

Occupiers of new development can increase the pressure on the GI Network particularly on open space and recreation facilities. The Council will require the provision of new or enhanced GI if development is proposed in areas where there is a deficiency in existing provision or in situations where the development itself would result in a deficiency in provision.

**POLICY GI 1 – GREEN INFRASTRUCTURE AND NEW DEVELOPMENT**

Proposals will be permitted where opportunities for provision of additional Green Infrastructure have been fully considered and would be provided where justified by the character of the area or the need for open space.

Any open spaces provided as part of new development should, wherever practical and appropriate, be located where they can provide a safe link for the population and connectivity for biodiversity with the existing features of the Green Infrastructure Network.

Additional green infrastructure and habitat restoration and/or re-creation, should be provided in accordance with the appropriate guidance contained in the Kent Design Guide and the Countryside Assessment SPD and should take account of the guidance within the AONB Management Plans and associated guidance where appropriate.

**Delivery Mechanism:**

The Kent Design Guide, the Countryside Assessment SPD and the AONB Management Plans provide further guidance on Green Infrastructure. As well as developers, KCC Countryside Access, the AONB Countryside Management Partnerships, the AONB unit and Parish Councils will advise on, and coordinate implementation of, improvement opportunities.

**Open Space**

The term open space includes both public and private spaces and covers any open space which contributes to the character of the locality and is important to the local community. It can be amenity and/or equipped play areas, sports pitches, allotments, burial land, parks and gardens, civic spaces, urban fringe or areas of water such as rivers, lakes and reservoirs. These open spaces are important for recreational uses but also as part of the Green Infrastructure assets of the District.

Open space and associated leisure facilities perform a wide variety of important functions, as well as providing space for recreation. The Core Strategy recognises the importance of such facilities for health and well being and their value to the local community:

- community health benefits are increased by providing areas for outdoor leisure, both formal and informal, facilitation of greater social interaction and fostering local identity and ownership;

- economically, open spaces are beneficial as they improve the perception of the local area which can make for a more enjoyable working and leisure experience. Property values are also likely to be higher in the vicinity of an open space; and
- natural and semi-natural open spaces can provide habitat and biodiversity corridors that help safeguard natural heritage, provide water stores to reduce the potential for flooding and 'green lungs' that play an active role in achieving carbon neutral development.

All types of open space across the District were surveyed in the Open Space, Sport and Recreation Study 2009 and Core Strategy Policy SP10 protects open space. The open spaces specifically protected by this policy are the larger sites of over 0.2ha and are defined in Appendix 9. Smaller areas are protected by Policy EN2 and Core Strategy Policies SP10 and SP11.

School Playing fields provide an important component of the Green Infrastructure Network and can provide for important habitats and ecological benefits to an area. In accordance with the NPPF (paragraph 74), playing fields and other forms of open space that could be of value to the local community should be protected from development unless it can be demonstrated that the land is surplus to requirement. The Council therefore considers that where school playing fields become available, in the first instance use for sport and recreation should be retained.

Development that is ancillary to the use of the site as a playing field, such as new changing rooms, may be permitted where it does not affect the quality or quantity of the pitches or their use, nor impact upon the quality and extent of the Green Infrastructure Network.

The NPPF (paragraphs 76-77) supports the idea that local communities should be able to identify for special protection green areas of particular importance to them. Where appropriate, the District Council will support communities in designating Local Green Space via Neighbourhood Planning.

### **POLICY GI 2 – LOSS OF OPEN SPACE**

**Change of use or redevelopment of Green Infrastructure, Open Space, Sport or Recreation sites within the urban confines of towns and villages, as defined in Appendix 9, and redundant school playing fields will not be permitted unless the applicant demonstrates that:**

- the open space is surplus to requirements; and that there is no need for an appropriate alternative community, sports or recreational use, or
- the loss will be mitigated by equivalent replacement provision (in terms of quality, quantity and accessibility, or
- the development is for alternative sports/recreational use.

**Supporting development will be permitted where it is appropriate and ancillary to the use of the site as a community playing field or sports pitch.**

**There should be no significant adverse impact on the character of the local environment and any potential loss of biodiversity interests should be mitigated.**

Proposals for built development on redundant school playing fields in the Green Belt, other than for essential facilities for outside sport and recreation will be refused.

**Delivery Mechanism:**

See detailed open space allocation maps in Appendix 9

**Performance Indicators for Green Infrastructure and Open Spaces:**

Change in the Green Infrastructure Network; *(CS Indicator)*

Protection of Open Space Allocations; *(CS Indicator)*

Development of school playing fields;

## 7 THE GREEN BELT

Sevenoaks District adjoins London and is predominantly rural in character with 93% of the District designated as Metropolitan Green Belt.

The general purposes of the Green Belt are stated in the NPPF:

- (i) to check the unrestricted sprawl of large built-up areas;
- (ii) to prevent neighbouring towns merging into one another;
- (iii) to assist in safeguarding the countryside from encroachment;
- (iv) to preserve the setting and special character of historic towns; and
- (v) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.

The Sevenoaks District lies entirely within the Green Belt. The particular function of the Green Belt in Kent is to preserve the open countryside between the edge of Greater London and the urban areas of the Medway towns, Maidstone, Tonbridge and Tunbridge Wells.

The approved Green Belt in West Kent extends to about 12-15 miles from the built-up edge of Greater London. Within West Kent, the Green Belt has an important role in preserving the identity of the separate communities and in curbing urban pressures by restraining the growth of towns and other settlements.

The most important attribute of Green Belts is their openness and the NPPF states that the fundamental aim of Green Belt policy is to keep land permanently open. Once Green Belts have been defined, the use of land in them has a positive role to play in fulfilling the following objectives:

- to provide opportunities for access to open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

The Green Belt also plays an important role in encouraging regeneration within existing built confines and this is particularly relevant at settlements such as Sevenoaks, Swanley and New Ash Green within the Sevenoaks District. The Core Strategy provides further detail on these regeneration proposals.

### Core Strategy

The Spatial Vision of the Core Strategy supports national guidance and sets out that Sevenoaks District will provide for future development requirements by making effective use of urban land within existing settlements, while protecting the environment. Further to this the Council's development requirements for housing, employment and other such development as set out in the Core Strategy are based on maintaining existing Green Belt boundaries and not releasing any Green Belt land for development.

The detailed objectives of the Core Strategy include:

- To safeguard the countryside around the District’s towns and villages and promote change within them by making the best use of previously developed land.
- To safeguard and maintain the openness of the Green Belt and the distinctive character and biodiversity of the district’s landscapes, particularly in the Kent Downs and High Weald Areas of Outstanding Natural Beauty, whilst facilitating the economic and social well-being of these areas including the diversification of the rural economy by adopting a positive approach to small scale economic development proposals which re-use existing buildings.

**PREPARATION OF A GREEN BELT  
SUPPLEMENTARY PLANNING DOCUMENT**

To support the policies for development in the Green Belt, the Council has prepared a Supplementary Planning Document (SPD) to provide applicants with advice on the way the Council will consider applications and how best to prepare Green Belt schemes.

The following key areas are included within the SPD;

- Overview of Green Belt policy;
- Principles for new buildings, including limited infilling in existing villages;
- Residential development proposals;
- Agriculture and re-use of farm buildings;
- Leisure, tourism and equestrian development;
- Change of use within the Green Belt;
- Design considerations for Green Belt development; and
- Very special circumstances.

The SPD is subject to a separate six-week consultation.

**Control Over Development**

The NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:

- buildings for agriculture and forestry;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The following policies set out the approach which the District Council will take to specific forms of development in the Green Belt.

### Limited Extensions to dwellings in the Green Belt

It is reasonable for those living in the Green Belt to be able to extend their properties to some degree, to cater for changing family needs or to provide essential basic amenities where these are not available or are inadequate. To support the emerging policies for development in the Green Belt, the Council has prepared a Supplementary Planning Document to provide applicants with detailed advice on the way the Council will consider applications and how best to prepare Green Belt schemes.

The NPPF (paragraph 89) states that the extension or alteration of a building in the Green Belt is not inappropriate development as long as the extension does not result in a disproportionate addition over and above the size of the original building. It is within this context that proposals for extensions and alterations to dwellings will be considered.

It is important to note that existing dwellings in the Green Belt are entitled to the same permitted development rights as dwellings elsewhere (provided permitted development rights have not been removed), and therefore the local planning authority cannot control all extensions or alterations to dwellings in the Green Belt. The Council will give consideration to the removal of permitted development rights when assessing proposals to extend a dwelling in the Green Belt.

Through previous Local Plans the Council has applied a policy that allows the extension of dwellings in the Green Belt by up to 50% over and above the gross floor area of the original building.

Whilst the approach is considered to be successful in principle, it is acknowledged that floorspace does not always fully reflect the impact of extensions on the size of the original building and that alterations can be made to a building that increase the floorspace without significantly affecting the size of the building. For example some loft conversions create extra floorspace accommodation in the roof space but do not involve significant change to the roof form. Conversely development can occur that adds significantly to the physical size of the building without affecting floorspace, for example a replacement roof that is much bulkier but does not include extra accommodation.

Taking these considerations into account the Council has revised its Green Belt policy approach to ensure that the overriding principles that would determine the acceptability of a scheme are based on design and the impact on the form and appearance of the original building, volume and bulk increase and associated impact that development would have on the openness of the Green Belt.

In order to ensure consistency the Council have continued to apply the same 50% floorspace increase allowance to extensions, however the criteria is considered to be secondary to good design and proposals that comply with the 50% rule will not necessarily be approved if the extension is poorly designed or overly intrusive in the Green Belt. The Council have also acknowledged that schemes in excess of the 50% rule may exceptionally be permitted where they do not result in an inappropriate design or unacceptable level of additional volume and bulk and do not materially impact upon the openness of the Green Belt.

In view of the above, any proposals for extensions or alterations to dwellings in the Green Belt will be required to meet the criteria set out in Policy GB1. They should also comply with other relevant Development Management Policies. Extensions to non-residential buildings in the Green Belt will be subject to Policy GB8.



For the purpose of Policy GB1 “Original” means the dwelling as existing on 1st July 1948 even if the original dwellings has since been replaced. If no dwelling existed on that date, then “original” means the dwelling as first built after 1st July 1948. Extensions will only be allowed under the policy where the dwelling proposed to be extended remains intact on site.

Unlike previous versions of the Sevenoaks District Local Plan, the floorspace of the “original” dwelling does not include outbuildings. Policy GB3 sets out the approach to outbuildings and any proposals for outbuildings within 5m of the existing dwelling will be treated as an extension under Policy GB1.

Where applicants seek to demonstrate that an extension in the Green Belt complies with policy GB1, the planning application must include justification of how the proposal complies with criteria a) and b) together with detailed floor space calculations to provide evidence of compliance with criterion c).

**POLICY GB1 - LIMITED EXTENSIONS TO DWELLINGS IN THE GREEN BELT**

Proposals to extend an existing dwelling within the Green Belt which would meet the following criteria will be permitted:

- a) the existing dwelling is lawful and permanent in nature; and
- b) the design is in keeping with the original form and appearance of the building and the proposed volume of the extension, taking into consideration any previous extensions, is proportional and subservient to the ‘original’ dwelling and does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and

If the proposal is considered acceptable when considered against criteria a) and b), the following criterion will then be assessed and must also be met for the proposal to be considered appropriate:

- c) the applicant provides clear evidence that the total floorspace of the proposal, together with any previous extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the “original” dwelling (measured externally).

Planning applications that include the conversion of loft space through the addition only of roof lights will be permitted and will not be subject to the floorspace allowance in criterion c), provided there is no increase in volume or bulk as result of the proposal. Proposals for loft conversions that include the addition of dormer windows or other alterations that create volume or bulk will be subject to criterion c).

**Delivery Mechanism:**

The Green Belt SPD and Residential Extensions SPD will provide further guidance on development in the Green Belt

**Basements in the Green Belt**

The construction of dwellings in the Green Belt with basements would not generally result in overly intrusive, bulky or high dwellings, or impact on the openness of the Green Belt in terms

of the physical presence, providing that the basements are located entirely underground, are not visible externally and are not artificially raised above natural ground level.

Single storey basements will be permitted for new and replacement dwellings in the Green Belt, in addition to the 50% increase in floorspace for above-ground extensions permitted within Policies GB1 and GB4. However, such structures must not exceed the footprint of the original dwelling (based on the footprint of the original building as at 1st July 1948 or, when it was first constructed, if this is later).

In addition where a basement is acceptable, permitted development rights for extensions to dwellings in the Green Belt may be removed to prevent unreasonably large sized dwellings (by controlling their scale and appearance) and to prevent any potential negative impact on the openness of the Green Belt.

### **POLICY GB2 - BASEMENTS WITHIN RESIDENTIAL DEVELOPMENTS IN THE GREEN BELT**

Proposals to extend or replace a dwelling in the Green Belt that includes the provision of a basement which would meet the following criteria will be permitted and will not be subject to the floorspace allowance as set out in Policies GB1 and GB4:

- a) The basement would not exceed the footprint of the original dwelling (based on the footprint of the original building as at 1st July 1948 or, when it was first constructed, if this is later;
- b) The basement would be situated entirely underground with no part of it visible at any point externally;
- c) There would be no external windows, entrances or exits to the basement;
- d) The extension or replacement dwelling would not be artificially raised above natural ground level to accommodate the extension; and
- e) The elements of the proposal situated above ground would comply with Policy GB1 (extension) or GB4 (replacement dwellings) in all other respects;

For basement proposals that do not comply with the above, the floorspace of the basement shall be included within the calculation for the purpose of Policy GB1 or GB4.

#### **Delivery Mechanism:**

The Green Belt SPD will provide further guidance on development in the Green Belt

### **Residential Outbuildings in the Green Belt**

In order to maintain the openness of the Green Belt, it is important to ensure that new ancillary domestic outbuildings, such as garages and sheds, are considered appropriately.

Clusters of buildings would have a more intrusive impact upon Green Belt openness and therefore proposals for residential outbuildings will be treated as an extension under Policy GB1 if the proposed outbuilding would be located within 5m of the existing dwelling.

It is recognised that permitted development rights exist for certain outbuildings, therefore where planning permission is required for these structures in the Green Belt, and where the outbuildings are more than 5m from the existing dwelling, they will be permitted in addition to the allowance under Policy GB1 if the design and cumulative impact would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion.

The Council will seek to ensure that such proposals do not dominate the main dwelling or its setting, and do not have an adverse impact on the openness of the Green Belt. Such buildings should be clearly ancillary to the main dwelling in terms of function and design.

Where permission is granted for an outbuilding, a condition may be imposed, or legal agreement required, to ensure that outbuildings are retained for purposes ancillary to the main dwelling and to prevent their conversion without the approval of planning permission. Consideration will also be given to the need to remove permitted development rights.

**POLICY GB3 - RESIDENTIAL OUTBUILDINGS IN THE GREEN BELT**

**Proposals for residential outbuildings, within the curtilage of an existing dwelling in the Green Belt, will be treated as an extension under Policy GB1 if the proposed outbuilding would be located within 5m of the existing dwelling.**

**Outbuildings located more than 5m from the existing dwelling will be permitted where the building, including the cumulative impact of other outbuildings and extension within the curtilage of the dwelling, would be ancillary to the main dwelling in terms of function and design and would not materially harm the openness of the Green Belt through excessive bulk or visual intrusion**

**Delivery Mechanism:**

**The Green Belt SPD will provide further guidance on development in the Green Belt**

**Replacement Dwellings in the Green Belt**

The NPPF (paragraph 89) states that the replacement of an existing building in the Green Belt is not inappropriate development if it is within the same use and not materially larger than the building it replaces. Proposals for replacement dwellings in the Green Belt will be considered against Policy GB4 below. Proposals for non-residential replacement buildings will be considered against Policy GB8.

In order to minimise the impact of new development, replacement dwellings should be sited on, or close to, the site of the original dwelling, unless an alternative siting would reduce the visual impact of the building on the openness of the Green Belt. In such circumstances, a condition or Section 106 Agreement will be required to ensure the demolition of the existing dwelling.

Some building operations can be carried out under permitted development rights. These can have a significant impact on the character of the plot and its setting, and adversely affect the openness of the Green Belt. Therefore, consideration will be given to the removal of relevant permitted development rights when assessing proposals to replace a dwelling. Proposals for replacement dwellings in the Green Belt will be required to meet the criteria set out in terms of design and amenity as well as other relevant Development Management Policies.

To ensure consistency with Policy GB1 above, it is considered that the gross floor area of a replacement dwelling can be up to 50% greater than the floor area of the original dwelling. In order to avoid a cumulative increase in the size of dwellings being replaced, the baseline will be made to the gross floor area of the original dwelling that existed on the site.

For the purpose of Policy GB4, “Original” means the dwelling as existing on 1st July 1948 even if the original dwellings has since been replaced. If no dwelling existed on that date, then “original” means the dwelling as first built after 1st July 1948. Replacements will only be allowed under the policy where the dwelling proposed to be replaced remains fully intact on site.

Where applicants seek to demonstrate that a replacement dwelling in the Green Belt complies with Policy GB4, the planning application must include justification of how the proposal complies with criteria a), b) and c), together with detailed floor space calculations to provide evidence of compliance with criterion d).

### **POLICY GB4 - REPLACEMENT DWELLINGS IN THE GREEN BELT**

Proposals to replace an existing dwelling within the Green Belt which would meet the following criteria will be permitted:

- a) the existing dwelling is lawful and permanent in nature;
- b) the design and volume proposed does not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion;
- c) the proposal adheres to the “original” dwelling curtilage; and
- d) the applicant provides clear evidence that the total floorspace of the replacement dwelling, together with any retained extensions, alterations and outbuildings would not result in an increase of more than 50% above the floorspace of the “original” dwelling (measured externally).

Construction of permanent dwellings as replacements for mobile homes or caravans will not be permitted.

### **Delivery Mechanism:**

The Green Belt SPD will provide further guidance on development in the Green Belt

### **Dwellings Permitted Under Very Special Circumstances or As Rural Exceptions**

Policies GB1, GB2, GB3 and GB4 will not apply to dwellings permitted under Very Special Circumstances or as rural exception (local needs) affordable housing schemes.

Since the introduction of Planning Policy Guidance Note 2: Green Belts and the subsequent publication of the NPPF opportunities exist to pursue development in the Green Belt based on Very Special Circumstances where proposals are contrary to Policy. Where developments are or have been allowed under Very Special circumstances they have been permitted in instances where development would not usually have been allowed, and as such it is reasonable that

further extensions that would impact upon the openness should be resisted. The Council will therefore remove permitted development rights for developments allowed under Very Special Circumstances and will refusal future proposals for extensions and outbuildings that impact upon Green Belt openness.

In a parallel process, Core Strategy Policy SP4 and predecessor policies from earlier versions of the Local Plan, have allowed small scale affordable housing developments in the Green Belt where rural housing needs surveys have demonstrated a local need for affordable housing. As these developments are, or have been, allowed as exceptions to normal Green Belt policy, and as affordable units to be maintained as such in perpetuity, it is not reasonable to allow significant future extensions and additions. Therefore as with Very Special Circumstance dwellings, the Council will remove permitted development rights and refusal future proposals for extensions and outbuildings that impact upon Green Belt openness.

**POLICY GB5 - DWELLINGS PERMITTED UNDER VERY SPECIAL CIRCUMSTANCES OR AS RURAL EXCEPTIONS**

Where new dwellings are permitted in the Green Belt on grounds of very special circumstances or as part of a rural exception scheme, the Council will remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively impact upon the openness of the Green Belt.

Applications to extend dwellings or erect or extend outbuildings to dwellings that have or are permitted on grounds of very special circumstances or as part of a rural exception scheme will not be permitted.

**Delivery Mechanism:**

The Green Belt SPD will provide further guidance on development in the Green Belt

**Mobile Homes in the Green Belt**

The temporary stationing of a residential mobile home or caravan, may be viewed favourably in the context of providing essential accommodation for the operation of an agricultural or forestry holding. This will usually be where a period of residence is required to establish the commercial viability of an ongoing venture, prior to demonstrating a case for a permanent dwelling. Where planning permission is granted, conditions will be imposed restricting the period of stationing, and limiting occupation to persons and direct relatives specifically employed on the holding in question. On such time as the mobile home is no longer required for these purposes it should be removed.

Mobile homes or caravans may also provide temporary accommodation during the period of construction of a new or replacement dwelling. The Local Planning Authority recognises the need that can arise, and such proposals will be viewed sympathetically subject to environmental considerations. The onus however remains with the applicant to demonstrate a genuine need. Where planning permission is granted, conditions will be imposed limiting the stationing of the mobile home or caravan to the period of construction, and requiring removal on completion of the new dwelling.

### **POLICY GB6 – SITING OF CARAVANS AND MOBILE HOMES**

Proposals for the temporary or permanent location of a mobile home or caravan in the Green Belt which would meet the following criteria will be permitted:

- a) it is for residential accommodation, associated with an agricultural or forestry activity with a proven need; and
- b) the siting is acceptable in terms of location, access, environmental and local amenity considerations.

### **Re-use of Buildings in the Green Belt**

Core Strategy Policy SP 8 states that the sustainable development of the District's economy will be supported by giving priority to business uses, or tourist facilities, in the conversion of buildings in the rural area.

Conversion of buildings that require substantial rebuilding in order to make them suitable for re-use will not be permitted. As a starting point when determining whether a proposal constitutes substantial new rebuilding, the Council will wish to see a substantial proportion of the original structure maintained to protect its character.

Conversions are accepted where they will have no greater impact than the present use on the openness of the Green Belt or harm the character of the area. To avoid increasing impact, conversions that involve disproportionate extensions will not be considered acceptable.

Where the proposed conversion relates to an agricultural building, the applicant should demonstrate that the building is no longer required for agricultural purposes. Where it is demonstrated and accepted that there is no longer an agricultural need for the building, the Council will not permit the future construction of new agricultural buildings of the same type and nature unless it is satisfied that circumstances have significantly changed that would warrant allowing the proposal.

### **POLICY GB7 – RE-USE OF BUILDINGS WITHIN THE GREEN BELT**

Proposals for the re-use of a building in the Green Belt, which would meet the following criteria will be permitted:

- a) the proposed new use, along with any associated use of land surrounding the building, will not have a materially greater impact than the present use on the openness of the Green Belt or harm the existing character of the area; and
- b) the applicant can demonstrate through a detailed structural survey and method statement that the buildings are of permanent and substantial construction and are capable of conversion without major or complete re-construction that would detract from their original character.

Where a proposal seeks the re-use of an agricultural building constructed within the last 10 years, it will be necessary for the applicant to demonstrate that there is no longer an agricultural need for the building, or that the building is no longer fit for its agricultural purpose.

Where it is accepted that there is no future agricultural need for the building, the Council will resist future proposals for new agricultural buildings, unless it is apparent that they are of a different type and nature than that previously identified as being surplus to requirements.

**Delivery Mechanisms:**

The Green Belt SPD will provide further guidance on development in the Green Belt

**Extension and Replacement of non-residential buildings in the Green Belt**

Paragraph 89 of the NPPF states that the extension or alteration of a building in the Green Belt is not inappropriate development as long as the extension does not result in a disproportionate addition over and above the size of the original building.

Paragraph 89 also goes on to state that the replacement of an existing building in the Green Belt is not inappropriate development if it is within the same use and not materially larger than the building it replaces.

Since this approach applies to a much wider range of uses and scale of proposals, from the extension or replacement of a small workshop to that of a very large scale warehouse, the Council do not feel that it would be appropriate to include a floor space figure to guide what is acceptable.

Proposals for extensions and replacements to non-residential buildings in the Green Belt will therefore be considered against Policy GB8 below.

**POLICY GB8 - LIMITED EXTENSIONS TO NON-RESIDENTIAL BUILDINGS IN THE GREEN BELT**

Proposals to extend an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:

- a) the existing building is lawful and permanent in nature; and
- b) the design and volume of the proposed extension, taking into consideration the cumulative impact of any previous extensions, would be proportional and subservient to the ‘original’ building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion.

**POLICY GB9 – REPLACEMENT OF A NON-RESIDENTIAL BUILDING IN THE GREEN BELT**

Proposals to replace an existing non-residential building within the Green Belt which would meet the following criteria will be permitted:

- a) the existing building is lawful and permanent in nature;
- b) the design and volume of the proposed replacement building would not be not materially larger than the ‘original’ building and would not materially harm the openness of the Green Belt through excessive scale, bulk or visual intrusion; and
- c) the replacement building would be within the same use as the building to be demolished.

**Delivery Mechanisms:**

The Green Belt SPD will provide further guidance on development in the Green Belt

### Green Belt Boundary Review

The NPPF states that when drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. It also states that once Green Belt boundaries are established they should only be altered in exceptional circumstances (paragraphs 83-84).

The Core Strategy established that Green Belt land was not required to meet the Council's development needs up to 2026. However, in line with paragraph 4.1.17 of the Core Strategy the Council has undertaken a detailed review of the District's Green Belt boundary and provided opportunity for land owners to promote examples of anomalies where it was felt that the land no longer contributed to Green Belt openness and where exceptional circumstances exist that would justify an amendment to the settlement boundary.

The Council considered all of the representations received during the consultation stage and concluded that there are three instances of sites demonstrating exceptional circumstances that warrant a minor amendment of the green belt boundary.

The Council is also responsible for the preparation of the Gypsy and Traveller Plan and there may be exceptional circumstances for allocating land in the Green Belt in order to meet part of the identified need.

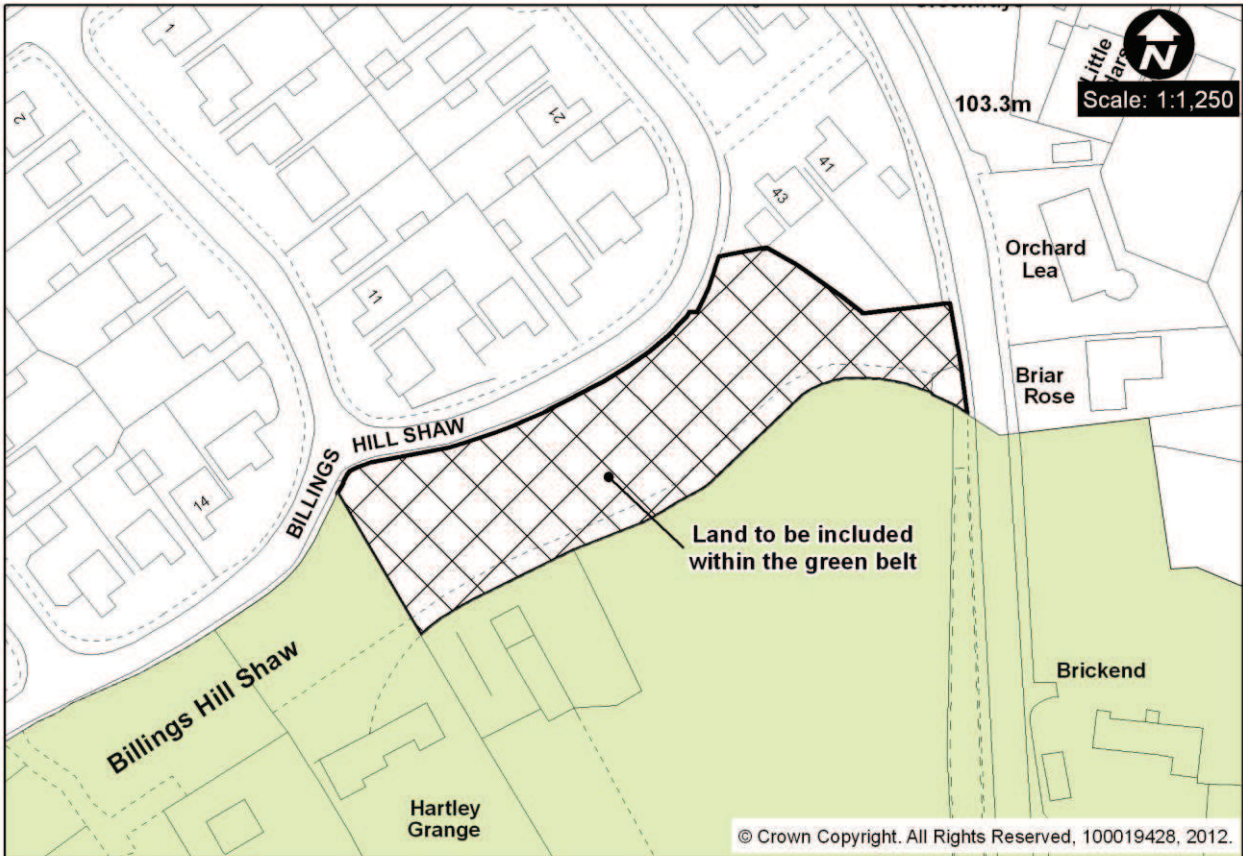
#### **Billings Hill Shaw, Hartley**

It is proposed that the small parcel of land indicated on Map 3 below is returned to the Green Belt. This area was previously included within the Green Belt, until the adoption of the 1994 Swanley Planning Area Local Plan, when it was removed, although there is no written justification for this amendment. Representations were made by the Parish Council in relation to the subsequent Local Plan in 2000, urging that the land at Billings Hill Shaw be included in the Green Belt. The Inspector commented at that time that the non-inclusion of the land in the Green Belt was an anomaly and that there was a clear case for its inclusion in the Green Belt to provide a rational and coherent boundary along the highways margin of Billings Hill Shaw. In the Inspector's view, the apparent error in the previously defined boundary (from 1994) provided justification for an amendment. Notwithstanding the Inspector's report, the Council maintained the existing boundary in the Local Plan (2000) but noted in the Plan that: *'the Council recognises the force of the Inspector's recommendation in respect of the land at Billings Hill Shaw. In particular the need to rectify two "apparent" (cartographical) errors made in 1984 and 1994 in the line of the Green Belt boundary. This would clearly incorporate this land within the Green Belt and re-establish the Hartley Village envelope at this point. The Council will, therefore, be proposing a change in the Green belt boundary to rectify this error at the earliest opportunity'.*

The Council has reviewed the land in question, which is covered in trees and is clearly differentiated from the adjoining housing estate from which it is separated by a clearly defined boundary (Billings Hill Shaw Road). The site is subject to a Tree Preservation Order, and the continuous strip of trees extends onto the land to the west of the site. The area to the west of the site is included within the Green Belt, and the site in question is of similar character to this land. Its character is associated more closely with the surrounding countryside than the developed area. It is considered that the highways margin of Billings Hill Shaw provides a rational and coherent Green Belt boundary. These considerations, together with the comments of the previous Local Plan Inspector who recommended the site be included in the Green Belt and the Council's acceptance that the error would be rectified at the earliest opportunity, provide the exceptional circumstances to justify the amendment to the Green Belt in this location.



Map 3 Area to be designated as Green Belt



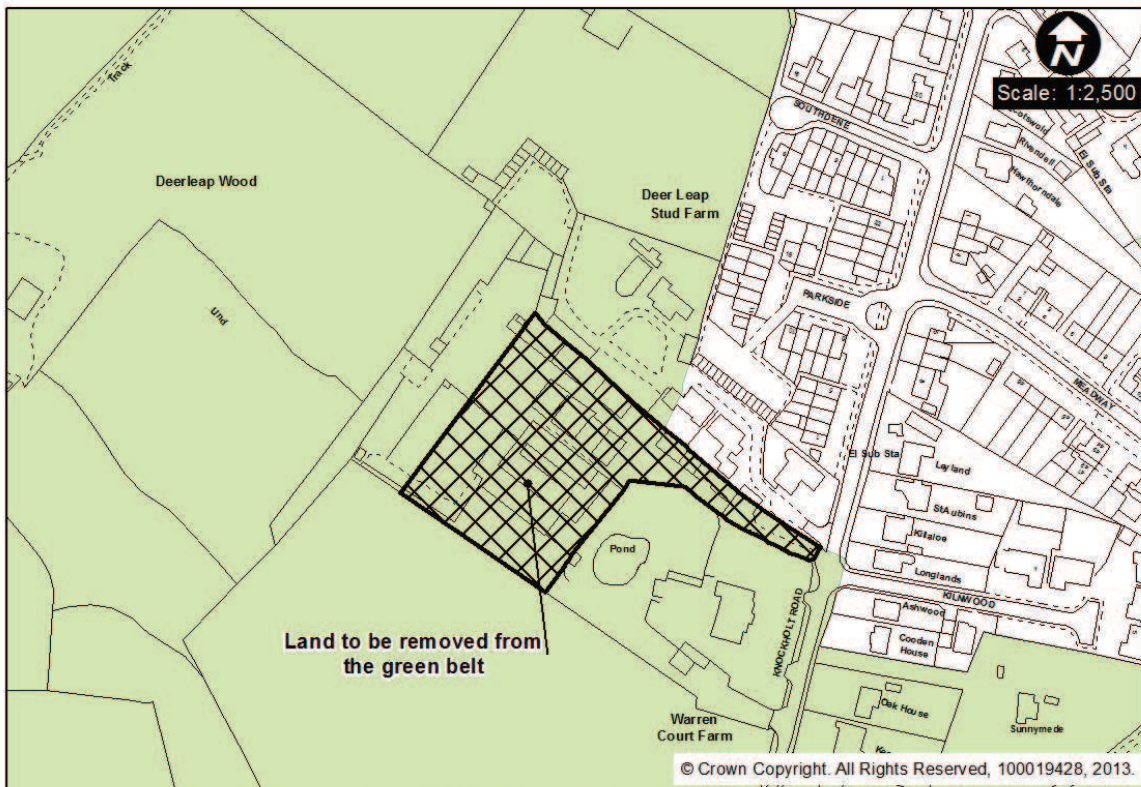
### **Warren Court, Halstead (Map 4)**

Part of the site is allocated as an employment site within the Green Belt in the adopted Local Plan and is not therefore in accordance with the NPPF. Policy H1 proposes that this site be reallocated for residential development, with a concurrent amendment of the green belt boundary to bring the area within the village envelope. The developed site is currently occupied by a poor quality commercial development and new development would not have an adverse impact on the character and openness of the Green Belt. The site abuts the village boundary. All these factors contribute to the exceptional circumstances that justify an amendment to the settlement boundary.

### **Land at College Road and Crawfords, Hextable (Map 5)**

This site comprises a number of buildings clustered around a court yard which is used for car parking. The buildings are in active use including Parish Council offices, residential, workshops, community uses and storage. The buildings are permanent buildings and there has been new building constructed on the site since the Green Belt was first designated in 1958. Most are single storey buildings with pitched roofs. The number, location and scale of the buildings mean that the site now has more of a built up character and its contribution to the openness of the green belt is diminished. The level of built development on the site, its location adjacent to the village envelope and the change in character of the site since the original Green Belt designation all contribute to the exceptional circumstances that justify an amendment to the settlement boundary and exclusion from the Green Belt.

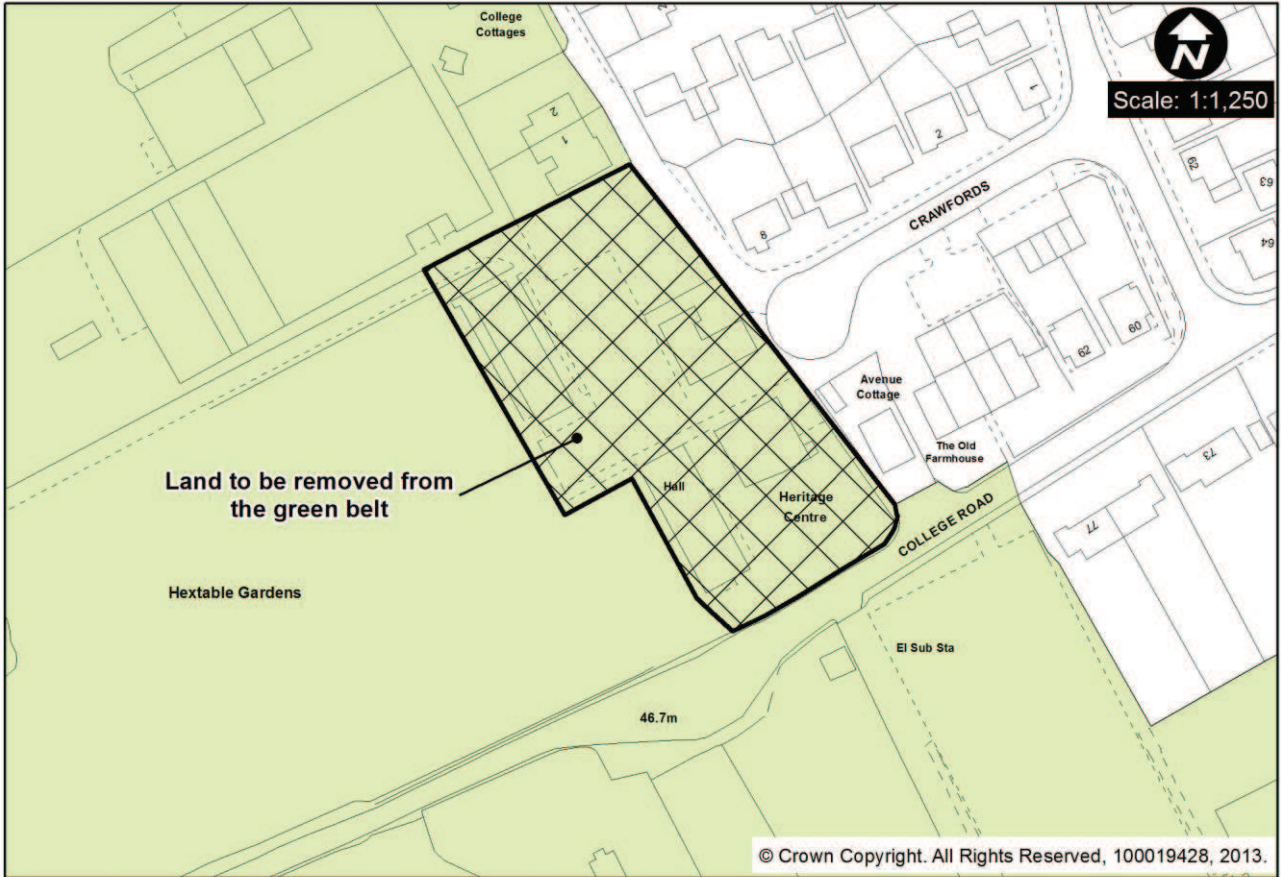
Map 4 Area to be deleted from the Green Belt



# Agenda Item 5g

Draft for Submission – January 2013

## Map 5 Area to be deleted from the Green Belt



**POLICY GB10 – GREEN BELT BOUNDARY**

The Green Belt boundary will be maintained with the exception of small scale adjustments.

- a) Land at Billings Hill Shaw, Hartley, as defined in Map 3, is designated as Green Belt land
- b) Land at Warren Court, Halstead, as defined in Map 4, is removed from the Green Belt
- c) Land at College Road and Crawfords, Hextable, as defined in Map 5, is removed from the Green Belt.

**Performance Indicators for The Green Belt:**

Proportion of additional employment floor space in Urban Confines;

Proportion of completed housing in Urban Confines;

Number of new dwellings granted contrary to Green Belt Policy; (*CS Indicator*)

Proportion of residential Green Belt applications overturned at appeal for:

- Extensions
- Basements
- Outbuildings
- Replacement dwellings;

Net additional caravan/mobile home units in the Green Belt;

## 8 LEISURE AND TOURISM

Sevenoaks District has a wide range of natural and cultural attractions throughout the area. They form the basis of the tourism industry that is vital to the local economy. The protection and enhancement of local natural and built assets will be encouraged, whilst promoting the continued responsible growth of the industry.

The existing Green Infrastructure network provides a range of access opportunities to the natural environment which is a valuable resource in its own right providing a range of activities for visitors. Activities to explore the unspoilt countryside, via the public rights of way network, exist in the form of cycling and walking and these will be encouraged. Any proposals which affect access the countryside should have regard to Policies GI1 and GI2.

The Council has adopted an Economic Development Action Plan, which sets out a range of initiatives to support the District's economy, include supporting the rural economy and tourism.

### Core Strategy

Paragraph 5.4.10 of the Core Strategy states that there is scope for further tourist-related development in the District and the location policies give support to hotel development in Sevenoaks and Swanley and improved facilities for visitors in Edenbridge, together with small scale initiatives to support tourism in rural areas.

### Tourist Accommodation and Attractions

The NPPF defines the main uses to which the town centre policies apply and include hotels as key town centre uses.

The NPPF also supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. It states that support should be given to sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres.

At a local level hotels and guest houses provide necessary serviced accommodation for visitors and business customers wishing to visit the District. To sustain the continued growth of the tourism industry in Sevenoaks District, the Council will seek to protect existing tourist accommodation and resist proposals to convert tourist accommodation, such as hotels, into non-tourism uses.

The impact of extensions to existing hotels and guest houses will need to be carefully considered, particularly with regard to residential amenity, under Policy EN2.

It is important to retain tourist accommodation and visitor attractions not least for economic benefit and it would be inappropriate to lose such facilities to other forms of development.

#### **POLICY LT1 - TOURIST ACCOMMODATION AND VISITOR ATTRACTIONS**

**The benefits to the local economy will be recognised in considering proposals for tourist accommodation or facilities.**

**Existing tourist accommodation and visitor attractions will be protected from conversion to non-tourism use unless it is demonstrated that the use is no longer viable or inappropriately sited.**

### **Equestrian Development**

Horse and other equestrian-related activities are popular forms of recreation in the countryside that can fit in well with farming activities, and help diversify the rural economy.

The Core Strategy acknowledges this and identifies horse riding as a significant recreational activity which can offer benefits to rural communities. The Council will support equine enterprises that maintain environmental quality and countryside character.

The NPPF (paragraph 81) states that once Green Belts have been defined, the use of land in them has a positive role to play in providing access to the open countryside for the urban population; and in providing opportunities for outdoor sport and recreation near urban areas. It allows the construction of new buildings which provide essential facilities for outdoor sport and recreation which preserve the openness of the Green Belt and do not conflict with its purposes, e.g. small stables.

The NPPF (paragraph 109) sets out the Government's objectives for rural areas, which include the need to protect the most valued landscapes and environmental resources, as well as providing appropriate leisure opportunities that benefit rural businesses, communities and visitors, and which respect the character of the countryside. The NPPF (paragraph 28) states that, local authorities should support activities which contribute to the rural economy and/or promote recreation in, and the enjoyment of, the countryside. At the same time, account needs to be taken of the need to protect natural resources and features of landscape value. The NPPF (paragraph 112) recognises that the presence of the best and most versatile agricultural land should be taken into account alongside other sustainability considerations when determining planning applications.

While Government Guidance supports equestrian development, horse related activities such as stables and paddocks, both individually and cumulatively, can have a significant impact on the character of the area. These impacts require careful consideration. The scale of buildings is a principal consideration and for this reason. new buildings for indoor equestrian centres may not be permitted in the Green Belt. A Supplementary Planning Document will be produced giving more detailed guidance on the issues and appropriateness of such development. It should also be noted that the welfare of the animals is an important factor and guidance on standards from the British Horse Society will be taken in to consideration in determining applications for horse related activities.

#### **POLICY LT2 - EQUESTRIAN DEVELOPMENT**

**Proposals for equestrian buildings, facilities and activities which would meet the following criteria will be permitted:**

- a) buildings would be appropriate in scale to their setting and would be closely related to existing farm buildings or other groups of buildings that are well screened from public view;**
- b) for proposals that involve new facilities for the keeping of horses, sufficient grazing land and off road riding areas would be available and would not harm the amenities of surrounding residents;**

c) the proposal would not have an unacceptable impact on the water environment and sewage disposal, and

d) the development would not result in harm to the character of the landscape or the ecological value of the area in which it is situated.

Proposals for equestrian development in the Green Belt will be permitted where the scale of the development is appropriate to a Green Belt setting, and where the cumulative impact of other buildings, does not harm the openness of the Green Belt. Where stables or associated equestrian buildings are proposed they should be designed and constructed in materials appropriate to a rural area and should not be of a size and degree of permanence that they could be adapted for other use in the future.

The conversion of rural buildings to equestrian centres or stables would be acceptable.

### Delivery Mechanism:

The Equestrian Development SPD will provide further guidance.

## Brands Hatch

Part 4.5 of the Core Strategy acknowledges that that Brands Hatch (as defined on the Proposals Map) has become a centre, in the Green Belt, for sport and leisure activities based on the motor racing circuit.

Due to its location the countryside in this area must be conserved and the distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible. Notwithstanding, the Council is supportive of the role that Brands Hatch plays in the District's economy and in terms of attracting visitors into the District. Motor Sport uses within the existing site extent defined on the Proposals Map, will therefore be supported provided activity does not result in increased noise levels affecting adjoining residential properties. Proposals for new development in the vicinity of Brands Hatch will be assessed against Policy EN6 Noise Pollution.

Noise generating activities or development proposals which would involve over-intensification of urban uses in the Green Belt and/or loss of natural visual and aural screening will not be supported.

### LT3 – BRANDS HATCH

The Council is supportive of the role Brands Hatch plays in the District's economy and in attracting visitors to the District. The Council will permit proposals for outdoor sport, recreation and leisure activities in connection with, or ancillary to, the existing motor sport use at Brands Hatch as defined on the Proposals Map.

The following criteria will apply to all proposals:

- a) the proposed development would not result in increased noise levels experienced by nearby residential properties;
- b) the character of the area, including trees and woodland would be retained and



reinforced;

c) the proposed development would be appropriate in scale and character to the existing uses or buildings;

d) vehicular movements would be substantially confined to the existing access on the A20.

**Performance Indicator:**

Additional Hotel and Tourist Accommodation Units in Urban Confines and Green Belt;

Additional Tourist attractions and facilities;

Number of equestrian related applications overturned at appeal;

Development at Brands Hatch;

## 9 COMMUNITY FACILITIES

### Re-Use of Redundant School Buildings

While most schools will continue to be used for either primary or secondary education there may be some sites that will become vacant over the plan period.

The NPPF states that Local Planning Authorities should plan positively for the provision and integration of community facilities (such as local shops, meeting places, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments (paragraph 70).

Whilst it is recognised that residential or commercial development of vacant school sites would attract much higher values, vacant school buildings and redundant playing fields could provide an opportunity to meet the shortfall for recreational or community uses as highlighted in the Council's Open Space and Leisure study, including facilities such as community centres (that could include buildings for religious purposes), allotments and health facilities.

The sites are generally located where there is good access to residential areas and public transport and could become the focus for local community facilities.

Where buildings or sites become available these should first be considered for community use. Only where there is no community need for the buildings or sites will other uses be considered.

Where it can be demonstrated that these facilities are not required residential development will be permitted but should include affordable housing. The Sevenoaks area has an ageing population and the Housing Market Assessment indicates a need to provide housing including residential care homes or sheltered housing for this group of people. Well located former school sites may be suited to this form of residential development.

All new proposals for the re-development of school sites and buildings should also have regard to Policy GI2 with regards to the loss of school playing fields.

#### **POLICY CF1 - RE-USE OF REDUNDANT SCHOOL BUILDINGS**

**Where school buildings become vacant or redundant and there is no requirement for an alternative educational use, priority should be given to reusing the buildings or site to address local need for community facilities.**

**Proposals for change of use or redevelopment for alternative non community uses will only be considered if it is demonstrated by the applicant that there is no identified community need that can be facilitated through the site, or that community facilities that meet the identified need are incorporated into a wider mixed use scheme. Alternative uses that may be acceptable in this instance, subject being located close to services, include residential care homes or sheltered housing**

### Loss of Neighbourhood Services and Facilities

The provision of shops and local services, such as post offices, banks, public houses, schools, surgeries, churches, community facilities, and public transport, help to build sustainable

communities by supporting the local economy and/or providing day-to-day facilities in locations where there is less need for people to travel by car.

Core Strategy Policy L07 seeks to retain local services and facilities within rural settlements, where possible, to maintain the sustainability of these settlements. Policy CF2 of this document extends this approach to services and facilities serving local neighbourhoods within Sevenoaks, Swanley and Edenbridge to ensure that the communities within these towns continue to have reasonable access to services that meet their day to day needs. Policy CF2 does not apply within Sevenoaks, Swanley or Edenbridge town centres or Manse Parade, neighbourhood centre Swanley, where separate policies apply. Alongside community facilities, the policy will apply to retail units that are considered to be meeting a local need outside the town and neighbourhood centres.

Community Right to Buy, which was introduced in the Localism Act, will give communities new powers to help them buy local facilities threatened with closure, which might offer communities an alternative option to retain community facilities.

**POLICY CF2 LOSS OF NEIGHBOURHOOD SERVICES AND FACILITIES**

The loss of neighbourhood services and facilities that are within Sevenoaks, Swanley and Edenbridge urban areas will be resisted where they are serving a local need. Exceptions will be made where equivalent replacement facilities equally accessible to the population served are provided, or where it is demonstrated, through evidence submitted to the Council, that the continued operation of the service or facility is no longer financially viable.

**Performance Indicators for Sustainable Communities and Development Principles:**

Changes in Settlement Hierarchy services and facilities score for individual settlements; *(CS Indicator)*

Development of redundant school buildings;

## **10 TRAVEL AND TRANSPORT**

A Transport Strategy for Sevenoaks District has been prepared by Kent County Council, which will inform the LDF process in the future. The Strategy will propose measures to address key transport issues that arise as a result of future development proposals across the District.

The key transport issues for the District are considered to be:

- Congestion around Sevenoaks Town Centre and Swanley;
- Heavy dependency on rail for commuting, particularly to London leading to growing need and further improvements to services;
- Major gaps in the current bus network between New Ash Green and Sevenoaks and poor access to the south of the District;
- There is high car ownership;
- Provision for cycling is generally low throughout the District;
- Rural areas have a dispersed population with a reliance on the car;
- Community transport is currently provided and its importance will increase as the currently ageing population will increase its reliance on those facilities as they no longer have access to a car;
- Parking problems exist around commuter stations and in town centres
- Air quality management areas are increasing and will require traffic management to assist and mitigate.

Government policy is to promote more sustainable transport choices, to improve access to major trip generators by non-motorised modes, and to reduce the need to travel, especially by car.

### **Core Strategy Objectives**

- To ensure that new development takes account of the need to mitigate and adapt to climate change including principles of sustainable development, including locating development to minimise energy use, promoting travel patterns that reduce the need to travel by car, and encouraging sustainable construction including measures to reduce energy consumption and promote the use of renewable energy.

Although the potential for using public transport and non-recreational walking and cycling is more limited in small rural settlements within the Sevenoaks District, the same overall policy approach is required. In addition, in recognition of increasingly sedentary lifestyles, the health impacts of travel, and the health benefits from walking and cycling, national policy initiatives seek to improve health through encouraging use of walking and cycling which are sustainable modes.

Responsibility for transport is generally shared between central government and its agencies and Kent County Council. However, the District Council also has planning responsibilities, which can have important transport implications. For example, by ensuring development takes place in locations that are accessible by a range of modes of transport, the District Council can promote more sustainable travel patterns by reducing reliance on the private car.

## Mitigating Travel Impact

It is important that all development mitigates its transport impact. 'Major development' proposals or development proposals with 'significant transport implications' will be required to produce a Transport Assessment and a Travel Plan. In determining whether or not a transport assessment is required, the Council will have regard to Kent County Council's 'Transport Assessments and Travel Plans' (2008), or any subsequent replacement, and guidance from KCC as local highway authority.

An assessment of transport implications in a Transport Statement should be submitted alongside all other development proposals where there is considered to be a transport impact to enable the applicant to demonstrate to the Council that they have properly considered the transport impact of the proposal and taken into account how to mitigate them. The level of detail will vary according to the scale and complexity of the application. Guidance on when a Transport Statement should be carried out and what it should contain has been prepared by the DfT. Planning permission will be refused where appropriate mitigation cannot be achieved.

### **POLICY T1 - MITIGATING TRAVEL IMPACT**

**New developments will be required to mitigate any adverse travel impacts, including their impact on congestion and safety, environmental impact, such as noise, pollution and impact on amenity and health. This may mean ensuring adequate provision is made for integrated and improved transport infrastructure or other appropriate mitigation measures, through direct improvements and/or developer contributions.**

## Vehicle Parking

Car parking standards will ensure that new developments provide adequate off-street parking to accommodate the needs they generate and to protect surrounding areas and development. Developers will be required to provide car parking spaces in accordance with the relevant standards.

Current vehicle parking standards for residential developments applied in Sevenoaks District are set out in KCC's Interim Guidance Note 3 (IGN3) to the Kent Design Guide. These standards set maxima standards in town centre and edge of centre locations and minima standards in suburban area and villages (see Appendix 2). For non-residential standards, the District Council rely on advice from Kent County Council, as the local transport authority. This advice should take into account national policy on parking, including encouraging sustainable modes of transport and maintaining road safety. Maximum standards in former Supplementary Planning Guidance 4 (SPG4) to the Kent and Medway Structure Plan provides a starting point for this advice.

The residential standards in IGN3 and some of the standards in SPG4 cover the space needs of residents, visitors, employees and customers, but do not provide for the space requirements of vehicles which deliver and collect goods. Consequently, in addition to the requirements set out in these standards, sufficient space will also be required within the site to allow for the parking and manoeuvring of such vehicles.

Insufficient parking associated with new development can lead to inappropriate parking on streets and verges creating highway safety problems and unsightly environments. A flexible approach is therefore required to reflect the availability of non-car alternatives and the

proximity of key services, shops and jobs. Generally, development will only be permitted where it is in accordance with KCC's current Parking Standards. The District Council will encourage KCC to keep parking standards under review as the evidence base behind them continues to develop.

### **POLICY T2 - VEHICLE PARKING**

Vehicle parking provision, including cycle parking, in new residential developments should be made in accordance with the current KCC vehicle parking standards in Interim Guidance Note 3 to the Kent Design Guide (or any subsequent replacement).

Vehicle parking provision, including cycle parking, in new non residential developments should be made in accordance with advice by Kent County Council as Local Highway Authority or until such time as non-residential standards are adopted.

Notwithstanding the Council may depart from established maxima or minima standards in order to:

- a) take account of specific local circumstances that may require a higher or lower level of parking provision, including as a result of the development site's accessibility to public transport, shops and services, highway safety concerns and local on-street parking problems;
- b) ensure the successful restoration, refurbishment and re-use of listed buildings or buildings affecting the character of a conservation area;
- c) allow the appropriate re-use of the upper floors of buildings in town centres or above shop units;
- d) account for the existing parking provision (whether provided on or off-site) already attributed to the building's existing use when a redevelopment or change of use is proposed and for the use of existing public car parks outside of normal working/trading hours by restaurants and leisure uses.

### **Provision of Electrical Vehicle Charging Points**

The Core Strategy identifies that Sevenoaks District has high average CO2 emissions and energy consumption levels, therefore new development should take account of the need to mitigate and adapt to climate change and ensure development contributes to an improvement in the District's air quality.

To do this the Council will encourage the shift to low emission electrical vehicles by promoting charging points in appropriate locations throughout the District. The Council will seek provision in places where they will be well-used and will not interfere with the safe movement of traffic.

It is expected that charging technology will advance rapidly over the next 10-20 years as the use of electric vehicles increases, however there is some uncertainty as to whether alternative technologies will develop and as such this policy will be kept under regular review. To take into account the uncertainty regarding the future of electric vehicles the policy takes a flexible approach that allows it to respond to this technological evolution or decline, with the initial emphasis on determining suitable locations and developments for public charging points rather than setting rigid standards.

The Council will seek the inclusion of public vehicle charging points within suitable major development schemes in line with the criteria contained in Policy T3. Due to charging times, the most suitable locations are likely to be within developments in town centres, employment areas, tourist and leisure locations and any others that attract visitors for a substantial period of time.

Where under Policy T3 it is deemed that a public point is not appropriate, it would still be advisable to design the development to accommodate such provision at a later date if there is sufficient demand, for example by incorporating appropriate ducting and electrical supply capacity to avoid expensive retrofitting.

Whilst public vehicle charging points will not be suitable in all commercial development, the Council recognises that the majority of existing electric vehicle charging takes place overnight at home. Therefore all new houses with a garage or vehicular accesses should include an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles. Where possible schemes for new apartments and sites with separate parking areas should include a scheme for at least one communal charging point.

**POLICY T3- PROVISION OF ELECTRICAL VEHICLE CHARGING POINTS**

For all major non-residential development proposals the applicant should set out within their Transport Assessment a scheme for the inclusion of electric vehicle charging infrastructure.

In considering whether a publicly accessible charging point is appropriate the Council will have regard to:

1. The accessibility of the location;
2. The suitability of the site as a long stay destination during charging;
3. The number of existing and proposed publicly accessible charging points in the surrounding area;
4. The potential impact of providing electric vehicle charging points on development viability.

Within new residential developments all new houses with a garage or vehicular accesses should include an electrical socket with suitable voltage and wiring for the safe charging of electric vehicles.

Schemes for new apartments and houses with separate parking areas should include a scheme for at least one communal charging point.

In non-residential developments where it is not appropriate to provide electric vehicle charging points, new development should be designed to include the electrical infrastructure in order to minimise the cost and disturbance of retrofitting at a later date.

**Performance Indicator:**

Number of developments which include publicly assessable electric vehicle charging points.

Number of developments with adopted Travel Plans; *(CS Indicator)*

Number of developments which depart from Vehicle Parking Guidance Note;

## GLOSSARY

This Glossary has status only as a guide to planning terminology used in this document and should not be used as a source for statutory definitions. All definitions have been produced by Sevenoaks District Council unless referenced otherwise.

### **Affordable housing**

'Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision'.

### **Air Quality Management Area (AQMA)**

The Environment Act 1995 requires local councils to regularly assess the air quality in their area to see if any of the key pollutants in the National Air Quality Strategy are likely to exceed the targets currently set. In locations where this is likely to happen and where the public are exposed to the pollution, the Council is required to designate an 'Air Quality Management Area'.

### **Ancient Monument**

Section 61(12) of the Ancient Monuments and Archaeological Areas Act 1979 defines an ancient monument as 'any scheduled monument' and 'any other monument which in the opinion of the Secretary of State is of public interest by reason of the historic, architectural, traditional, artistic or archaeological interest attaching to it.

### **Annual Monitoring Report (AMR)**

A report prepared by local planning authorities assessing progress with and the effectiveness of a Local Development Framework.

### **Area of Outstanding Natural Beauty (AONB)**

An area with statutory national landscape designation, the primary purpose of which is to conserve and enhance natural beauty. Together with National Parks, AONB represent the nation's finest landscapes. AONB are designated by the Countryside Agency.

### **Biodiversity Opportunity Areas (BOA)**

Regional priority areas of opportunity for restoration and creation of Biodiversity Action Plan (BAP) habitats areas of greatest potential for restoration and creation. They are areas of opportunity, not constraint. The BOAs are designated by the South East England Biodiversity Forum.

### **BREEAM (Building Research Establishment Environmental Assessment Method)**

BREEAM is the world's most widely used environmental assessment method for buildings. BREEAM assesses buildings against a set criteria and provides an overall score which will fall within a band providing either a; PASS, GOOD, VERY GOOD, EXCELLENT or OUTSTANDING rating.

### **Climate Change Adaptation**

Adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities. Various types of adaptation can be distinguished, including anticipatory, autonomous and planned adaptation.



**Code for Sustainable Homes**

The Code measures the sustainability of a new home against nine categories of sustainable design, rating the 'whole home' as a complete package. The Code uses a 1 to 6 star rating system to communicate the overall sustainability performance of a new home. The Code sets minimum standards for energy and water use at each level.

**Conservation Areas**

Areas of special architectural or historical interest, where development is more tightly restricted than elsewhere in order to preserve and enhance their special character and qualities. These areas are designated by the Local Planning Authority under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which gives them statutory recognition and protection.

**Core Strategy**

The Local Development Framework core strategy is the spatial vision for what a local authority wants to achieve. It contains a set of strategic policies that are required to deliver the vision including the broad approach to development.

**Development Plan Documents (DPD)**

The documents that a local planning authority must prepare, and which have to be subject to rigorous procedures of community involvement, consultation and independent examination. Should include the following elements

- Core strategy
- Site specific allocations of land
- Area action plans (where needed); and
- Proposals Map (with inset maps, where necessary).

**Green Belt**

Areas of land where there is a strong presumption against development except that which falls into certain limited categories. The purposes of Green Belts are to check the unrestricted sprawl of urban areas, stop the joining of neighbouring towns, safeguard the surrounding countryside, preserve the special character of the area, assist in urban regeneration and to serve as a recreational resource.

**Green Corridors**

Strips of land or water including river and canal banks, cycle ways and rights of way which connect areas of green infrastructure.

**Green Infrastructure (GI)**

Green Infrastructure goes beyond traditional site based landscaping. It requires an assessment of both the natural/semi natural features and biodiversity within the site, and further its links with the natural environment of its surroundings and where appropriate the wider character of the area.

The provision of Green Infrastructure can include :

- Incorporating Living Roofs
- Connecting with existing PROW network
- Using plants and trees which extend existing native habitats around site boundaries
- The provision Formal and informal recreational spaces (including the provision for children and young people where appropriate)

### **Green Infrastructure Network (GI Network)**

The following areas can form part of networks of green infrastructure:

- Parks and gardens - including urban parks, country parks and formal gardens.
- Natural and semi-natural urban greenspaces - including woodlands, urban forestry, scrub, grasslands (e.g. downlands, commons and meadows), wetlands, open and running water, wastelands and derelict open land and rock areas (e.g. cliffs, quarries and pits).
- Green corridors - including river and canal banks, cycleways, and rights of way
- Outdoor sports facilities (with natural or artificial surfaces, either publicly or privately owned) including tennis courts, bowling greens, sports pitches, golf courses, athletics tracks, school and other institutional playing fields, and other outdoor sports areas.
- Amenity greenspace (most commonly, but not exclusively, in housing areas) – including informal recreation spaces, greenspaces in and around housing, domestic gardens and village greens.
- Provision for children and teenagers - including play areas, skateboard parks, outdoor basketball hoops, and other more informal areas (e.g. 'hanging out' areas, teenage shelters).
- Allotments, community gardens, and city (urban) farms.
- Cemeteries and churchyards.
- Accessible countryside in urban fringe areas.
- River and canal corridors.
- Green roofs and walls.

### **Gypsies and Travellers**

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

### **Historic Parks and Gardens**

A park or garden of special historic interest. Graded I (highest quality), II\* or II. Designated by English Heritage.

### **Housing Trajectory**

Local Planning Authorities are required to prepare a housing trajectory. This provides a position statement comparing past performance on housing supply with anticipated future rates of housing development. The trajectory is updated each year as part of the Annual Monitoring Report.

### **Infrastructure**

Basic services necessary for development to take place, for example, roads, electricity, sewerage, water, education and health facilities.

### **Listed Building**

A building of special architectural or historic interest. Listed buildings are graded I, II\* or II with grade I being the highest. Listing includes the interior as well as the exterior of the building, and any buildings or permanent structures (e.g. wells within its curtilage). Designated by English Heritage.

**Living Roofs**

Roofs which consist of organic materials and which can be capable of supporting biodiversity.

**Local Development Document (LDD)**

Local Development Documents will comprise of Development Plan Documents, Supplementary Planning Documents, Statement of Community Involvement.

**Local Development Framework (LDF)**

The LDF contains a portfolio of Local Development Documents which provides the local planning authority's policies for meeting the community's economic, environmental and social aims for the future of their area where this affects the development of land.

**Local Development Scheme (LDS)**

The LDS sets out the programme for preparing the Local Development Documents

**Local Wildlife Site**

Local wildlife sites, previously known as Sites of Nature Conservation Interest (SNCIs), are sites which are important to nature conservation interests in a local context.

**The National Planning Policy Framework (NPPF)**

This is a single document prepared by the government to replace guidance previously set out in Planning Policy Guidance Notes (PPGs) and Planning Policy Statements (PPSs). The role of the NPPF is to explain statutory provisions and provide guidance to local authorities and others on planning policy on the operation of the planning system. Local authorities must take its contents into account in preparing their development plan documents.

**Renewable Energy**

Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass. Low carbon technologies are those that can help reduce carbon emissions. Renewable and low-carbon energy supplies include, but not exclusively, those from biomass and energy crops; CHP/CCHP (and micro-CHP); energy-from-waste; ground source heating and cooling; hydro; solar thermal and photovoltaic generation; wind generation.

**Settlement Hierarchy**

The arrangement of settlements within a given area in order of importance.

**Site of Special Scientific Interest (SSSI)**

A site identified under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) as an area of special interest by reason of any of its flora, fauna, geological or physiographical features (e.g. plants, animals, and natural features relating to the Earth's structure).

**Statement of Community Involvement (SCI)**

The Statement of Community Involvement sets out the processes to be used by the local authority in involving the community in the preparation, alteration and continuing review of all local development documents and development control decisions. It is an essential part of the Local Development Framework.

**Strategic Flood Risk Assessment (SFRA)**

This report provides an overview of the methodology, assumptions, uncertainties, tasks undertaken and the links to the wider sustainability appraisal process. It provides policy recommendations and guidance for the application of the Sequential Test, the preparation of

flood risk assessments and the use of sustainable drainage systems, within the Council's administrative boundary.

### **Strategic Housing Land Availability Assessment (SHLAA)**

A Strategic Housing Land Availability Assessment should:

- Assess the likely level of housing that could be provided if unimplemented planning permissions were brought into development.
- Assess land availability by identifying buildings or areas of land (including previously developed land and Greenfield) that have development potential for housing, including within mixed use developments.
- Assess the potential level of housing that can be provided on identified land.
- Where appropriate, evaluate past trends in windfall land coming forward for development and estimate the likely future implementation rate.
- Identify constraints that might make a particular site unavailable and/or unviable for development.
- Identify sustainability issues and physical constraints that might make a site unsuitable for development.
- Identify what action could be taken to overcome constraints on particular sites.

### **Strategic Housing Market Assessment (SHMA)**

A Strategic Housing Market Assessment should:

- Estimate housing need and demand in terms of affordable and market housing.
- Determine how the distribution of need and demand varies across the plan area, for example, as between the urban and rural areas.
- Consider future demographic trends and identify the accommodation requirements of specific groups such as, homeless households, Black and Minority Ethnic groups, first time buyers, disabled people, older people, Gypsies and Travellers and occupational groups such as key workers, students and operational defence personnel.

### **Supplementary Planning Document (SPD)**

SPDs provide further guidance regarding how Local Development Framework policies should be implemented.

### **Sustainability Appraisal (SA)**

Assessment of the social, economic, and environmental impacts of the policies and proposals contained within the Local Development Framework.

### **Sustainable Urban Drainage System (SUDS)**

An alternative approach from the traditional ways of managing runoff from buildings and hardstanding. They can reduce the total amount, flow and rate of surface water that runs directly to rivers through stormwater systems.

### **Use Class Order**

The Town and Country Planning (Use Classes) Order 1987 (as amended) puts uses of land and buildings into various categories known as 'Use Classes'. In many cases involving similar types of use, a change of use of a building or land does not need planning permission. Planning permission is not needed when both the present and proposed uses fall within the same 'class', or if the Town and Country Planning (Use Classes) Order says that a change of class is permitted to another specified class. Full details of the different use classes can be found on <http://www.legislation.gov.uk>

### **Windfall Site**

A site not specifically allocated for development in a development plan, but which unexpectedly becomes available for development during the lifetime of a plan. Most "windfalls" are referred to in a housing context. They tend to be very small sites for one or a small number of homes.

## APPENDIX 1 – REPLACEMENT OF SAVED LOCAL PLAN POLICIES

Once adopted the Allocations and Development Management Plan DPD and Core Strategy will replace all of the remaining saved policies of the Sevenoaks District Local Plan.

The table below shows a comprehensive list of all of the Saved Local Plan Policies which have not already been replaced by the Core Strategy. The Saved policies continue to form part of the Development Plan and will be used to assess planning applications until such time as the Allocations and Development Management Plan is formally adopted.

The table shows how each remaining saved policy is proposed to be replaced by new Allocations and Development Management policies.

Policy No.	Policy Title	Replacement
EN1	Development Control: General Principles	SC1 - Presumption in favour of Sustainable Development EN1 – Design Principles EN2 – Amenity Protection
EN4A	Access for Persons with Disabilities	Adopted Core Strategy Policy SP5 and EN1 – Design Principles.
EN4B		
EN4C		
EN9	Green Spaces and Urban Fringe	GI1 - Green Infrastructure and New Development GI 2 - Loss of Open Space
EN17B	Nature Conservation	GI1 - Green Infrastructure and New Development will supplement Core Strategy Policy SP11 on Biodiversity.
EN23	Conservation Areas	EN4 – Heritage Assets
EN25A	Archaeology	EN4 - Heritage Assets
EN25B		
EN26	Historic Parks and Gardens	EN4 - Heritage Assets; GI1 - Green Infrastructure and New Development
EN27	Shopfronts	No replacement proposed as adequate guidance included within Adopted Core Strategy SP1 and EN1 Design Principles
EN31	Outdoor Lighting	EN5 – Outdoor Lighting
EN34	Rural Lanes	No replacement proposed as adequate guidance included within Adopted Core Strategy LO8, SP10 and SP11 and EN1 Design Principles; GI1 Green Infrastructure and New Development and GI2 Loss of Open Space
NR10	Pollution Control	EN2 – Amenity Protection; EN6 – Noise Pollution
GB1	Green Belt Boundaries	Adopted Core Strategy Policy LO8; GB10 – Green Belt Boundary
GB3A	Re-use of Buildings in the Green Belt	GB7 - Re-use of Buildings within the Green Belt
GB3B		
GB5	Major Developed Sites	EMP2 – Major Developed Employment Sites in the Green Belt

T2	A25 Seal Road/Bat and Ball	No direct replacement
T8	Development Control Policies for Transport.	No direct replacement of T9 and T10. T8 partially replaced by EN1 Design Principles and T1 Mitigating Travel Impact
T9		
T10		
VP1	General Parking Standards	T2 – Vehicle Parking
VP10	Parking (Edenbridge)	T2 – Vehicle Parking
VP11	Parking (Rural Areas)	T2 – Vehicle Parking
H1	Housing Allocations	H1 - Residential Development Allocations; H2 - Mixed Use Development Allocations.
H3	Phasing of Allocated and Unallocated Large Sites	H1 - Residential Development Allocations; H2 - Mixed Use Development Allocations.
H6A	Residential Conversions, Subdivisions and Extensions	H3 – Residential Subdivision
H6B	Residential Extensions	EN1 – Design Principles; and Residential Extensions SPD (Adopted 2009)
H7A	Loss of Residential Accommodation	H4 - Reuse and protection of existing housing stock
H7B	Loss of Residential Accommodation	LC1 – Sevenoaks Town Centre; LC2 – Swanley Town Centre; LC3 – Edenbridge Town Centre; T2 – Vehicle Parking
H8	Care Homes	Adopted Core Strategy Policy SP5; H1 – Residential Housing Allocations
H13	Replacement Dwellings in the Green Belt	GB4 – Replacement Dwellings in the Green Belt
H14A	Extensions and Outbuildings in the Green Belt	GB1 – Limited Extensions to Dwellings in the Green Belt; GB3 – Residential Outbuildings in the Green Belt
H14B		
H16	Residential Caravans and Mobile Homes	GB6 – Siting of Caravans and Mobile Homes in the Green Belt
H17		
H18		
H19		
EP1	Employment Provision	EMP1 – Land for Business; EMP2 – Major Developed Employment Sites in the Green Belt; EMP3 – Redevelopment of Fort Halstead; EMP4 – Business Allocation at Development at Broom Hill, Swanley; EMP5 – Non Allocated Employment Sites
EP8	Development in Business Area	EMP1 – Land for Business; EMP2 – Major Developed Employment Sites in the Green Belt; EMP3 – Redevelopment of Fort Halstead; EMP4 – Business Allocation at Development at Broom Hill, Swanley;

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Draft for Submission – January 2013

		EMP5 – Non Allocated Employment Sites.
EP11A	The Construction of New Buildings	No direct replacement as adequate guidance included within EN1 Design Principles
EP13	Replacement of Commercial Buildings in the Green Belt	GB9 – Replacement of non residential buildings in the Green Belt
S3A	Local Shops and Village Centres	LC4 – Neighbourhood Centres and Village Centres
S3B		
S4	Farm Shops	No direct replacement needed.
S6	Hot Food Takeaways	EN2 – Amenity Protection
ST1A	Sevenoaks Town Centre	LC1 – Sevenoaks Town Centre
ST2	Sevenoaks Town Centre Primary Frontages	LC1 – Sevenoaks Town Centre
ST6	Blighs Meadow	Not replaced due to planning consent
ST9	Farmers Public House, Sevenoaks	Not replaced due to planning consent
ST10	Morewood Close, Sevenoaks	Not replaced due to planning consent
ST11	Waterworks, Cramptons Road	H1 – Residential Development Allocations.
SW1	Swanley Town Centre	LC2 – Swanley Town Centre
SW6	Bevan Place Swanley	H1 – Residential Development
SW7	Goldsel Road Swanley	No direct replacement. Site no longer promoted
SW8	Broom Hill Swanley	EMP4 – Business Allocation at Broom Hill
EB1	Edenbridge Town Centre	LC3 – Edenbridge Town Centre
EB2		
EB3	Land Adjoining Edenbridge Town Centre	No direct replacement as no longer promoted
EB4	Edenbridge Tannery	Not replaced due to planning consent
WS1	Westerham Town Centre	LC4 – Neighbourhood and Village Centres
WS2		
HL1	Land at Warren Court Farm	H1 – Residential Development Allocations.
FH1	Fort Halstead	Adopted Core Strategy Policy SP8 Land for Business; EMP1 – Land for Business; EMP 2 – Major Development Employment Sites in the Green Belt EMP3 – Redevelopment at Fort Halstead; H2 – Mixed Use Development Allocations
DG1	North Downs Business Park Dunton Green	
CBP1	Chaucer Business Park Kemsing	
SKB1	SmithKline Beecham Powder Mill Lane Leigh	
WK2	Brands Hatch	LT3 – Brands Hatch
WK6	Brands Hatch Noise	LT3 – Brands Hatch
TR5	Camping and Caravanning	EN1 – Design principles; LT1 – Loss of Tourist Accommodation and Visitor Attractions; National Planning Policy Framework
SR9	Horses and Stables	LT2 – Equestrian Development
PS2	Developer Contributions	SP9 Infrastructure Provision
PS6	Churchill School	H1 – Residential Development



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		Allocations
PS10	Rural Service Provision	L07 Development in Rural Settlements

APPENDIX 2 – ‘GUIDANCE TABLE FOR RESIDENTIAL PARKING’ FROM INTERIM GUIDANCE NOTE 3 TO THE KENT DESIGN GUIDE (2008)

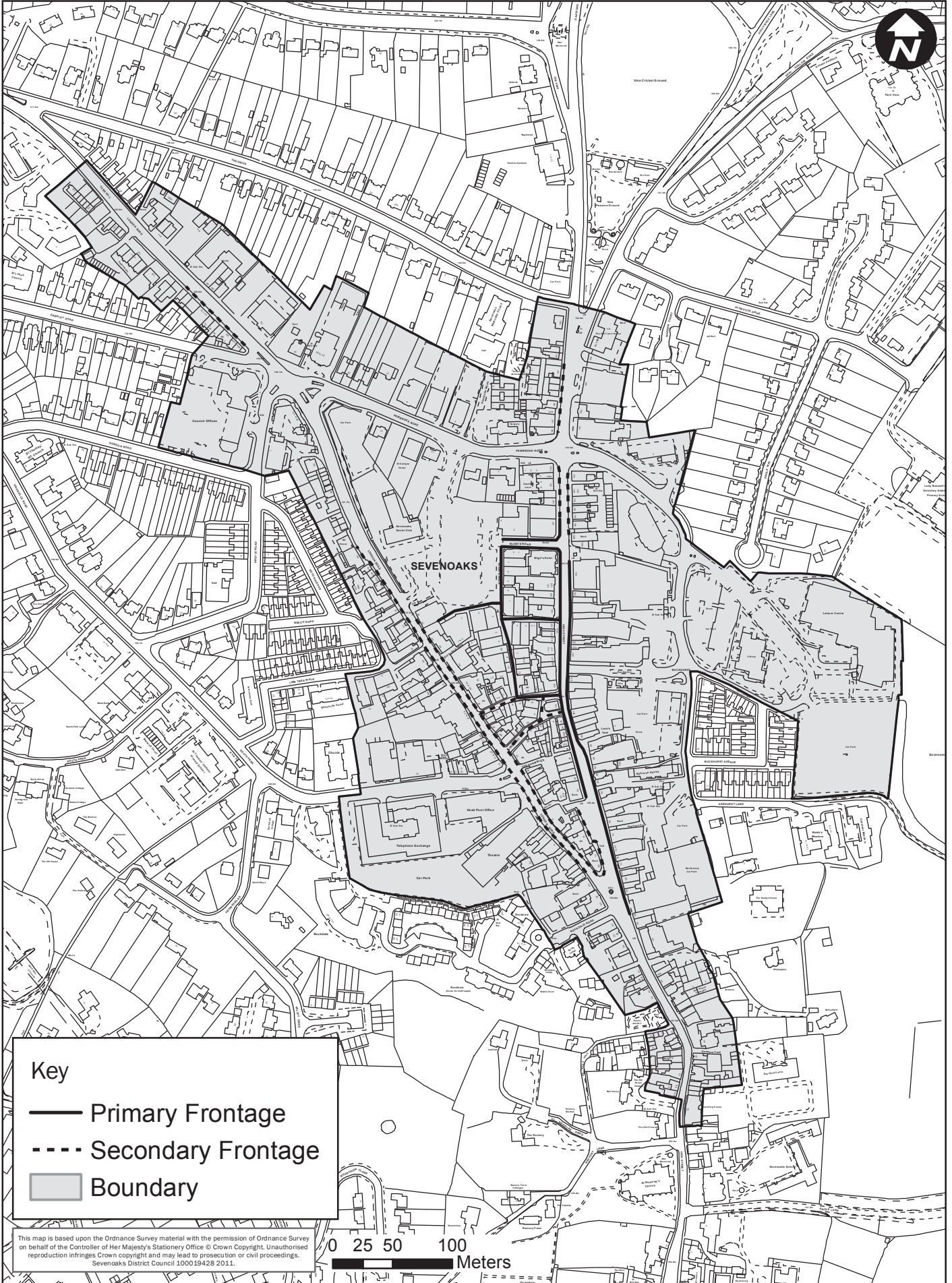
LOCATION	CITY/TOWN CENTRE	EDGE OF CENTRE	SUBURBAN	SUBURBAN EDGE/VILLAGE/RURAL
ON-STREET CONTROLS	On-street controls preventing all (or all long stay) parking	On-street controls, residents' scheme and/or existing saturation (Note 3)	No, or very limited, on-street controls	No on-street controls, but possibly a tight street layout
NATURE OF GUIDANCE	MAXIMUM (Note 1)	MAXIMUM	MINIMUM (Note 6)	MINIMUM (Note 6)
1 & 2 BED FLATS	1 space per unit	1 space per unit	1 space per unit	1 space per unit
FORM	Controlled (Note 2)	Not allocated	Not allocated	Not allocated
1&2 BED HOUSES	1 space per unit	1 space per unit	1 space per unit	1.5 spaces per unit
FORM	Controlled (Note 2)	Allocation possible	Allocation possible	Allocation of one space per unit possible
3 BED HOUSES	1 space per unit	1 space per unit	1.5 spaces per unit	2 independently accessible spaces per unit
FORM	Controlled (Note 2)	Allocation possible	Allocation possible	Allocation of one or both spaces possible
4+ BED HOUSES	1 space per unit	1.5 spaces per unit	2 independently accessible spaces per unit	2 independently accessible spaces per unit
FORM	Controlled (Note 2)	Allocation of one space per unit possible	Allocation of both spaces possible (Note 7)	Allocation of both spaces possible (Note 7)
ARE GARAGES ACCEPTABLE (Note 4)	Yes, but with areas of communal space for washing etc	Yes, but not as a significant proportion of overall provision	Additional to amount given above only	Additional to amount given above only
ADDITIONAL VISITOR PARKING (Note 5)	Public car parks	Communal areas, 0.2 per unit maximum	On-street areas, 0.2 per unit	On street areas, 0.2 per unit

NOTES

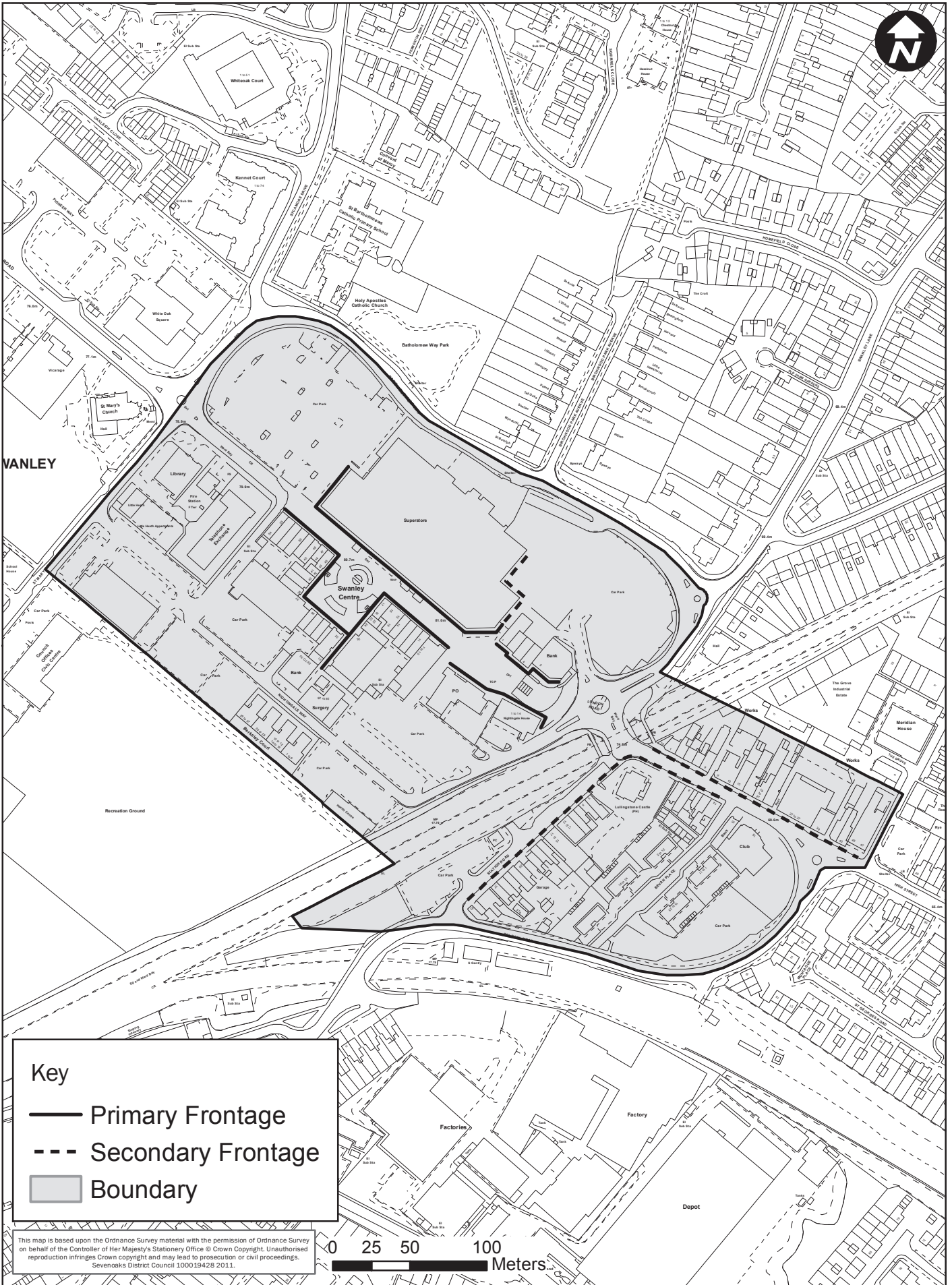
1. Reduced, or even nil provision is encouraged in support of demand management and the most efficient use of land.
2. Parking/garage courts, possibly with controlled entry.
3. Reduced, or even nil provision acceptable for rented properties, subject to effective tenancy controls.
4. Open car ports or car barns acceptable at all locations, subject to good design.
5. May be reduced where main provision is not allocated. Not always needed for flats.
6. Lower provision may be considered if vehicular trip rate constraints are to be applied in connection with a binding and enforceable Travel Plan.
7. Best provided side by side, or in another independently accessible form. Tandem parking arrangements are often under-utilised.

**APPENDIX 7: TOWN CENTRE MAPS**

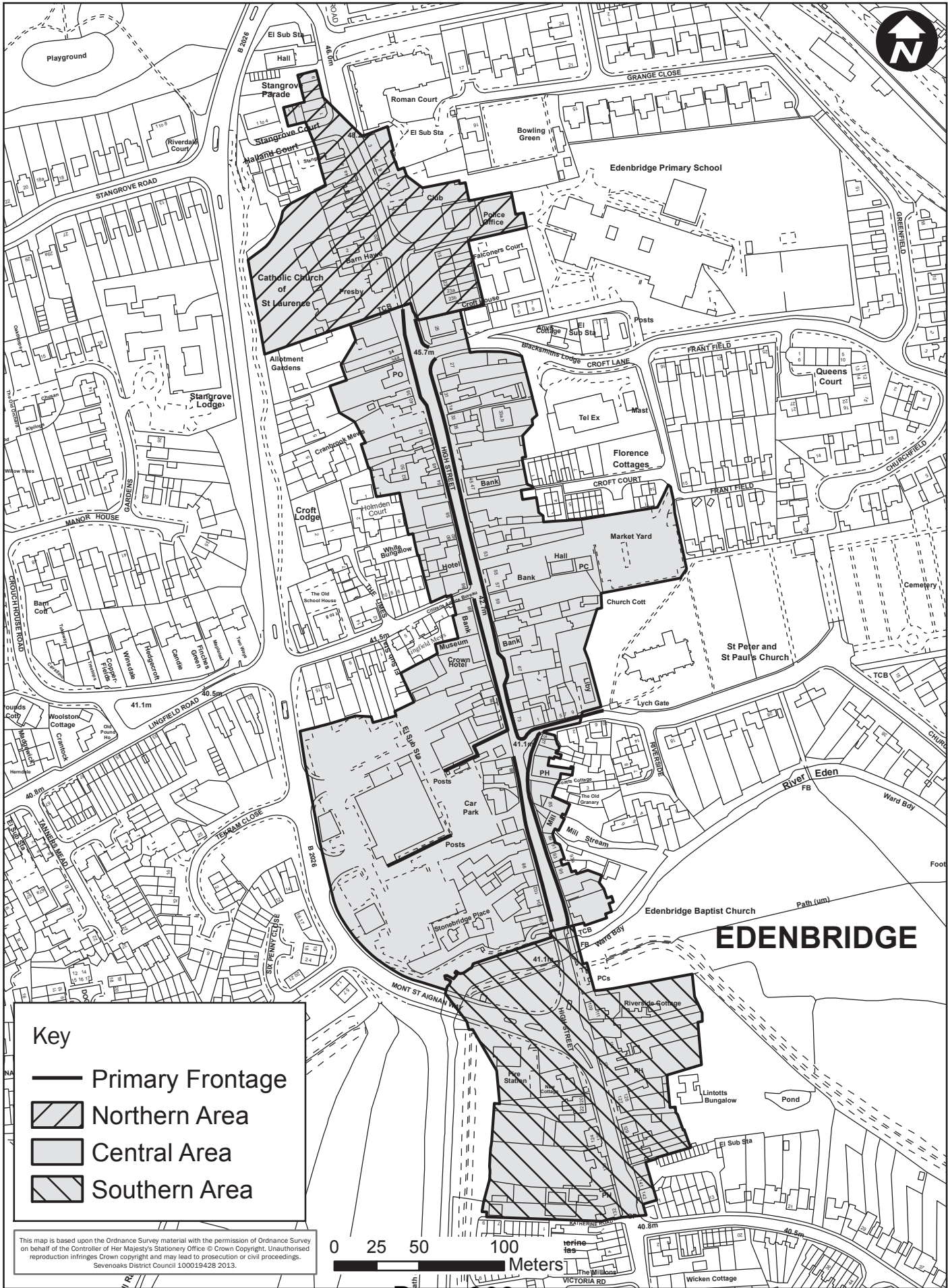
# Policy LC1 - Sevenoaks Town Centre







# Policy LC2 - Swanley Town Centre



# Policy LC3 - Edenbridge Town Centre



**Key**

-  Primary Frontage
-  Northern Area
-  Central Area
-  Southern Area

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**COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE**

Council – 19 February 2013

Report of the: Deputy Chief Executive and Community and Planning Services Director

Status: For Consideration

Also considered by: Environment Select Committee – 15 January 2013

LDF Advisory Group – 31 January 2013

Cabinet – 7 February 2013

Key Decision: No

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**Executive Summary:** The Community Infrastructure Levy (CIL) is a new mechanism for securing contributions from developers towards the provision of infrastructure that is required to support development. In order to begin charging CIL, SDC must prepare a Charging Schedule, which will set out what developers will need to pay in £ per sq m of new buildings and any variations by area or type of development. Following consultation between June and August 2012, responses to the consultation have been reviewed and additional work on the evidence base has been undertaken.

A Draft Charging Schedule (Appendix A) has been prepared for full Council to consider. It is recommended that the proposed residential charges remain at £75/m<sup>2</sup> and £125/m<sup>2</sup>, based on the same charge areas previously consulted on. Proposed charges for supermarkets and retail warehouses continue to be at £125/m<sup>2</sup> but on the basis of additional viability evidence it is proposed that other retail uses are not charged CIL. If agreed, the Draft Charging Schedule would be published for interested parties to comment on and would then be submitted for independent examination. If found sound, it is likely that the Council would be in a position to adopt the Charging Schedule in late 2013 / early 2014.

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This report supports the key aims of a green environment and safe and caring communities of the Community Plan

**Portfolio Holder** Cllr. Mrs Jill Davison

**Head of Service** Group Manager Planning – Alan Dyer

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**Recommendation to Full Council:**

- (a) That the Community Infrastructure Levy Draft Charging Schedule is agreed for publication and submission for independent examination.
  - (b) That the Portfolio Holder is authorised to agree minor presentational changes
-

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and detailed amendments to the Charging Schedule to assist the clarity of the document.

- (c) That the consultation document is published on the Council's website and made available to purchase in hard copy at a price to be agreed by the Portfolio Holder.

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### **Reason for recommendation:**

To ensure that the Council is able to progress the CIL Charging Schedule in accordance with the Local Development Scheme and to continue to secure developer contributions for infrastructure.

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### **Introduction**

- 1 The Community Infrastructure Levy (CIL) is a new mechanism for securing contributions from developers towards the provision of infrastructure that is required to support development. In order to begin charging CIL, SDC must prepare a Charging Schedule, which will set out what developers will need to pay in £ per sq m of new buildings. Charges can be varied by area or type of development.
- 2 The Council consulted on a Preliminary Draft Charging Schedule between June and August 2012. Following this consultation, the Council has prepared and commissioned further evidence and considered the representations made during the consultation. As a result, some amendments have been made to the Draft Charging Schedule. If approved by Council, the Draft Charging Schedule would be published and submitted for examination. If found sound by an independent examiner, the Charging Schedule could be adopted by Sevenoaks District Council and CIL could be levied on developments granted planning permission after the charge comes into force.

### **Summary of Previous Consultation (Preliminary Draft Charging Schedule)**

#### Previously Proposed Charges

- 3 The Preliminary Draft Charging Schedule consultation document set out an initial proposal for the level that CIL could be set at. For residential development, these were £125/m<sup>2</sup> in some parts of the District and £75/m<sup>2</sup> in others (see Appendix A for the proposed areas). Retail was the only other form of development proposed to have a CIL charge levied on it. It was proposed that convenience stores of 280 sq m or more and retail warehouses would be charged £125/m<sup>2</sup> and all other retail development (in all A class uses) would be charged £50/m<sup>2</sup>.
- 4 These proposed charges were based on engagement with infrastructure providers and a CIL Viability Assessment, which, amongst other things, considered standard build costs, percentages of developers' profits, the impacts of the Council's affordable housing and sustainable construction policies and land values.
- 5 A nil charge was proposed for some uses, including offices, warehousing, hotels, residential care homes and agricultural buildings, because the Viability



Assessment concluded that the development of units in those uses would be at a significant risk of not being viable if a CIL charge was to be levied.

### Estimated Receipts

- 6 It was noted that the receipts that are generated by CIL are dependent on a number of factors, including:
- The amount of development that comes forward and where it occurs;
  - The amount of affordable housing (which is offered 100% relief from CIL) that is secured on development sites;
  - The size of dwellings built; and
  - The floorspace of existing buildings on development sites that have recently been in use (for 6 of the previous 12 months) as this is subtracted from the new floorspace to be developed when CIL is calculated.
- 7 As a very rough estimate, it was predicted that SDC may receive approximately £5-6 million over the period 2014 to 2026 (not adjusted for inflation). This does not take account of the percentages to be paid to town and parish councils.

### Infrastructure Requirements

- 8 A funding gap of approximately £24,000,000, before CIL receipts were taken into account, was identified against the cost of delivering infrastructure considered to be required by infrastructure providers. This included a scheme of approximately £13,000,000 for flood defence works in Edenbridge, proposed increases in primary and secondary school capacity in Sevenoaks District, transport schemes and leisure and community schemes proposed by SDC colleagues. The consultation document was clear that the list of schemes to be funded through CIL was purely indicative and stated that the Council did not have to definitively identify what CIL would be used to fund throughout the plan period in advance. This remains the case.

### **Representations on the Preliminary Draft Charging Schedule**

- 9 The following key points were raised during the consultation between June and August 2012:
- Some respondents objected to the proposal to charge £75/m<sup>2</sup> in some areas and £125/m<sup>2</sup> in others. This included some developers, who considered that the charge should be set at the lower level, and parish councils. Additionally, some parish councils suggested that different charging levels should be set at a more fine-grained level than wards. It should be noted that some parish councils supported the approach and more than half did not respond.
  - Some developers that responded suggested that the CIL charge would make the developments that they are undertaking, or are likely to undertake, unviable. Other developers did not object to the proposals.
  - Representatives of major supermarket companies objected to the proposal for different charges between large and small retail units.

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- Infrastructure providers stressed the need for their schemes to be funded through CIL to ensure that they are available to support development. Some town and parish councils proposed additional schemes for inclusion in the CIL Infrastructure Plan. Infrastructure providers also wanted to see a commitment to updating the Infrastructure Plan regularly.
- Most respondents who commented supported the introduction of policies on payment in instalments. There was a more mixed response to the question on whether the Council should offer relief in exceptional circumstances and for investment developments by charities.

10 Summaries of each comment raised and a proposed response can be found in Appendix B.

### Proposed Draft Charging Schedule

11 It is proposed that the Council should publish for comment and then submit to independent examination a Charging Schedule with the following charges:

Development Type	Area A	Area B
Residential (C3 use class)	£125 per sq m	£75 per sq m
Supermarkets and superstores(1) primarily selling convenience goods(2)	£125 per sq m	
Retail warehousing(3)	£125 per sq m	
Other forms of development	£0 per sq m	

(1) Superstores/supermarkets are shopping destinations in their own right (of 500 sq m of sales floorspace or more) where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.

(2) Convenience goods: Food and non-alcoholic beverages, Tobacco, Alcoholic beverages (off-trade), Newspapers and periodicals, Non-durable household goods.

(3) Retail warehouses are large stores (of 500 sq m of sales floorspace or more) specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.

12 Areas A and B are set out on the map included within the Draft Charging Schedule (appendix A). These areas are the same as those proposed during the Preliminary Draft Charging Schedule consultation.

### Residential Charges

13 The CIL Viability Assessment concludes that in certain parts of the District a charge of no more than £75 per m<sup>2</sup> can be levied without putting development at significant risk of being non-viable. However, in other areas a charge of £125 per

m<sup>2</sup> could be charged without making development non-viable. Wards have been categorised into areas that can sustain charges of £75 per m<sup>2</sup> and £125 per m<sup>2</sup>. Ward boundaries have been used because information on average house prices and average house prices per m<sup>2</sup> are readily available at that level. In reality, house prices will vary street by street or even by sides of street but it is not considered possible or to be in accordance with Government guidance to set charges on such a basis.

- 14 On the basis of the evidence available, it is considered that the two options open to the Council to achieve a sound charging schedule are:
- 1) To propose charges of £75 and £125 per m<sup>2</sup> for residential development based on ward boundaries as proposed by the CIL Viability Assessment.
  - 2) Propose a single charge of £75 per m<sup>2</sup> for residential development across the whole District.
- 15 Both schemes are considered to be technically sound, on the basis of evidence available, and each has distinct advantages and disadvantages. Whilst the two charge approach can lead to charging boundaries that do not relate to obvious distinctions in viability, such as between Eynsford and Farningham, it is forecast to allow SDC to levy approximately an additional £1 million over the period 2014-2026 (£5-6 million). The single charge approach would be more simplistic but would lead to less money being available to spend on infrastructure (£4-5 million). The two charge approach does not mean that less money will be available from SDC to spend on infrastructure in areas with lower charges as funds do not have to be spent in the area of the District in which they are collected. There is, therefore, a financial benefit of having the two charge approach for all areas which accommodate development. However, it is uncertain what impact this would have on the money passed to town and parish councils.
- 16 Given the significant infrastructure funding gap identified in the Draft Infrastructure Plan (see para 22, below), it is recommended that the two charge (£75 and £125 per m<sup>2</sup>) approach is taken forward in the Draft Charging Schedule in order to maximise the receipts. A comparison with sound charging schedules and proposed charges in neighbouring/nearby authorities is presented in Background Paper 6.
- 17 Following representations, further advice has been sought from the Council's viability consultants to consider whether housing for older people in Use Class C3 would be viable if it were to be subject to the proposed residential charges. It is not considered that any changes to the previously proposed charges are required, with it continuing to be proposed that this use is charged the same as 'regular' market housing.

### Retail Charges

- 18 The Preliminary Draft Charging Schedule proposed different charges for stores selling convenience goods of less than 280m<sup>2</sup> of sales floorspace and those of 280m<sup>2</sup> or more. As they have in Sevenoaks District, supermarket companies have objected to a split between large and small retail in Charging Schedules across the country. Recent examinations have confirmed that differentiating between

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different types of retail use is not prohibited by the CIL regulations, as the supermarket companies have claimed, subject to local authorities having sufficient evidence to justify the charge. Advice has been sought from the Council's viability consultants as to whether additional viability evidence is required on this issue. On the basis of this additional evidence, it is considered that requiring CIL on retail developments such as supermarkets and retail warehouses is sound and should be carried forward in the Draft Charging Schedule. However, following further evidence gathering, proposed definitions of these uses include thresholds of 500m<sup>2</sup> rather than 280m<sup>2</sup>, as previously proposed.

- 19 The Council's viability consultants were also asked to consider whether town centre comparison retail would be viable if a CIL charge were to be levied on it. Their assessment indicated that it would not. It is, therefore, proposed that retail developments other than supermarkets/superstores and retail warehouses are not charged CIL.

### Forecast Receipts

- 20 On the basis of the same assumptions previously considered (see para 6, above), it is still forecast that the proposed CIL charges will generate approximately £5-6 million over the period 2014 to 2026 to be spent on infrastructure to support development.

### Infrastructure Planning

- 21 A Draft Infrastructure Plan was published alongside the Preliminary Draft Charging Schedule to provide an indication of the schemes that may be required to support development. The Planning Policy Team has continued to engage with infrastructure providers, including KCC, SDC teams and town and parish councils, to identify schemes that they consider are necessary to support development and could be funded through CIL. A number of changes have been made to the Draft CIL Infrastructure Plan following the consultation on the Preliminary Draft Charging Schedule and on-going engagement, for example:
- Revising the proposed flood defence scheme in Edenbridge, including reducing the estimated funding gap from £13,000,000 to £3,500,000, on the basis of further engagement with the Environment Agency. This funding gap results from the identification of the EA's current preferred option, which it is estimated would cost approximately £4,500,000, and its estimate that approximately £1,000,000 could be available from Flood Defence Aid in Grant for the scheme;
  - Including a calculation of the financial contribution (approx. £1,250,000) needed to meet the needs of new pupils that would be required to travel out of the District to attend secondary schools, on the basis of further engagement with Kent County Council. KCC has not identified how this need will be met and this is an issue on which there will need to be on-going engagement, which may result in further changes to the funding gap. This is in addition to funding for additional school secondary places at existing schools in the District (which has been estimated to cost approx. £3,000,000); and

- The addition of new schemes proposed by town and parish councils during the consultation period.
- 22 As a result of the changes that have been made, the identified funding gap has been reduced to approximately £19 million in the Draft Infrastructure Plan. The Draft Infrastructure Plan is 'Background Paper 3' to this report and a summary is provided in the 'Summary of Evidence and Proposals' document (appendix C). Engagement on infrastructure projects will continue through the process of preparing the CIL Charging Schedule.
- 23 Suggestions of indicative projects that could be undertaken by SDC have previously been put forward by SDC teams. These include the possible redevelopment of Whiteoak Leisure Centre, providing community development services to integrate new residents into the District, outdoor gym facilities and new and/or improved Youth Zone vans and services. Unless these schemes are prioritised above all others, CIL will meet only a very limited percentage of the funding gap identified for SDC schemes.
- 24 The Council does not need to specify the projects on which it will spend CIL receipts at the outset. This can be determined on the basis of local priorities when receipts are received. The list of infrastructure projects previously identified in the Draft Infrastructure Plan should, therefore, only be treated as indicative. All schemes in the draft Infrastructure Plan have been categorised into:
- 'potential strategic schemes for CIL funding', which are those schemes considered to support the broad distribution of development proposed in the Core Strategy and have been used to identify the funding gap;
  - 'potential local schemes for CIL funding', which are those schemes that town and parish councils would like to see developed and are likely to be appropriate uses of the CIL receipts to be paid directly to them; and
  - 'other schemes', which are schemes where more information is required, a commitment from the responsible organisation is required, or the scheme is not an appropriate use of CIL.
- 25 The Council does, however, need to identify the types of infrastructure that it expects to fund through CIL and that which it expects to continue to seek contributions for / provision of through planning obligations / s106 agreements, following changes to Government guidance in December 2012. This is intended to ensure that developers are able to identify how each approach will be used and that they will not be charged twice for the same infrastructure. Only draft lists need to be provided at this stage and the Council is able to identify broad categories of infrastructure rather than specific projects. The following are the proposed lists:
- To be funded through CIL (not in order of priority):
- Transport schemes except for site-specific access improvements;
  - Flood Defence schemes;
  - Water quality schemes;
  - Schools;
  - Health and social care facilities;

## Agenda Item 5h

- Police and emergency services facilities;
- Community facilities;
- Green infrastructure except for site-specific improvements or mitigation measures; and
- CIL administration.

To be funded/secured through s106 agreements/planning obligations (not in order of priority):

- Site specific access improvements (these could also be secured through s278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

- 26 The Government's view is that the Community Infrastructure Levy should support and incentivise new development by placing control over a 'meaningful proportion' of the funds raised with the town/parish council where development takes place. It has announced that 15% of the CIL receipts associated with a development (capped at £100 per existing council tax dwelling) will be paid to the town and parish councils in areas without neighbourhood plans and that 25% will be passed to town and parish councils in areas with neighbourhood plans (without a cap). The Government is still to publish revised regulations to introduce this but it is expected that they will be published in Spring 2013. It is not necessary to delay the submission of the Charging Schedule until these are published.

### Implementation

- 27 The June 2012 consultation document sought views from stakeholders on a number of the issues that the Council will need to address in implementing CIL. This included consultation questions on whether the Council should offer relief from CIL in exceptional circumstances, for investment developments by charities (as opposed to development of facilities to be used for charitable purposes, which are already exempt) and whether it should introduce an instalments policy. Policies on these issues do not need to be set out at the time that the Council adopts the Charging Schedule and do not need to be subject to Examination. It is, therefore, recommended that the Council continues to keep these issues under review, as more authorities implement charging schedules, and that a final decision is not made on these issues at this stage.
- 28 However, on the basis of an initial review of the legislation, it is considered that there will be little benefit in offering relief in exceptional circumstances. This is due to the fact that there are stringent regulations governing when this relief can be offered and it is for the Council to ensure that any exemption is compliant with EU State Aid legislation. The offer of exemptions in exceptional circumstances is not comparable with the flexibility and negotiation that is available on the Core Strategy affordable housing policy (SP3) and it is anticipated that any policy that was introduced will be applied very rarely, if at all.

- 29 Exemptions for investment development by charities are unlikely to be required in Sevenoaks District as only residential and retail development will be liable to pay CIL under the proposed Charging Schedule and affordable housing is already offered 100% relief. It is considered that the infrastructure requirements resulting from the development of any market dwellings should be met, regardless of whether they are built by a charity. It is unlikely that a charity would undertake a major new retail development, as opposed to occupying a small existing but vacant unit, which would not be liable to pay CIL. It is, therefore, considered unlikely that a policy on offering relief for investment developments by charities will be required.
- 30 It is proposed that an instalment policy should be prepared to assist developers' cash flows and improve the viability of schemes.
- 31 The Planning Policy team is preparing an implementation plan that will help to explain the process of calculating and charging to developers, landowners, stakeholders, Council Officers and Members and the public. This will address issues such as monitoring processes and the prioritisation of infrastructure schemes. The implementation plan requires the involvement of a number of Council teams and will be brought to Members prior to the adoption of the CIL Charging Schedule.

**Timetable**

- 32 The anticipated timescale for preparing the CIL Charging Schedule is as follows:

Consultation on draft Charging Schedule	March 2013 - April 2013
Submission of draft Charging Schedule for Examination	May 2013
Examination of draft Charging Schedule	Autumn 2013
Adoption of Charging Schedule	Early 2014

**Other Options Considered and/or Rejected**

- 33 The Council could choose not to prepare a CIL Charging Schedule. However, this is likely to lead to less funding being secured for infrastructure required to support development. The Council would need to rely on using planning obligations, which will have a more limited scope for securing contributions towards infrastructure after April 2014.
- 34 The Council could choose to propose a higher or lower CIL Charge, including £75 per m<sup>2</sup> for residential across the District. However, the proposed charge is based on evidence that it would not make the scale of development proposed in the Core Strategy unviable. There is a significant risk that a higher CIL charge would be found unsound by an independent Examiner. A lower charge, including a standard rate across the District, would mean that less money would be available to be spent on infrastructure to support development.

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### Key Implications

#### Financial

- 35 Budgetary provision has been made for the cost involved in preparing the Community Infrastructure Levy through the LDF budget. The CIL Regulations allow for the Council to use receipts secured through CIL to pay for its administration.

#### Community Impact and Outcomes

- 36 The CIL Charging Schedule will assist the Council in securing contributions from developers to the provision of infrastructure required to support development.

#### Legal, Human Rights etc.

- 37 The Draft Charging Schedule (included in the consultation document) will be consulted upon and submitted for examination in accordance with the relevant legislation and national policy.

#### Equality Impacts

- 38 An Equality Impact Assessment of the CIL Charging Schedule has been carried out. It is set out as 'Background Paper 4' to this report.

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The CIL Charging Schedule will help to fund infrastructure requirements for the local community surrounding any new development. This will have a positive impact on all aspects of the community, as the fund will help to address any deficiencies.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		n/a

#### Sustainability Checklist

- 39 The adoption of a CIL Charging Schedule will ensure that the Council can implement Core Strategy Policy SP9, which aims to ensure that development is supported by sufficient infrastructure. This is important in ensuring that development comes forward in a sustainable manner. CIL Charging Schedules do not need to be subject to a formal Sustainability Appraisal.



### Conclusions

- 40 The Draft Charging Schedule is considered to be based on a robust evidence base that shows that the proposed CIL charges are viable and required to provide infrastructure to support development. It has been produced following consultation with local stakeholders. It is recommended that the Charging Schedule is published and submitted for independent examination.

### Risk Assessment Statement

- 41 The Draft Charging Schedule has been prepared in accordance with national policy and legislation.
- 42 If the Draft Charging Schedule is not approved then the Council will not be able to prepare the Charging Schedule in accordance with the Local Development Scheme. This may lead to it being adopted after the restrictions on the pooling of planning obligations come into force (April 2014), which would mean that contributions from some developments towards necessary infrastructure would not be able to be secured during this time.

### Appendices

Appendix A – CIL: Preliminary Draft Charging Schedule: Consultation Document

Appendix B – Representations on the Draft Charging Schedule and proposed SDC response (available electronically or in paper copy on request only).

Appendix C – Summary of Evidence and Proposals (available electronically or in paper copy on request only)

### Background Papers:

1. CIL Viability Assessment Report
2. CIL Viability Assessment Addendum
3. Draft CIL Infrastructure Plan
4. Equality Impact Assessment
5. An Introduction to the Community Infrastructure Levy
6. Comparison with sound charging schedules and neighbouring/nearby authorities (December 2012).

### Contact Officer(s):

Steve Craddock (x7315)

Tony Fullwood (x7178)

Alan Dyer (x7196).

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Kristen Paterson  
Deputy Chief Executive and Community and Planning Services Director



**COMMUNITY INFRASTRUCTURE LEVY:**

**DRAFT CHARGING SCHEDULE:**

**February 2013**

## Agenda Item 5h

### Consultation

Once adopted, the Community Infrastructure Charging Schedule will set out a standard rate that developers will need to pay when undertaking different types of development in different parts of the District. Funds collected through CIL must be spent on infrastructure required to support development of the area.

An explanatory document has been published alongside this Charging Schedule but this will not form part of the Council's formally submitted document.

The consultation is carried out in accordance with regulation 16 of the Community Infrastructure Levy Regulations 2010, as amended.

### Statement of the Representations Procedure

This document was published on XX/XX/XX. Comments should be made before 5pm on XX/XX/XX. Comments should be submitted via the Council's consultation web-portal, by email to [ldf.consultation@sevenoaks.gov.uk](mailto:ldf.consultation@sevenoaks.gov.uk) or in writing to:

Planning Policy  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
TN13 1HG

Representations on the Draft Charging Schedule will be made available to the person appointed to examine the soundness of the Charging Schedule during an independent examination. Persons making representations may request the right to be heard by an examiner.

Persons making representation may also be accompanied by a request to be notified at a specified address of:

- The draft charging schedule being submitted to the examiner;
- The publication of the recommendations of the examiner and the reasons for those recommendations;
- The approval of the charging schedule by the charging authority.

The Council's timetable for producing an adopted CIL Charging Schedule is:

Consultation on draft Charging Schedule ends	April 2013
Submission of draft Charging Schedule for Examination	April/May 2013
Examination of draft Charging Schedule	August/September 2013
Adoption of Charging Schedule	Early 2014

## Background

Sevenoaks District Council's Community Infrastructure Levy Draft Charging Schedule is subject to consultation between X March 2013 and X April 2013. Views expressed on the Draft Charging Schedule will be made available to the person appointed to examine the soundness of the Charging Schedule during an examination.

## Charging Authority

The Charging Authority will be Sevenoaks District Council.

## Date of Approval

It is anticipated that the Charging Schedule will be subject to independent examination in summer/autumn 2013 and adopted in late 2013 or early 2014.

## Date of Effect

It is anticipated that the Charging Schedule will come into effect in late 2013 / early 2014.

## Statutory Compliance

The draft Charging Schedule has been prepared in accordance with the Community Infrastructure Levy Regulations 2010, Part 11 of the Planning Act 2008 and statutory guidance in 'Community Infrastructure Levy: Guidance' (CLG, 2012).

In accordance with Regulation 14, in setting the CIL rate the Council has aimed to strike what it considers to be an appropriate balance between

- the desirability of funding from CIL (in whole or part) the actual and expected estimated total cost of infrastructure required to support the development of its area, taking into account other actual and expected sources of funding; and
- the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development across its area.

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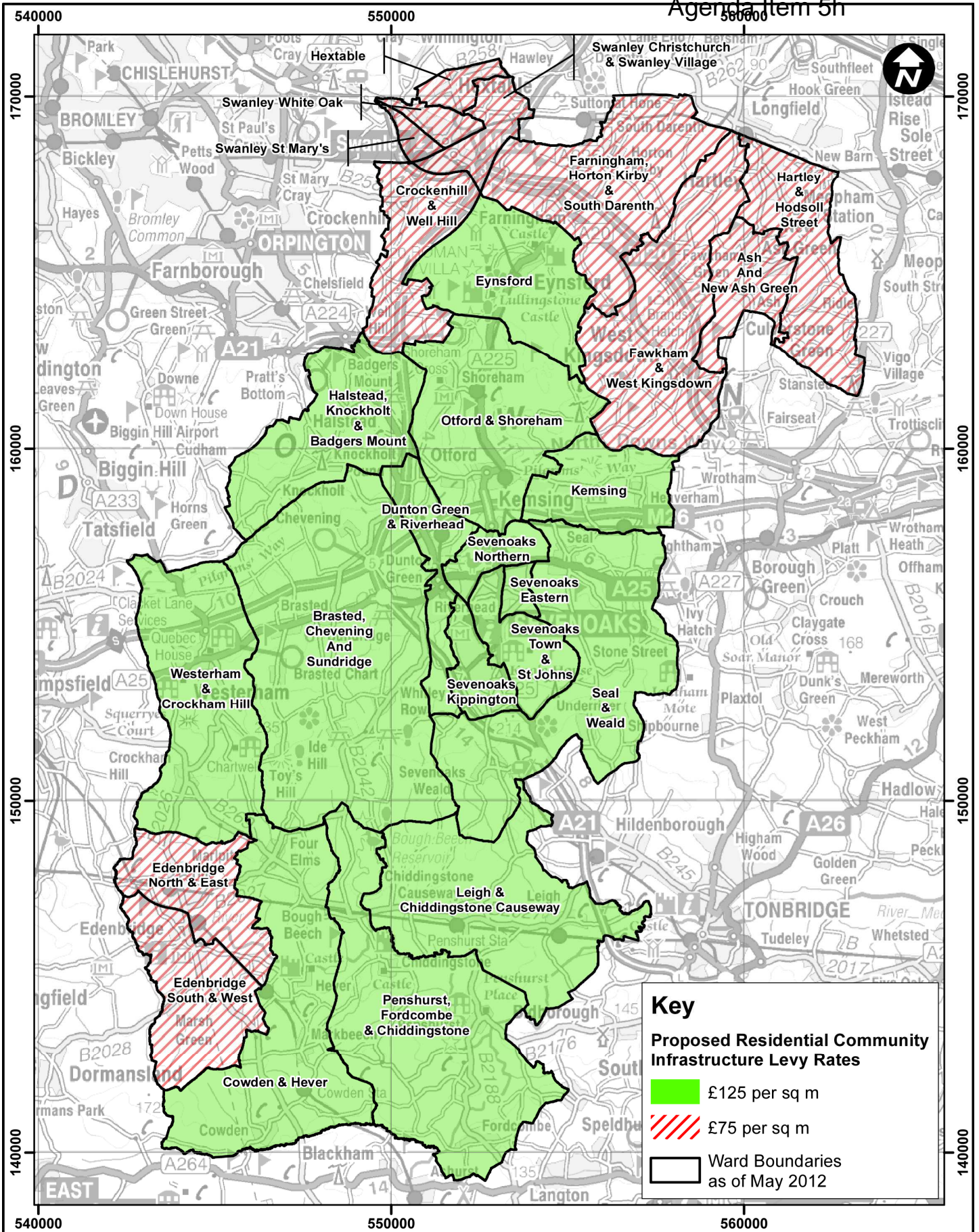
### The CIL Rate

Developers will be liable to pay the following CIL rates in Sevenoaks District, subject to any exemptions, relief or reductions that may be available under the CIL regulations or local discretionary exemptions:

Development Type	Area A	Area B
Residential (C3 use class)	£125 per m <sup>2</sup>	£75 per m <sup>2</sup>
Supermarkets and superstores(1) primarily selling convenience goods(2)	£125 per m <sup>2</sup>	
Retail warehousing(3)	£125 per m <sup>2</sup>	
Other forms of development	£0 per m <sup>2</sup>	

- (1) Superstores/supermarkets are shopping destinations in their own right (of 500 sq m of sales floorspace or more) where weekly food shopping needs are met and which can also include non-food floorspace as part of the overall mix of the unit.
- (2) Convenience goods: Food and non-alcoholic beverages, Tobacco, Alcoholic beverages (off-trade), Newspapers and periodicals, Non-durable household goods.
- (3) Retail warehouses are large stores (of 500 sq m of sales floorspace or more) specialising in the sale of household goods (such as carpets, furniture and electrical goods), DIY items and other ranges of goods, catering for mainly car-borne customers.

Areas A and B are set out on the map, below



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
Sevenoaks District Council, 100019428, 2011.

Proposed Residential Community Infrastructure Levy Rates

Sevenoaks District Council

Scale: 1:140,000

Date: May 2012

Preliminary Draft CIL Charging Schedule: Proposed Residential Community Infrastructure Levy Rates

Produced by the GIS Team, Sevenoaks District Council

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Calculating how much CIL developers will pay.

### Calculating the Charge

SDC will calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with regulation 40 of the Community Infrastructure Levy Regulations 2010, as amended in 2011.

### Inflation

Under Regulation 40, the CIL rate will be index linked with the Royal Institute of Chartered Surveyors “All In Tender Price Index”.

The current All In Tender Price Index is (to be set out at time of adoption).

### Existing Floorspace on a Development Site

Regulation 40 provides that the total floorspace of any existing buildings on a development site should be subtracted from the floorspace of the chargeable development, where the existing buildings have been in use for at least six months within the period of 12 months ending on the day planning permission first permits the chargeable development.

### Exemptions and Relief

The following forms of development are exempt from paying CIL:

- buildings into which people do not normally go, or go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (Reg 6); and
- developments of under 100 sq m that do not result in the creation of 1 or more additional dwellings (Reg 42);
- development by a charity where the development will be used wholly or mainly for charitable purposes (Reg 43).

The following types of development are able to apply for relief from paying CIL:

- social housing (Reg. 48, 49, 50, 51, 52, 53, 54).

In addition, the Council has the option to offer discretionary relief for

- development by a charity where the profits of the development will be used for charitable purposes (Regs. 44, 45, 46, 47, 48); and
- exceptional circumstances (Regs. 55, 56, 57, 58)

The Council’s policy on whether discretionary relief is offered will be set out in a separate policy document, in accordance with the relevant regulations.



**Item 5(i) – Monitoring Officer’s Report**

**Standards Committee’s Recommendation to Council**

At its meeting on 24 January 2013 the Standards Committee considered the matter as follows:

The Committee considered the eighth Annual Report of the Monitoring Officer which provided an overview of the work of the Monitoring Officer, the work of the Standards Committee and general governance arrangements within the Council in the past year. The report set out the Monitoring Officer’s statutory responsibilities and summarised how the duties had been discharged during 2012.

The Monitoring Officer highlighted that there had been a number of changes over the past year and, thanks to the work of the Standards Task and Finish Group, the transition to the new standards regime had been seamless.

A Member who has also been a member of the Standards Task and Finish Group reported that the new standards regime was underpinned by the basic principle that Parliament was not interested in minor tit-for-tat complaints but was mainly interested in financial fraud. The Member also highlighted that as a result of the Localism Act 2011 there were only limited sanctions for members who were found to have breached the Code of Conduct.

Following a discussion on the sanctions that were available it was agreed that the Portfolio Holder for Safer Communities would circulate the advice given by Clive Sheldon QC regarding sanctions.

Another Member questioned whether there was anything more that the District Council could do to encourage Parish and Town Councils to adopt one single Code of Conduct across the District. The Committee asked the Monitoring Officer to write to the Clerks and Chairmen of Parish and Town Council asking what Code of Conduct their Councils had adopted.

In response to a question regarding the nature of complaints made to the Local Government Ombudsman the Monitoring Officer circulated the letter from the Local Government Ombudsman outlining the types of complaint that had been received. The Monitoring Officer also reported that the Customer Services Manager could circulate some further information to Members of the Committee as long as there was no breach of data protection. The Chairman stressed that it was important for the Standards Committee and the Performance and Governance Committee to receive detailed information of the complaints that were investigated by the Local Government Ombudsman.

A Member also highlighted that the list of meetings on page 21 of the report reflected only the statutory meetings held by the Council. In addition to the 82 meetings listed, there were also working group meetings, briefing meetings and the Standards Task and Finish Group meetings which were all serviced by Officers. The Member stressed the need for Councillors to bear in mind the costs involved in requests that were made to officers and ensure that member governance structures were cost effective and sustainable.

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The Committee thanked the Monitoring Officer for the concise and comprehensive report and the work that she had undertaken over the previous year.

Resolved: that

(a) The Monitoring Officer's Annual Report be endorsed; and

**(b) Full Council be recommended to endorse the Monitoring Officer's Annual Report.**

Text in bold relates to the Standards Committee recommendation to the Council.



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**Council – 19 February 2013**

**MONITORING OFFICER’S ANNUAL REPORT**

Report of the: Monitoring Officer

Also considered by: Standards Committee – 24 January 2013

Status: For consideration and decision

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**This report supports the Key Aim of** effective management of Council resources.

**Head of Service** Mrs. Christine Nuttall - Head of Legal and Democratic Services

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**Recommendation:** The Full Council be recommended to endorse the Monitoring Officer’s Annual Report.

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**Background**

- 1 This is the eighth Annual Report of the Monitoring Officer as attached as an appendix to this report.

**Introduction**

- 2 The purpose of the Monitoring Officer’s Report is to provide an overview of the work of the Monitoring Officer, the work of the Standards Committee and the general governance arrangements within the Council in the past year and to provide an opportunity to review and learn from experience.
- 3 The information contained within this Report will also provide Members of the Standards Committee, with an overview of the workings of the Council thus providing them with valuable information to facilitate the carrying out of their functions.

**Substance of Report**

- 4 The Monitoring Officer’s Report sets out the Monitoring Officer’s statutory responsibilities, summarises how these duties have been discharged during 2012 in accordance with the Council’s Constitution, legislative requirements and draws attention to those issues that will require attention in the next calendar year.

**Key Implications**

Financial

- 5 The Monitoring Officer’s Report has not identified any financial implications for this Council over and above normal requirements.

Impact on and Outcomes for the Community

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- 6 The report sets out the work of the Monitoring Officer, Standards Committee and other governance arrangements monitored by other committees within the Council thus providing Members and the public with valuable information which should promote Member and Public confidence in the high ethical standards set by the Council.

### Legal and Human Rights Implications

- 7 The Monitoring Officer's Report has not uncovered any illegality.

### Resource (non financial)

- 8 No additional non financial resource implications are identified.

### Value For Money and Asset Management

- 9 There are no identifiable value for money and asset management implications associated with the contents of this report.

### Equality

- 10 This report has not identified any equality issues.

### Sustainability Checklist

- 11 The contents of the Monitoring Officer's report should provide the public with confidence that robust systems exist to enable high ethical standards to be applied across all levels of the authority.

### **Conclusions**

- 12 The Monitoring Officer's report sets out the elements of good governance and demonstrates that robust procedures are in place to raise ethical standards, identify problems and ensure that Members, Officers and the Public are aware of appropriate channels to raise concerns.

### **Risk Assessment Statement**

- 13 The Monitoring Officer's Report increases awareness of the ethical framework and sets out the good governance arrangements that have been set in place. The Monitoring Officer's Report has not identified any illegalities and has not identified any potential illegalities for the next calendar year. The risk of impropriety remains low.

### **Sources of Information:**

Information supplied by various officers and sections of the Council

Ombudsman's Report

### **Contact Officer(s):**

Christine Nuttall – ext. 7245

**Christine Nuttall**  
**Monitoring Officer**

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**REPORT OF THE  
MONITORING OFFICER  
2012**

# Agenda Item 5i

## INTRODUCTION

This is the eighth Annual Report of the Monitoring Officer for the period January 2012 to December 2012. The purpose of the report is not only to provide an overview of the work of the Monitoring Officer in the past year, but also to provide an opportunity to review and learn from experience. This report therefore sets out the Monitoring Officer's statutory responsibilities and summarises how these duties have been discharged from the last Monitoring Officer's Report for the period January 2011 to December 2011. The Report also highlights the work of the Standards Committee.

### 1. RECOMMENDATIONS

That the Standards Committee comments on and notes the Monitoring Officer's Annual Report.

That the Full Council notes the Monitoring Officer's Annual Report.

### 2. THE ROLE OF THE MONITORING OFFICER

The role of the Monitoring Officer derives from the Local Government and Housing Act 1989. The Act requires local authorities to appoint a Monitoring Officer.

The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision making, ensuring compliance with Codes and Protocols and promoting good governance and high ethical standards.

A Summary of the Monitoring Officer's Functions is as follows:

<u>Description</u>	<u>Source</u>
Report on contraventions or likely contraventions of any enactment or rule of law	Local Government and Housing Act 1989
Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Local Government and Housing Act 1989
Appoint a Deputy	Local Government and Housing Act 1989
Establish and maintain the Register of Members' interests.	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 The Localism Act 2011 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Report on sufficiency of resources.	Local Government and Housing Act 1989

<u>Description</u>	<u>Source</u>
Maintain the Constitution	The Constitution
Promote and maintain high standards of conduct.	The Localism Act 2011
Grant Dispensations	The Localism Act 2011 and delegation from Council
Consulting with, supporting and advising the Head of Paid Service and Chief Finance Officer on issues of lawfulness and probity.	The Constitution
Appointing an Investigating Officer in relation to Member Complaints	The Localism Act 2011 and the Constitution
Advising the Standards Hearings Sub Committee in relation to allegations of breaches of the Code of Conduct and advising when matters are determined following an investigation	The Localism Act 2011 and the Constitution
Advise on whether executive decisions are within the Budget & Policy Framework.	The Constitution
Provide advice on vires issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.	The Constitution and s.5 of Local Government and Housing Act 1989
Legal Advice and Support to the authority	The Constitution
Considering whether certain Information is exempt from disclosure under the Freedom of Information Act.	Freedom of Information Act 2000

### **3. THE CONSTITUTION**

The Constitution sets out how the Council operates and how decisions are made. It sets out the procedures which are followed to ensure that these decisions are efficient, transparent and that those who make the decisions are accountable to local people. The Monitoring Officer is responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

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### **3.1 Constitutional Review and Revision**

Since the modular constitution was produced by the Secretary of State in 2000 there has never been any revision of that model. However, this Council has continued to update its Constitution as necessary with a re-write having taken place in 2007.

The Association of Council Secretaries and Solicitors (Acses) is currently working to produce a new model Constitution in conjunction with Dickinson Dees who run a software platform produced by a software provider *Exari*. By this means a new model constitution will be produced, with the numerous variables that must be within it as Councils have the ability to move to differing systems of decision making under the Localism Act 2011. The design of the software will allow for production of a draft constitution, tailored to a relevant extent to differing councils' models of governance, quickly and easily. The Model and decision system will be assessed from a link on the Acses website. Acses members (the Monitoring Officer being one) may then use the package to produce a draft constitution from the model bank of precedents. As legislation requires further changes, the Acses editorial board will determine and publish "best practice" in the use of variants within the Model. With all the changes being implemented by the Localism Act 2011 this model will no doubt prove a valuable asset that this Council may utilise.

### **3.2 Fitness for Purpose**

The Constitution sets out in clear terms how the Council operates and how decisions are made. Some of these processes are required by law, while others are a matter for the Council to choose. The purpose of the Constitution is to:

- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- support the active involvement of local people in local authority decision making;
- help Members represent local people more effectively;
- enable decisions to be taken efficiently and effectively; and
- hold decision makers to public account.

### **3.3 Managing the Constitution**

Any significant changes to the Council's decision making arrangements and Committee structure need to be approved by full Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

## **4. LAWFULNESS AND MALADMINISTRATION**

The Monitoring Officer is the Council's lead adviser on issues of lawfulness and the Council's powers and in consultation with the Head of Paid Service and the Chief Financial Officer advises on compliance with the Budget and Policy Framework. Part of this role involves monitoring Committee reports, agendas and decisions to ensure compliance with legislation and the Constitution. The Monitoring Officer ensures that agendas, reports and minutes of all Council meetings are made publicly available unless

there is a reason for exemption under the Local Government Act 1972. In addition Portfolio Holder decisions are also made publicly available subject to the same caveat as are all planning and licensing decisions made by Officers. All such decisions can be viewed by members of the public through the Council's website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk).

If the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration she must report to the full Council or where appropriate the Cabinet after first consulting with the Head of Paid Service and Chief Financial Officer. Any proposal or decision that is subject to such a report cannot be implemented until the report has been considered.

The sound governance arrangements operated by the Council ensure that the power to report potentially unlawful decision making is rarely used and the Monitoring Officer has not had to issue such a report throughout 2012.

### **4.1 Reports from the Local Government Ombudsman**

The annual letter for 2011/12 from the Local Government Ombudsman sets out a summary of statistics on the complaints made to the Ombudsman about the Council for the year.

In 2011 the Ombudsman changed the way they communicate their findings. They no longer give tailored feedback unless there are concerns with an Authority. Instead they provide statistics on the number of enquiries and complaints that they receive and they show the time taken by an authority to respond to written enquiries.

The Ombudsman was pleased to comment that there were no concerns about Sevenoaks District Council's response times and there were no issues arising from the complaints that had been brought to the Ombudsman's attention.

The Ombudsman has indicated that they are planning to launch an open publication scheme during the next year where they will be publishing on their website the final decision statements on all complaints. Making more information publicly available will increase their openness and transparency, and enhance their accountability. Their aim is to provide a comprehensive picture of complaint decisions and reasons for councils and the public. This is to help inform citizens about local services and create a new source of information on maladministration, service failure and injustice.

The statistics show that there were 18 enquiries and complaints in total, 2 of which were deemed to be premature. The Ombudsman provided advice to 5 enquirers and 11 were forwarded to the investigative team.

When an investigation is complete the Ombudsman generally issues a report. However, this year the Ombudsman did not issue any reports against the Authority and only two of the complaints resulted in a local settlement being reached.

The average time taken by the Authority to reply to the Ombudsman's written enquires was 31.6 days, which is within the target time of 29 to 35 days.

## **5. GOOD GOVERNANCE**

The Monitoring Officer has a pro-active role in promoting good practice, good procedures and good governance. This involves networking, collaboration and joined-up working

## Agenda Item 5i

practices and decision making as well as ensuring standing orders, codes of practice, procedures are kept under review and up to date. Collaborative working entails regular monthly liaison meetings with the three Statutory Officers, Heads of Service/Management Team as well as working in partnership with other departments to develop and disseminate policies and procedures. There is also the work undertaken in partnership with other authorities.

Successes this year included the Council retaining its prestigious Gold status from “Investors in People” on 6 December following a rigorous inspection. “Investors in People” is the nationally recognised people management standard, which is awarded to organisations that are committed to supporting and developing their staff to achieve their business goals.

The assessors inspect private and public organizations, over a third of the UK workforce, and evaluate the culture, staff and company values against the established Investor in People standards. Less than 1% of the organisations inspected go on to achieve the Gold standard.

This is the second time the Council has secured the sought after Gold accolade. It has also held Investor in People status since 1997.

On 20 July 2012, Sevenoaks District hosted the London 2012 Torch Relay. Sevenoaks District Council was handed responsibility for organising crowd safety en route and some 25,000 people watched the Olympic Flame in person as it passed through the District.

The London Organising Committee of the Olympic Games (LOCOG) presented Sevenoaks District Council with a certificate thanking its Members and staff for organising a successful event.

During September, Sevenoaks District hosted the London 2012 Paralympic Games road cycling at Brands Hatch in West Kingsdown. Half of the circuit was within the former F1 race course with the remainder on public roads. Sevenoaks District Council took responsibility for managing crowd safety on the public highway part of the course and community engagement as a number of local roads were closed for six days for training and racing.

As the a global audience tuned in and thousands of people watched the races unfold from inside and outside Brands Hatch, the event passed off as planned and was, according to the Department for Culture Media and Support, a resounding success. The Council’s efforts were recognised with a certificate from Seb Coe, representing LOCOG, and the International Paralympic Committee.

## **6. THE ETHICAL FRAMEWORK AND WORK OF THE STANDARDS COMMITTEE**

The New Standards Committee which was introduced on the 24<sup>th</sup> July 2012 comprises 7 Members in accordance with the political balance rules. Prior to this the committee comprised sixteen Members. The new terms of reference for the committee makes provision for the appointment of up to two co-opted Members of a parish or town council although such Members would not have voting rights. Such Members have not been appointed.

An Independent Person who has a statutory role under the Localism Act 2011, was appointed by the Council on 16<sup>th</sup> October 2012. The Independent Person is not a Member of the Standards Committee although they are given details of the Committee's meeting date in order that they may attend. The Independent Person assists the Monitoring Officer in considering complaints and will also be consulted by the Monitoring Officer following investigations to help decide what action to take. The Independent Person may also be contacted by Councillors who are the subject of any complaint.

The Standards Committee has a key role in facilitating and promoting the Ethical Framework and in promoting and maintaining high standards of conduct within the Authority. The terms of reference of the new committee are set out within Part 3 of the Constitution entitled "Standards Committee".

Examples of the Standards Committee's work during 2012 is as follows:

- Receive the Annual Monitoring Officer's Report
- Work to Establish the New Standards Regime under the Localism Act 2011
- Establishing a Task Group to consider the following proposals:
  - A New Code of Conduct
  - A New Standards Committee with Terms of Reference and Delegations to the Standards Committee
  - Revised procedures for dealing with Misconduct Complaints including arrangements for the investigation of complaints alleging a breach of the Member's Code of Conduct.
  - A Complaint Form
  - A Register of Interests form
  - A system for Granting Dispensations
  - Suggested Non Pecuniary Interests
  - A procedure for making a recommendation for the Appointment of an Independent Person
  - Job Description for an Independent Person and Person Specification

## Agenda Item 5i

### **6.1 Maintaining a Register of Member Interests**

The codes of conduct of relevant authorities must include provision for the registration and disclosure of “disclosable pecuniary interests”, as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members with disclosable pecuniary interests in the business of their authorities are prohibited from participating in such business unless they have a dispensation. The Localism Act 2011 has introduced criminal offences relating to failure to register disclosable pecuniary interests. Members convicted of such offences are liable to a scale 5 fine and may also be disqualified from being a councillor for up to five years.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and are not the same as personal and prejudicial interests.

Members at this Council through training have been made aware that even if a Member’s interest does not amount to a disclosable pecuniary interest, if their interest in a matter would lead them to predetermine a decision, it would not be appropriate for that member to participate in the decision, If they did so the decision could be vulnerable to challenge.

### **6.2 Code of Conduct for Employees**

The Code is based on an original draft published by the IDeA and has been updated since being implemented in 2006. The Code forms part of the employers’ terms and conditions of employment. The Code is well publicised on the Council’s internal intranet and is introduced to employees through the induction process.

Under the Code employees must declare any non-financial or financial interests that they or members of their family have which they consider could conflict with the Council’s interests. Directors and the Chief Executive declarations of non-financial or financial interests are declared to the Monitoring Officer.

All relationships of a business or private nature with external contractors, or potential contractors should be made known to the employees’ Head of Service and Director.

All hospitality received and given should be appropriate, necessary and must, wherever possible, have the prior sanction of the Head of Service or Director and must be recorded in the Hospitality book kept within Corporate Resources. There is a Protocol on Corruption, Gifts and Hospitality contained within the Staff Code of Conduct.

### **6.3 Whistle Blowing**

The Council’s Whistle Blowing Policy was amended in March 2012 to reflect the requirements of the Bribery Act 2010. The Policy sets out how to raise concerns within the organisation with employees encouraged in the first instance to raise concerns with their immediate manager or superior.

Concerns may be raised verbally or in writing and there is a dedicated telephone number which allows communication in confidence to the Audit and Fraud Team.



A record of concerns raised and the outcomes (but in a form which does not endanger confidentiality) is maintained and reported (in such a way as to preserve confidentiality), to the relevant committee of the Council.

The Policy is intended to provide an avenue within the Council to raise concerns. However, if it is felt that it is right to take the matter outside the Council contact points are given as follows:

- Public Concern at Work
- The Audit Commission
- Citizens Advice Bureau
- Relevant professional bodies or regulatory organisations
- Relevant voluntary organisation
- The police
- Trade Union representative
- Local Government Ombudsman

In the last calendar year no concerns have been raised under the Whistle Blowing Policy.

### **6.4 Human Resources Strategy and Workforce Plan**

A Human Resources Strategy and Workforce Plan is available on the Council's internal intranet which incorporates many policies, strategies and procedures. These are regularly reviewed in line with legislative changes.

### **6.5 New Standards**

The Localism Act 2011 and subordinate legislation made extensive changes to the Standards regime which had previously applied under the Local Government Act 2000 and subordinate legislation. The changes are to achieve high standards of conduct and to put in place an appropriate regime.

Under the new regime Councils have been obliged to adopt a Code of Conduct for their Members and Co-opted Members as part of their duty to promote and maintain high standards of conduct. These include provisions relating to the registration and disclosure of interests although, unlike the arrangements under the previous legislation, authorities were no longer required to adopt codes based on a national model. However, most authorities have chosen to adopt codes which reflect models suggested by various recognised organisations. Sevenoaks District Council chose the text published by the Department for Communities and Local Government (DCLG).

Town and Parish Councils will have adopted their own Codes although they must be based on the seven Nolan principles laid down in the Localism Act 2011. The District Council encouraged Town and Parishes to adopt the Sevenoaks District Council Code,

## Agenda Item 5i

although it is known that some have adopted the National Association of Local Council's model.

Councils in England are no longer required to have the statutory Standards committee which was established under the provisions of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008. However, the majority of Councils did choose to retain such a committee including Sevenoaks District Council. The new standards committee is an ordinary committee of the council which means that it is politically balanced and subject to the usual requirements relating to access to information. They are not required to include independent members and if they did such members would be non-voting. This Council chose not to appoint independent members

The Localism Act 2011 obliged Councils to put in place arrangements for investigating and making decisions in respect of allegations of breach of their code of conduct. This Council was also obliged to put in place such arrangements for Parish/Town Councils, although it is for the Parish/Town Council to decide what, if anything to do as a result of a finding of breach of their code of conduct.

The arrangements that an authority has had to put in place for dealing with allegations of breach of their code of conduct must include provision for the appointment of at least one independent person. The independent person must be consulted by authorities on allegations they have decided to investigate and may also be consulted by members who are the subject of an allegation of breach of the relevant authority's code of conduct.

Authorities were given discretion as to the exact arrangements that they put in place in relation to the new regime. The Member Task Group that undertook this challenging exercise for the Council struck a balance between ensuring that the arrangements that they proposed were fair to members and complainants and any other interested parties whilst avoiding arrangements which were over-bureaucratic, complicated and lengthy. The importance that the Task Group placed on the principles of natural justice meant that the Task Group proposals set out provisions for investigations and hearings. However, the Group ensured that the new system would give greater scope to seek to resolve allegations without investigating them. This means that only allegations of serious breaches would go forward for investigation.

Under the Localism Act 2011 authorities are not obliged to include provisions in their arrangements for members to be able to appeal against findings that they have breached the codes of conduct of their authorities. This Council decided not to include appeal provisions in their arrangements although for procedural irregularity a complaint can always be made to the Ombudsman.

The Localism Act 2011 makes no provision for sanctions against Members who are found to have breached the codes of conduct of their authorities. However, authorities are able to censure members, to publicise breaches of their codes of conduct, to report to their Councils and to recommend that members are removed from positions on committees and outside bodies. This Council decided to include provisions for the Monitoring Officer to be instructed to arrange training for the Member and/or conciliation if appropriate which is a useful practical measure for improving member conduct.

### **6.6 Complaints against Members**

**Allegations of Member Misconduct dealt with by the Assessment Sub-Committee of the Standards Committee between 1st January 2011 and 23<sup>th</sup> July 2012 under the old system**

Total allegations made:	17
District Councillors	1
Parish/Town Councillors	16
Complaints in which no action was taken	5
Complaints where other action was recommended	9
Referred cases sent for local investigation and determination	2
Complaints withdrawn	1

**Allegations of Member Misconduct between 24<sup>th</sup> July 2012 to 31<sup>st</sup> December 2012 under New Standards**

Total allegations made:	
District Councillors	0
Parish/Town Councillors	15

The number of Member misconduct allegations increased this year from 7 last year to 32 this year. Under the old system, before New Standards was implemented on the 24<sup>th</sup> July 2012, 15 of the complaints out of a total of 17 involved only one Town Council. No action was taken in relation to 5 cases and other action was recommended in 9 cases. One case was withdrawn and two cases were referred for investigation.

In relation to the cases referred for investigation The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012/1463) was made on the 6<sup>th</sup> June 2012 which brought to an end the old standards regime. The new Order meant that the 2 complaints to be investigated could not go forward and the matters came to an end. One of the complaints involved the following allegations:

- Bullying and intimidation
- Using your position improperly
- Disrepute

The other complaint involved an allegation surrounding treating others with respect.

## Agenda Item 5i

Five of the cases involving a recommendation of other action involved the Monitoring Officer liaising with the Clerk to the authority concerned to engage an external, independent, mediator/conciliator at the expense of the Town Council between the complainant and the subject member, but also to the wider membership of that authority. The Town Clerk indicated that the suggestion had been noted but no further action was taken.

Under New Standards there has been 15 complaints involving Parish/Town Councils. Eleven of these cases involved one Parish Council. Two of the 15 cases were withdrawn, and two cases failed the initial intake test as they were outside the 90 day deadline for receipt from the date when the alleged incident took place. One case was held up as the matter had been referred to the Kent Police. We subsequently received confirmation that the Police deem that there are no criminal offences and are taking no further action. We are now awaiting the subject member's right of reply.

Nine cases were delayed as a result of the local Police Commissioner's Elections which took place on the 15<sup>th</sup> November 2012 as the Initial Intake Test creates a 6 week embargo on processing matters prior to an election.

Rights of reply have been received in all cases other than one (the one delayed due to the police involvement) before going forward to Assessment. Subject Members are given 30 days to respond with their right of reply.

All rights of reply are forwarded to the independent person who will have received all complaints that pass initial intake.

It is hoped that all cases currently awaiting assessment will be processed in January 2013.

### **7. EQUALITIES AND THE PUBLIC SECTOR EQUALITY DUTY UNDER THE EQUALITY ACT 2010**

As a community leader, service provider and employer Sevenoaks District Council recognises that everyone has a contribution to make to our society and a right to access services without being discriminated against or disadvantaged because of their:

- Race, colour, nationality, ethnicity.
- Gender, marital status or caring responsibility.
- Sexual orientation.
- Age.
- Physical or mental disability or mental health.
- Religion or belief.
- Health status.
- Employment status.

**8. SUPPORT TO COUNCIL, CABINET, SCRUTINY AND COMMITTEE MEETINGS**

The distribution and publication of committee reports, agendas and decisions is central to meeting the requirements of a key deliverable. It is the Monitoring Officer’s responsibility to oversee the process and ensure that these documents comply with statutory and constitutional requirements.

This includes:

- Distributing and publishing all agendas within five clear working days of the meeting taking place and ensuring that all agendas are compliant with the access to information rules and exempt information is marked up accordingly.
- Advertising public meetings five clear days before the meeting date.
- Ensuring that papers are made available to the public.
- Drafting minutes for publication within nine working days.
- Publishing a record of all decisions including key decisions taken by Cabinet within 48 hours (2 working days) of the meeting.
- Ensuring that petitions are handled in accordance with the Council’s Constitution including e-petitioning.
- Ensuring that meetings are accessible.
- Complying with the new requirements of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

**9. STATUTORY MEETINGS ANALYSIS**

One of the explicit aims of the Council has been to try and streamline the decision making process to allow Council to focus on service delivery.

Between the 1<sup>st</sup> December 2011 and 1<sup>st</sup> December 2012 the following were serviced:

Full Council Meetings (including 1 annual meeting)	7
Cabinet	12
Performance and Governance Committee	5
Electoral Arrangement Committee	3
Environment Select Committee	5
Services Select Committee	5
Social Affairs Select Committee	5
Modern Local Government Group	3
Development Control Committee	15
Standards Committee	1

## Agenda Item 5i

Sevenoaks Joint Transportation Board	4
Licensing Committee	5

Other meetings serviced include 8 Licensing Committee hearings and 4 Assessment Sub-Committee meetings of the Standards Committee up to the 31<sup>st</sup> May 2012.

The volume of meetings represents a substantial commitment of both Councillors' and Officers' time and resources. It is of great importance that meetings constitute an effective use of time and resources; that they add value to corporate effectiveness and help in meeting the aims and objectives of the Constitution and the Community Plan.

### **10. Notice of Key Decisions which replaces the Forward Plan**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 replaced the 2000 Executive Access to Information Regulations. The new regulations only apply to executive decisions. Previously there was a requirement to publish a rolling forward plan at least 14 days before the start of each month that set out details of all the key decisions which the authority anticipated making within the next four months. This has now been replaced by a requirement to publish a 28 clear day's notice of any intended key decision. This notice is available for inspection and is also published on the authority's website. If an urgent decision is required and it is impracticable to give the full notice, the key decision can still be taken if the authority gives at least five days' clear notice to all of the relevant Overview and Scrutiny Committee of the authority which can then call in the decision to check that it was genuinely urgent. Where a key decision is so urgent there is not even time to give five clear days' notice, the authority can still take the decision if the Chairman of the relevant Overview and Scrutiny Committee has agreed that the key decision is urgent and cannot reasonably be deferred.

This new requirement is being observed by the authority and by publishing the Notice of Key Decisions the public will be able to find out the expected timing of key decisions.

#### **10.2 Call-In requests**

There were no call-in requests within 2012.

#### **10.3 Overview and Scrutiny**

The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. Overview and Scrutiny Committees are powerful committees that contribute to the development of Council policies and also hold the Executive to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies and suggest new policies. The Council has three Scrutiny Committees, Services Select, Social Affairs and Environment Select that look at a wide range of issues within their terms of reference.

#### **10.4 MEMBER TRAINING AND DEVELOPMENT**

The New Standards and Conduct Arrangements for Members was adopted by the Full Council on the 24<sup>th</sup> July 2012 and briefing reports on the new system were circulated prior to adoption.

Specialist training on the Code of Conduct and Standards was given on the 27<sup>th</sup> September 2012 by Claire Lefort an Associate at Weightmans Solicitors and a recognised expert in the field of governance. Areas covered by the training included:

- Localism Act 2011
- Disclosable Pecuniary Interests
- Non Pecuniary Interests
- DCLG guidance
- Standards Committees
- Independent Persons
- Receiving Complaints
- Sanctions
- Bias and Predetermination
- Examination of Case Studies

The training session was well attended with 20 Parish/Town Councils attending and 30 District Councillors attending.

Training for the Independent Person took place on the 4<sup>th</sup> December 2012.

The Monitoring Officer employs an open door policy allowing District Council Members to call in at any time to receive advice.

The New Standards Committee will work as a cohesive group to promote high standards across the whole district.

### **11 CONCLUSION**

The Monitoring Officer's role in conjunction with the Standards Committee encompasses both proactive and reactive elements. The proactive role centres on raising standards, encouraging ethical behaviour, increasing awareness and utilisation of the elements of good governance and ensuring that robust procedures are in place.

The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. The Monitoring Officer together with the Standards Committee's effectiveness in this role is in turn dependent on effective systems and procedures being in place to identify problems and ensure that Members, Officers and Public are aware of appropriate channels to raise concerns.

Christine Nuttall  
Monitoring Officer

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## Free Christmas Parking

**Council – 19 February 2013**

Report of the: Community and Planning Services Director

Status: For Decision

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### Executive Summary:

This report seeks confirmation that the cost of the free Christmas parking for 2012, estimated at £15,000, be funded from Supplementary Estimates

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**Portfolio Holder** Cllr. Hunter

**Head of Service** Head of Environmental and Operational Services, Mr. Richard Wilson

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**Recommendation: It be RESOLVED that** the cost of the free Christmas parking for 2012, estimated at £15,000, be funded from Supplementary Estimates.

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### Introduction

- 1 On 8 November 2012, Members of Cabinet considered and approved proposals for increasing certain parking charges to contribute to the Council's overall budget target for 2013/14. At the meeting held on 8 November, Members also approved the provision of free Christmas parking on two Saturdays before Christmas with the recommendation that this be funded from Supplementary Estimates. This was not taken forward for consideration by Council and, hence, a recommendation to request approval by Council is included with this report merely to regularise the situation.
- 2 This report concerns objections and comments received in respect to the proposed car park and on-street charges following public consultation to amend the Council's Car Parks Order and on-street Traffic Regulation Order.
- 3 For Cabinet Members' information, a summary of the proposals as approved on 8 November, subject to consultation, is attached as Appendix A.

### Car Park Proposals

- 4 The consultation period ended on 16 December 2012. In addition to the Notice in the local newspaper and displayed in the car parks, letters were sent to all season ticket holders advising them of the proposals.
- 5 Three comments were received in response to the consultation. These include a response from the Sevenoaks Town council and from Kent Police. The comments received are attached in full, i.e. in verbatim, in Appendix B for Members' perusal and consideration. They relate to the following areas:-

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Car Parks Subject:	Number of Comments:
Pay & display charges – Sevenoaks town centre car parks	1
Season ticket charges – Sevenoaks station car parks	1
General comment	1

- 6 **In respect to the pay and display charges in Sevenoaks town centre** (see comment 1), comments were received from the Sevenoaks Town Council expressing concern at the proposals and requesting the disclosure of revenue and usage information to enable the effect of previous price rises to be analysed. Please refer to further comments regarding this under the heading “Parking Trend and Income” below.
- 7 **In respect to the Sevenoaks station season tickets** (see comment 2), comments were received from a Sennocke car park season ticket holder, assumed to relate only to the proposed increase in season ticket costs, expressing objection to the proposed increase and suggesting that there ought to be a price freeze in recognition of financial conditions.
- 8 For information, the proposal is to increase the cost of annual season tickets in the Bradbourne and Sennocke car parks by £10. In respect to the Sennocke car park, this would be an increase of 0.9%.
- 9 **In respect to the general comment** (See comment 3), this is a standard response from Kent Police and does not make specific reference to the proposed charges.

### **Parking Trend and Income**

- 10 Information relating to car park usage and income for the Sevenoaks town centre car parks is included in this report in response to the request by the Sevenoaks Town Council.
- 11 A check on parking usage in the Council run car parks is undertaken during one week of every month to provide usage records on a sample basis. The survey is undertaken twice each day to coincide with the morning and afternoon peaks. The number of parking spaces available in each car park is recorded. Where possible, the car parks are surveyed on all working days of the week, but for some months perhaps only one or two days are achieved, due to the availability of staff resources. The car parks are not surveyed on Saturdays.
- 12 The parking surveys can really only provide a sample of parking use for each month and should not be taken as giving an accurate indication. Nevertheless, they do serve as a useful guide as to parking trends in the car parks.
- 13 Appendix C shows a record of parking spaces available between April 2009 and December 2012. Two data sets have been included to reflect the two different pricing structures within the town centre car parks, one for the Blighs car park and

another which includes the Buckhurst 1, Buckhurst 2, South Park and Suffolk Way car parks which collectively form the “other town centre car parks”. Only data for the morning period is shown as this tends to be the busiest time of the day for parking use.

- 14 As can be seen, since the latter part of 2011/12 more spaces have been increasingly available, certainly in the “other” town centre car parks but less so for Blighs. However, the number of spaces tends to correspond with the level recorded for 2009/10. Members may recall that the Waitrose store was closed for redevelopment between July 2010 and September 2011. This would have had an impact upon car park use in the town centre as Waitrose customers would have transferred to the public car parks while the temporary Waitrose store operated from the former Woolworths site in the High Street. This would have led to a reduction in spaces available during 2010/11 and 2011/12, and this is thought to be the main reason why fewer parking spaces were available. One the effects of the Waitrose redevelopment and relocation of parking has been to mask the true parking trend in the town centre over recent years, which is unfortunate.
- 15 In Appendix D, a breakdown of ticket sales is provided for each town centre car park in terms of the percentage of ticket sales for each tariff for the last four years. This enables trends in ticket sales between the different tariffs to be identified. To enable comparison with the financial current year, all data relates to the first nine months of each year shown. Total ticket sales figures are also given.
- 16 Unfortunately, the information for the Blighs car park for this financial year is incomplete as a result of a fault in the ticket machine manufacturer’s data recording system. The percentage split for 2012/13 is based on information only available from the end of November. As a result, this might not give a truly representative picture for the whole year. In respect to the Buckhurst 2 car park, data is not available for 2009/10.
- 17 In many cases, there is relatively little variation between the current year and the previous year or two years, beyond usual fluctuations. However, it is noticeable that in Blighs the proportion of 1 hour and evening tickets has dropped whilst the proportion of 30 minute , 2 hour and 3 hour tickets has increased. Unfortunately, without knowing the number of ticket sales for the different tariffs it is not possible to gauge what effect this might have had upon income.
- 18 Whilst the ticket sales for Blighs for the current year are unknown, a comparison can still be made for the other town centre car parks. On the third page of Appendix D the top chart shows ticket sales for the other town centre car parks, collectively, for the last four years, broken down by tariff. This shows a significant drop in the number of 1 hour and 2 hour tickets bought and a small drop in the number of 4 hour and evening tickets bought. Since the cost of the 1 hour tariff had not changed in April 2012, the drop in sales cannot be related to the increase in parking charges. There would, of course, have been some reduction in ticket sales following the opening of the new Waitrose store as this would have resulted in a “freeing-up” of spaces in the town centre car parks. Unfortunately, it is not possible to quantify the degree to which this would have impacted upon parking availability in the town centre car parks.

## Agenda Item 5j

- 19 The bottom chart on the last page of Appendix D shows the total ticket sales for each car park, where figures are available. As can be seen, sales for 2012/13 have dropped in all car parks. Again, some reduction would have been due to the opening of the new Waitrose store.
- 20 Appendix E shows the gross monthly income levels (i.e. inclusive of VAT) for each car park for the last two years and the total for the town centre as a whole.
- 21 Taking the usage and ticket sales information into account, I am of the opinion that parking use has reduced during 2012/13 probably due to a number of factors. Firstly, the weather experienced at the beginning of the year was very poor; secondly, the Olympic and Paralympic Games are thought to have had an effect; and thirdly, and I believe the most likely reason, that there has been a general down-turn in footfall which has been experienced nationally.
- 22 The higher levels of parking use during 2010/11 and 2011/12 are most likely due to the Waitrose redevelopment. Officers do not consider that the increases introduced in April 2012 would solely have led to such a drop in car park usage, particularly as they were generally limited to 10p on various tariffs and in view that similar increases in preceding years had not noticeably adversely affected parking income levels.
- 23 A report entitled 'Re-Think! Parking on the High Street' has just been produced by the Association of Town Centre Management, the British Parking Association, Parking Data & Research International and Springboard Research Ltd. This reviews off-street parking tariffs at some ninety locations across the UK and uses data on footfall, spend and centre quality to group these locations and assess the relationship to the quality of spaces and the cost of parking for the first two hours. In view of the relevance of this report, it has been placed on the website for Members' information.
- 24 These are the key findings:
- Parking operators are providing parking provision which equates to the footfall levels achieved by their location.
  - There is no clear relationship between car parking charges and the amenities on offer in a location with some mid-range and smaller centres charging more than what is the national average.
  - The mid-range and smaller groupings of centres that charge more than the national average in accordance with their offer, suffered a higher than average decline in footfall for 2011.
- 25 It is stated that the findings do not conclusively demonstrate that parking tariffs are influencing decline in locations across the UK.
- 26 Of particular interest is the annual percentage change in footfall for the period January to September 2012 (as shown in figure 4 on page 15 of the report) which tends to match the reduced levels in car park income experienced in Sevenoaks town centre.

- 27 It may be worth noting that costs to maintain and operate the Council’s car parks increase year on year. Business rates have increased by over £20,000 for the last two years running; last year maintenance costs rose by over £86,000 of which £72,000 was needed for repairs to car park surfacing; other essential maintenance works will need to be carried out later this or next financial year and a number of ticket machines and items of enforcement equipment are in need of replacement.
- 28 In estimating the additional income likely to accrue from the proposed increases for 2013/14, the drop in parking usage and income experienced during the first part of this financial year has been taken into account. Therefore, unless the down-turn worsens, which is not suggested by the trend information attached, the level of additional income predicted for next year should be achievable. However, whether the expected total budget for pay and display income will be achieved will be dependent upon the extent of the shortfall at this year end and whether the current parking trend will continue or recover and if so, the degree of any recovery.
- 29 As a reminder for Members, the table showing parking charges of neighbouring authorities is attached as Appendix G. It can be seen that our charges compare reasonably well with other Councils.

**On-Street Proposals**

- 30 The consultation period for the on-street proposals also ended on 16 December 2012. The Public Notice was published in the local newspaper and was widely displayed in all on-street locations.
- 31 Three comments were received in response to the consultation. These were from the Sevenoaks Town council (the same letter relating to both car parks and on-street proposals), the Westerham Town Council and the Kent Police. The comments received are attached in full, i.e. in verbatim, in Appendix B for Members’ perusal and consideration. They relate to the following areas:-

<b>On-Street Subject:</b>	<b>Number of Comments:</b>
Pay & display charges	2
General comment	1

- 32 **In respect to pay and display charges** (see comment 1), whilst the letter received from the Sevenoaks Town Council refers to both the on-street and car parks Orders, the comments contained therein appear to only relate to the car park proposals.
- 33 The Westerham Town Council object (see comment 4) on the grounds that an increase is not justified, the increase is large and that free parking is available in adjacent towns and villages namely Oxted and Brasted.
- 34 **In respect to the general comment** (see comment 5), this is a standard response from Kent Police and does not make specific reference to the proposed charges.

## Agenda Item 5j

### **Changes to the Road Traffic Order**

- 35 For information, comments relating to an increase in on-street parking charges are not considered to be pertinent or valid objections under the terms of the legislation for the Order making process. Therefore, they would not be required to be reported to the Sevenoaks Joint Transportation Board for consideration.

### **Christmas Free Parking**

- 36 At the meeting held on 8 November, Members approved the provision of free Christmas parking on two Saturdays before Christmas with the recommendation that this be funded from Supplementary Estimates. This was not taken forward for consideration by Council and, hence, a recommendation to request approval by Council is included with this report merely to regularise the situation.

### **Key Implications**

#### Financial

- 37 The proposals considered and approved by Cabinet on 8 November 2012 contribute to the budget provisions for parking for 2013/14.

#### Community Impact and Outcomes

- 38 The introduction of parking charge increases is likely to have an impact to some degree upon people from the local community and upon visitors to the district who use the parking facilities, although it is impossible to quantify any likely resultant effect. Rather than pay higher parking charges, people may instead decide to park for shorter periods, lessen the frequency of their visits or choose to go elsewhere.

#### Legal, Human Rights etc

- 39 The processes to amend the off-street and on-street Orders are being carried in accordance with the legal requirements.
- 40 There are no human rights issues or implications.

#### Equality Impacts

- 41 There is a low risk that any of the options presented will have an adverse impact on people with 'protected characteristics' under the Equality Act. There are no apparent issues of direct relevance to parking charges as our car parks are open to use by anyone who chooses to do so. Free parking is generally available in roads just out from the town centres, although in some cases this might be limited to 2 hours. Free parking is offered for those with disabilities who hold a Blue Badge and this remains unaffected. Any issues will be monitored through complaints received. The Parking Enforcement Policy is subject to a separate Equality Impact Assessment and has not identified any substantial issues.

### **Conclusions**

- 42 Members are requested to consider whether they wish to make any amendments to the charges approved on 8 November 2012 in light of the consultation comments received.

**Risk Assessment Statement**

- 43 By not adopting the charging proposals approved, or by failing to provide alternatives, the budget expectations for parking income for 2013/14 might not be realised.

**Sources of Information:** The Car Park (Amendment 2) Order 2010 file held by the Parking and Amenity Manager.

The Kent County Council (Various Roads in the District of Sevenoaks) (Prohibition and Restriction of Waiting and Loading & Unloading and On-Street Parking Places) (Amendment 26) Order 2009.

**Contact Officer(s):** Gary Connor Ext: 7310

Kristen Paterson  
Deputy Chief Executive & Community and Planning  
Services Director

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**COUNCIL – 19 FEBRUARY 2013**

**PAY POLICY STATEMENT**

Report of the: Chief Executive Designate

Status: For consideration and decision

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**This report supports the Key Aim of** effective management of Council resources.

**Portfolio Holder** Cllr. Ramsay

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**Recommendation:**

The Pay Policy Statement be adopted by the Council and published on the Council's website.

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**Background & Introduction**

- 1 Gaining its Royal Assent in November 2011 the Localism Act introduced, amongst a range of other duties, a requirement for local authorities to publish a Pay Policy Statement by 31 March each year.
- 2 The Council's first Pay Policy Statement was approved by Council in February 2012. The Pay Policy Statement at Appendix 1 to this report remains substantially unchanged in this second year, with updates only made to reflect the impact of the proposed restructure to senior management considered by Council elsewhere on this agenda.
- 3 Pay Policy Statements require local authorities to be more accountable and transparent about their policies on senior officer pay and delivers on a Coalition Agreement commitment to strengthen councillors' powers on salary packages for council officers.
- 4 Nothing in the pay accountability provisions supersede existing responsibilities and duties placed on local authorities in their role as employers. Government recognise that local authorities are individual employers in their own right and have the autonomy to make decisions on pay that are appropriate to their local circumstances and which deliver value for money for local taxpayers.

**Pay Policy Statement**

- 5 The draft Pay Policy Statement is attached at Appendix 1 to this report for Members consideration. Its content is defined by the regulations set out within sections 38 to 43 of the Localism Act 2011 and associated guidance issued by the Secretary of State for Communities and Local Government (CLG).
- 6 The Pay Policy Statement is required to set out the authority's policies relating to the remuneration of each of its chief officers, the remuneration of its lowest paid

## Agenda Item 6b

employees and the relationship between the two. The Statement must be approved by full Council by 31 March 2013 and will take effect from 1 April 2013. The Policy is forward looking and any recruitment decisions taken between 1 April 2013 and 31 March 2014 regarding Chief Officers must take account of the commitments made in the Policy Statement.

- 7 It is a requirement of the Localism Act that the Pay Policy Statement is approved annually by full Council, and this is a function that cannot be delegated. As a minimum, once the Statement is approved, it must be published on the Council website.

### **Key Implications**

#### Financial

- 8 The Pay Policy Statement sets out the policies by which senior officers will be remunerated by the Council. Any such decisions on recruitment would be made within the wider context of the Council's budget and savings plan and create no new burdens on financial resources.

#### Impact on and Outcomes for the Community

- 9 The Pay Policy Statement makes information about senior officer pay decisions more transparent to the Community and improves accountability.

#### Legal and Human Rights Implications

- 10 Failure to publish a Pay Policy Statement, approved by full Council, by 31 March 2013 will be a breach of the Localism Act 2011.

#### Value For Money

- 11 The Council strives to provide value for money within its recruitment processes and endeavours to attract high quality officers to the organisation at the right levels of pay.

#### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups?	No	The Pay Policy Statement is a document that overarches a number of pre-existing Human Resources policies that determine how people are recruited to the organisation, how they are paid and how they are treated whilst an employee of the Council. These policies are subject to their own Equality Impact Assessments.
b. Does the decision being made or recommended through this paper have the potential to promote equality of	Yes	The Pay Policy Statement focuses on roles within the authority rather than the individuals that currently perform those roles or may perform those roles in the

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
opportunity?		future. The Policies applicable to those posts apply to any person who may wish to fulfil them and therefore may be considered to promote equality
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

**Conclusions**

12 The Pay Policy Statement sets out the elements of senior officer pay that enable the Council to attract high quality officers whilst protecting value for money to the community. Its approval by Council and publication on the Council website will improve transparency and accountability whilst ensuring adherence to the Localism Act 2011.

**Risk Assessment Statement**

13 Failure to produce, approve and publish a Pay Policy Statement will be a breach of the Localism Act 2011. Governance arrangements are in place through the Constitution to ensure proper processes are adopted in the recruitment of senior officers.

**Sources of Information:**

Localism Act, Chapter 8, Pay Policy Statements  
 Openness and accountability in local pay: Draft guidance under section 40 of the Localism Act (Communities and Local Government)

**Contact Officer(s):**

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Dr. Pav Ramewal  
 Chief Executive Designate

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**Sevenoaks District Council  
Pay Policy Statement 2013/14**

**1. Introduction**

- 1.1 The Council's Pay Policy Statement sets out its policies for 2013/14 relating to:
- The remuneration of its chief officers,
  - The remuneration of its lowest-paid officers, and
  - The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
- 1.2 The Pay Policy Statement is prepared in accordance with the requirements of the Localism Act 2011 and associated guidance published by the Secretary of State for Communities and Local Government.
- 1.3 The Statement has been approved by resolution of the full Council and the commitments made in the Pay Policy Statement will be applied to remuneration of chief officers during 2013/14.

**2. Definitions**

- 2.1 The following definitions have been applied in preparing the Pay Policy Statement:
- (a) Remuneration – the officers salary<sup>1</sup>, any bonuses payable, any charges, fees or allowances payable, any benefits in kind, any increase or enhancement to pension entitlement and any amounts payable to the officer on them leaving the authority<sup>2</sup>
  - (b) Chief Officers – the Head of Paid Service (the 'Chief Executive'), Statutory Chief Officers (Section 151 Officer & the Monitoring Officer), Non Statutory Chief Officers (Chief Executive Designate and Heads of Service/Chief Officers).
  - (c) Lowest-paid officers – this corresponds to the lowest pay point on which a full time, permanent officer can be appointed to when joining the Council. It does not relate to an individual job role. This definition has been adopted as a true and fair representation of the lowest paid salary point offered by the Council, although it does not necessarily mean that any officer working for the Council currently receives this level of pay. This definition provides a fair and accurate description for an entry level position into the authority, roles that require full supervision that have little, if any responsibility.

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<sup>1</sup> In the case where an officer is engaged under a contract for services, the salary is equal to the payments made by the Council to the officer for those services.

<sup>2</sup> Other than amounts that may be payable by virtue of any enactment

## Agenda Item 6b

### 3. Terms and Conditions

- 3.1 The general terms and conditions of employment are in accordance with those agreed by the National Joint Council for Local Government Services.
- 3.2 As Head of Paid Service, the Chief Executive shall have responsibility for the management of all officers, including the number and grade of officers and their organisations and structures.
- 3.3 The Council shall appoint such officers as it thinks necessary for the proper discharge of its functions or of another local authority's functions as fall to be discharged by the Council. All appointments shall be made on merit and in accordance with the Council's agreed policies and procedures.
- 3.4 Only under exceptional circumstances, where there is a proven benefit that will deliver clear value for money to residents, will the Council re-employ officers who have left with a severance or redundancy payment or are in receipt of a pension under the Local Government Pension Scheme. This may include re-engagement on a self employed basis with a contract for services. This Policy applies to both ex-employees of Sevenoaks District Council and of other local government organisations.
- 3.5 All officers appointed by the Council are paid as individuals with the correct personal national insurance and income tax contributions applied. The Council does not make permanent appointments through any other arrangements.

### 4. Remuneration of Chief Officers

#### 4.1 Head of Paid Service

- 4.1.1 The Head of Paid Service holds the title of Chief Executive or any equivalent as determined by Council.
- 4.1.2 The Head of Paid Service is one of three statutorily required posts at the Council, alongside the Chief Finance Officer (Section 151 Officer) and the Monitoring Officer. The Head of Paid Service holds overall responsibility for corporate management and operational functions. This includes:
  - Overall management responsibility for all Officers;
  - Provision of professional advice to all parties in the decision-making process;
  - Advising whether decisions of the Cabinet are in accordance with the budget and policy framework (in consultation with the Chief Finance Officer and the Monitoring Officer);
  - Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members (in consultation with the Chief Finance Officer and the Monitoring Officer);

- To be the Returning Officer and Electoral Registration Officer for the Council; and
  - To represent the Council on partnership and external bodies as required by statute or the Council.
- 4.1.3 From 1 September 2013 the role of Chief Finance Officer (Section 151 Officer) and Head of Paid Service will be undertaken by the new Chief Executive as the appointed officer holds the relevant accounting qualifications.
- 4.1.4 The remuneration for the Head of Paid Service will include:
- Salary in line with the Sevenoaks District Council Chief Executive pay scale, inclusive of the outer fringe allowance;
  - Car Allowance of £6,000 per annum;
  - Payment for acting as the Returning Officer at elections. Payments for each election are determined by the size of the electorate in the district, with the payment for national elections being set nationally and the payment for local elections set at county level; and
  - An employer contribution to their pension of the amount required under the nationally determined terms of the Local Government Pension Scheme.
- 4.1.5 At the point of recruitment the salary of the Head of Paid Service will be determined by the level of skill and experience that they are evaluated as bringing to the role. In any case the salary will not exceed the top pay point of the Sevenoaks District Council Chief Executive pay scale.
- 4.1.6 The Head of Paid Service will, like all other officers, be able to increase their salary on an annual basis by demonstrating excellent performance when assessed through full participation in the Council's appraisal scheme, until the top point of the pay band is reached. The Head of Paid Service will also be entitled to receive any national pay award determined by the National Joint Council. No other increases or additions to their remuneration will be payable without a resolution of Council.
- 4.1.7 The Council does not adopt a performance related pay system for any officers outside of the appraisal scheme, including the Head of Paid Service.
- 4.1.8 The Council does not pay bonuses for any officers, including the Head of Paid Service, other than those determined by the appraisal scheme upon achieving outstanding performance.
- 4.1.9 The Council will not make payment to the Head of Paid Service if they are summarily dismissed.

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4.1.10 If the Council makes the Head of Paid Service redundant a payment will be made to them based on their length of service (up to a maximum of 20 years) based on their actual weeks pay.

4.1.11 If the Head of Paid Service resigns their post they will not be entitled to any compensatory payment from the Council.

4.1.12 The following terms and conditions will also apply to the Head of Paid Service:

- The Head of Paid Service may be the Chief Finance Officer, but may not be the Council's Monitoring Officer; and
- The post of Head of Paid Service is politically restricted.

### **4.2 Non Statutory Chief Officers**

4.2.1 Non statutory chief officers are defined in the Local Government and Housing Act 1989 as a person for whom the Head of Paid Service is directly responsible.

4.2.2 During the period of 1 April 2013 to 31 August 2013 the non statutory chief officer holds the title of Chief Executive Designate.

4.2.3 To 31 August 2013 the remuneration for the non statutory chief officer designated as the Chief Executive Designate will include:

- Salary in line with the Sevenoaks District Council Chief Executive pay scale, inclusive of the outer fringe allowance;
- Car Allowance of £5,100 per annum; and
- An employer contribution to their pension of the amount required under the nationally determined terms of the Local Government Pension Scheme.

4.2.4 From 1 September 2013 the Council will adopt a restructure of its senior management as considered by the Council on 19 February 2013. From this date the non statutory chief officers will be designated as Chief Officers.

4.2.5 From 1 September 2013 the remuneration for non statutory chief officers designated as Chief Officer will include:

- Salary at Band J to Band K of the National Joint Council scale, inclusive of the outer fringe allowance;
- A cash car allowance;
- Consideration of an additional responsibility allowance; and
- An employer contribution to their pension of the amount required by the Local Government Pension Scheme.



- 4.2.6 At the point of recruitment an officer holding the post of a non statutory chief officer will be determined by the level of skill and experience that they are evaluated as bringing to the role.
- 4.2.7 An officer holding the post of a non statutory chief officer will, like all other officers, be able to increase their salary on an annual basis by demonstrating excellent performance when assessed through full participation in the Council's appraisal scheme, until the top point of the pay band is reached. An officer holding the post of a non statutory chief officer will also be entitled to receive any national pay award determined by the National Joint Council. No other increases or additions to their remuneration will be payable without a resolution of Council.
- 4.2.8 The Council does not adopt a performance related pay system for any officers outside of the appraisal scheme, including officers holding the post of a non statutory chief officer.
- 4.2.9 The Council does not pay bonuses for any officers, including officers holding the post of a non statutory chief officer, other than those determined by the appraisal scheme upon achieving outstanding performance.
- 4.2.10 The Council will not make payment to officers holding the post of a non statutory chief officer if they are summarily dismissed.
- 4.2.11 If the Council makes a non statutory chief officer redundant a payment will be made to them based on their length of service (up to a maximum of 20 years) based on their actual weeks pay.
- 4.2.12 If an officer holding the post of a non statutory chief officer resigns their post they will not be entitled to any compensatory payment from the Council.
- 4.2.13 The following terms and conditions will also apply to an officer holding the post of a non statutory chief officer:
- The posts held by non statutory chief officers are politically restricted.

### **4.3 Statutory Chief Officer – Monitoring Officer**

- 4.3.1 The role of the Monitoring Officer is designated to the post of Head of Legal and Democratic Services to 31 August 2013, and thereafter to the Chief Officer Legal & Governance, or any equivalent as determined by the Head of Paid Service.
- 4.3.2 The Monitoring Officer is one of three statutorily required posts at the Council, alongside the Head of Paid Service and the Chief Finance Officer (Section 151 Officer). The Monitoring Officer is responsible for:
- Maintaining the consultation;
  - Ensuring lawfulness and fairness of decision making;

## Agenda Item 6b

- Supporting the Standards Committee;
- Advising whether decisions of the Cabinet are in accordance with the budget and policy framework (in consultation with the Head of Paid Service and the Chief Finance Officer); and
- Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members (in consultation with the Head of Paid Service and the Chief Finance Officer).

4.3.3 The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

4.3.4 The remuneration for the Monitoring Officer and terms and conditions for the post are as those set out for non-statutory chief officers at sections 4.2.5 to 4.2.13 above.

### **4.4 Statutory Chief Officer – Chief Finance Officer (Section 151 Officer)**

4.4.1 The Chief Finance Officer is one of three statutorily required posts at the Council, alongside the Head of Paid Service and the Monitoring Officer. The role of Chief Finance Officer is designated to the Chief Executive Designate to 31 August 2013, and thereafter to the Chief Executive.

4.4.2 The Chief Finance Officer is responsible for:

- Ensuring Lawfulness and Financial Prudence of Decision-Making;
- Administration of Financial Affairs;
- Contributing to Corporate Management;
- Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles; and
- Providing financial information to the media, members of the public and the community.

4.4.3 The pay policies applicable to this post are detailed at sections 4.1 and 4.2 above.

4.4.4 The following terms and conditions will also apply to the Chief Finance Officer post:

- The post of the Chief Finance Officer is politically restricted; and
- The Chief Finance Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

**5. Transparency and Publication of Chief Officer Salaries**

- 5.1 Further information about responsibilities and appointment of Chief Officers is published in the Council's Constitution. The provisions within this Pay Policy Statement do not alter the requirements and powers, which the Constitution sets out.
- 5.2 Further information about the salaries of Chief Officers is available on the Council's website. The Council's Statement of Accounts is published annually and includes a full breakdown of payments made to Chief Officers for the past year.
- 5.3 The transparency section of the Council's website includes the publication of the pay scales of all officers at the council who receive a full time equivalent salary in excess of £58,200.

**6. Remuneration of lowest-paid officers**

- 6.1 The salary of the lowest-paid role at the Council will be equivalent to the lowest pay point within Band A of the National Joint Council salary scales inclusive of the outer fringe allowance.
- 6.2 All Council officers are able to increase their salary on an annual basis, until the top point of the pay band is reached by demonstrating excellent performance when assessed through full participation in the Council's appraisal scheme. All officers are also entitled to receive any national pay award determined by the National Joint Council. There are no other performance related or bonus payments payable to officers.
- 6.3 All Council officers are eligible to join the Local Government Pension Scheme. As their employer the Council will contribute to each officers pension the amount required by the Local Government Pension Scheme.

**7. The Pay Relationship**

- 7.1 The National Joint Council salary scales offer a fair and non-discriminatory approach to pay and grading reflected through a job evaluation scheme. Each role is individually assessed and evaluated to ensure an accurate level of pay. The result of evaluations reflects the level of responsibility associated with each respective post.
- 7.2 The mean average salary at Sevenoaks District Council in 2012/13 was £25,164 an increase of 0.7% from the mean average salary of £24,981 in 2011/12. The mean average salary in 2012/13 is approximately spinal point 30 of Band D. The median salary for 2012/13 was £22,221, which lies at spinal point 26 of Band C and is the same median salary level recorded in 2011/12.
- 7.3 The pay multiple for 2012/13 between the Chief Executive and the mean average salary at Sevenoaks District Council is 5.1. Using the median

## Agenda Item 6b

salary point the pay multiple is 5.7. The pay multiple is unchanged from 2011/12.

- 7.4 The Council is clear that pay at all levels is properly assessed and evaluated to ensure it accurately and fairly reflects the level of skill and responsibility associated with each respective post. Maintaining this approach will ensure that the Council is committed to a fair pay relationship and maintaining a proportionate pay ratio between the average pay level and that of the Chief Executive.

**COUNCIL – 19 FEBRUARY 2013**

**EMPLOYMENT STABILITY POLICY**

Report of the: Chief Executive Designate

Status: For consideration and decision

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**This report supports the Key Aim of** effective management of Council resources.

**Portfolio Holder** Cllr. Ramsay

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**Recommendation:**

The updated Employment Stability Policy be adopted by the Council.

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**Background & Introduction**

- 1 From time to time it is necessary for the Council to review the services that it provides and the organisational structure that is required to deliver its services. The Council is very proud of the services that it currently delivers, but recognises that to ensure that it continues to deliver high quality, value for money services, which are in line with priorities and resources available, changes may be required. The Council also recognises that it is a “people organisation” and without quality staff, it will be unable to deliver quality services.
- 2 The Council’s current Employment Stability Policy has been in place since 2007 and is designed to ensure that the Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements.

**Employment Stability Policy**

- 3 The main purpose of the Employment Stability Policy is to ensure that where job losses are unavoidable as a result of changes to services all reasonable alternatives to compulsory redundancy are explored. This includes ensuring that options such as voluntary redundancy and redeployment are considered in a consistent manner so that staff are always treated fairly and equitably.
- 4 The Policy, provided at Appendix 1 to this report, remains substantially unchanged, save an amendment to the Council’s approach to pay protection which may occur as a result of redeployment.
- 5 Within section 6 of the Policy the Council is, with the agreement of Unison, proposing to adopt a pay protection period of two years, before reverting to the pay grade of the post redeployed to. This is in accordance with best practice and if adopted by Council will take effect from 19 February 2013.

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- 6 The new pay protection period of two years will replace the current scheme where eligible employees pay is protected for a period of two months for each completed year of local government service. Following this time, the employee “marks time” until inflationary increases address the shortfall.

### Key Implications

#### Financial

- 7 The Employment Stability Policy commits the Council to follow robust procedures when redundancies arise from changes to council services. As part of this pay may be protected for two years where an employee is successfully redeployed within the organisation, before it reverts to the pay grade of that post.

#### Impact on and Outcomes for the Community

- 8 None.

#### Legal and Human Rights Implications

- 9 Failure to follow robust procedures when reviewing services, redeploying employees, or making employees redundant could result in Human Rights and Employment legislation being breached.

#### Value For Money

- 10 The Council strives to provide value for money in the way it delivers services and endeavours to retain high quality officers to the organisation at the right levels of pay. The Employment Stability Policy seeks to minimise compulsory redundancies and the costs associated with such processes.

#### Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups?	Yes	The Employment Stability Policy is clear that staff will not be disadvantaged on the grounds of age, race, gender, disability, sexual orientation, religion or belief.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	To ensure that this is the case the outcomes of redeployments or redundancies are monitored and subject to Equalities Impact Assessments.
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

**Conclusions**

- 11 The Employment Stability Policy has been developed to ensure that the Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements. Where job losses are unavoidable the aims of the Council are to minimise the number of compulsory redundancies through the use of a flexible and effective framework that ensures staff are consistently treated in a fair and equal manner.

**Risk Assessment Statement**

- 12 Failure to produce, approve and publish an Employment Stability Policy could result in the Council adopting inconsistent approaches to redeployment and redundancy that could result in a breach of employment law, additional costs or reputational damage as a service provider and employer.

**Sources of Information:** None.

**Contact Officer(s):** Syreeta Gill, Human Resources Manager.  
Ext 7403

Dr. Pav Ramewal  
Chief Executive Designate

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# Employment Stability Policy



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## Employment Stability

### Summary

#### Who does this policy apply to?

All employees who are affected by reorganisation and/or redundancy.

#### Where can I get more information?

If you need more information or advice once you have read this document, you should contact the Human Resources team at Argyle Road on 01732 227497 or by Email at [human.resources@sevenoaks.gov.uk](mailto:human.resources@sevenoaks.gov.uk).

#### What are my responsibilities and entitlements under this policy?

- You have the right to be consulted personally and/or through Unison on workforce and organisational changes
- You are entitled to be considered for suitable alternative employment, with a statutory four-week trial period
- You are entitled to received assistance to help find another job, including time off to look for other work or to attend training
- If you are declared redundant, you have the right to appeal against that decision

### 1. Introduction

From time to time it is necessary for the Council to review the services that it provides and the organisational structure that is required to deliver these services. The Council is very proud of the services that it currently delivers, but recognises that to ensure that it continues to deliver quality services, which are in line with its priorities and Community Plan, changes may be required. The Council also recognises that it is a “people organisation” and without quality staff, it will be unable to deliver quality services.

This policy has been developed to ensure that the Council retains a balance of skills and experience within the workforce to ensure that it is equipped to meet future challenges and service requirements, and uses the ACAS (Advisory, Conciliation and Arbitration Service) guidelines on redundancy handling to avoid the need for redundancies wherever possible.

Where job losses are unavoidable however, the aims of the Council are to minimise the number of compulsory redundancies through the development of a flexible framework in which differing situations can be processed in a consistent manner and to ensure that staff are treated fairly and equitably.

### 2. Definition

A redundancy is “any dismissal for reasons not relating to the individual” and occurs when either:

- “The needs of the business for employees to carry out work of a particular kind have ceased or diminished or are expected to cease or diminish; or
- The needs of the business for employees to carry out work of a particular kind in the place where they are so employed have ceased or diminished or are expected to cease or diminish”.

It is possible for the work to remain but for the number of employees required to carry out that work to be reduced.

### 3. Objectives

- To minimise the uncertainty and anxiety of staff affected by reorganisations and service reductions through thorough consultation with individual staff and Unison when reorganisations and/or service reviews are undertaken;
- To minimise compulsory redundancies; and
- To ensure that the Council retains the skills and expertise to ensure that it can meet future service needs.

## 4. Consultation

The Council recognises that consultation needs to take place with a view to reaching agreement, both with Unison and individual staff members. Although there are minimum periods over which formal consultation must take place with Unison, consultation will begin at the earliest opportunity.

During that consultation, the Council will share with Unison the following information:

- The reasons for the employer's decision
- The number and descriptions of the employees at risk
- The total number of employees in each category
- The proposed method for selection for dismissal
- The proposed method of carrying out the dismissals, having due regard for the relevant notice periods that employees are entitled to
- The proposed method of calculating redundancy payments.

Consultation will be undertaken “with a view to reaching agreement” with Unison as to:

- Ways of avoiding dismissals;
- Ways of reducing the numbers to be dismissed; and
- Ways of mitigating the consequence of any dismissals, which may include:
  - Natural wastage;
  - Restrictions on recruitment;
  - Seeking applicants for early retirement or voluntary redundancy;
  - Retraining and redeployment to other parts of the Council or, where possible, seeking employment with our neighbouring authorities;
  - Reduction or elimination of overtime; and
  - Termination of temporary or agency staff contracts.

Consultation with individuals should be taken throughout the reorganization / service review.

## 5. Principles

Where a review has taken place and a job remains the same or is only marginally different, the postholder should be assimilated without assessment.

Where the number of jobs in the new structure is less than the number of existing employees, objective criteria will be used to select for redundancies. These will be agreed with Unison at the time and may include, among other things, skills and qualifications, in addition to qualitative

## Agenda Item 6c

criteria, for example work performance (as identified through the Council's appraisal process); flexibility and attitude; attendance; timekeeping and disciplinary record. In using attendance as a selection criterion, it is essential that the reasons for, and extent of any, absences are clearly understood. This is particularly important when considering sickness absence.

In the case of any qualitative criteria being used, a comparative analysis of the information relating to all those in the area at risk will be undertaken.

The Council must mitigate against the risk of losing workers with key skills and must ensure the retention of a balanced workforce, which is appropriate to meet the Council's future needs.

Staff will not be disadvantaged on the grounds of race, gender, disability, sexual orientation, age, religion or belief.

### **6. Suitable alternative employment**

The Council must consider whether employees likely to be affected by redundancy can be offered suitable alternative employment (with reasonable training) both within the Council and neighbouring authorities.

In considering whether alternative employment is suitable, the following factors will be taken into account:

- **Pay**

The Council has a protection of earnings agreement, which protects employees on their existing pay for a period of two years. Following this time, the employee reverts to the rate of pay for the post that they have been redeployed into, unless a suitable post becomes available on the employee's substantive grade, and the employee is redeployed.

- **Working environment**

This may be especially important for those employees who suffer a health complaint or physical disability, although in accordance with the Equality Act, reasonable adjustments to the workplace will be made.

- **Hours of work**

The Council recognises that any change in an employee's hours of work or shift patterns may be considered unsuitable if it fails to take account of the individual's personal circumstances.

Employees who unreasonably refuse an offer of suitable alternative employment may lose any entitlement to redundancy pay. Unreasonable refusal may arise where the differences between the new and old jobs are negligible or where the employee assumes rather than investigates the changes that a new job might involve in, for example, travelling time or working conditions.

### **7. Trial period**

An employee who is under notice of redundancy has a statutory right to a trial period of four weeks in an alternative job where the provisions of the new contract differ from the original contract, the period to begin when the previous contract has ended.

The effect of the trial period is to give the employee a chance to decide whether the new job is suitable without necessarily losing the right to a redundancy payment. The four week trial period can be extended for retraining purposes by an agreement. If the employee works beyond the end of the four week period or the jointly agreed extended period, any redundancy entitlement will be lost because the employee will be deemed to have accepted the new employment.

The employer should also use the trial period to assess the employee's suitability. Should the Council wish to end the new contract within the four weeks for a reason connected with the new job, the employee will preserve the right to a redundancy payment under the old contract. If the dismissal was due to a reason unconnected with redundancy, the employee may lose that entitlement.

### **8. Time off to look for new work or for training**

Employees who are under notice of redundancy are entitled to a reasonable amount of paid time off to look for another job or to arrange training. Where possible, the Council will extend such assistance to all employees who are affected by redundancy.

### **9. Additional assistance**

In all circumstances, employees will be offered assistance with outplacement as follows:

- How to search for appropriate vacancies and follow up opportunities;
- How to write application forms, CVs and prepare for interviews; and
- The importance of being prepared to consider a wide range of alternative jobs.

### **10. Agreement to dismissal on the grounds of redundancy**

All potential redundancies will be referred to the Chief Executive and Human Resources Manager who will co-ordinate and oversee the process. Unison will be informed of all potential redundancy situations. The Chief Executive and Human Resources Manager must agree redundancy dismissals before they are actioned.

### **11. Appeals procedure**

There will be a right of appeal against redundancy decisions to the Chief Executive, where staff believe that the criteria have not been applied fairly. Appeals must be lodged within 10 working days, setting out the grounds for the appeal.

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COUNCIL – 19 February 2013

Report by Leader of the Council

This is my report to Council on the work undertaken by the Leader and the Cabinet in the period 17 November 2012 to 31 January 2013. I am listing below the agenda items discussed since Members will have received the minutes of those meetings.

**Modern Local Government Group – 20 November 2012**

- Review of the Performance and Governance Committee Terms of Reference
- Review of the Scheme for Members' Allowances

**Sevenoaks District Kent Locality Board – 21 November 2012**

- Education
- Libraries
- Youth
- Health
- Troubled Families
- Community Plan

**Council – 27 November 2012**

**Cabinet – 6 December 2012**

- Property Review – Cobden Road Centre, Sevenoaks
- West Kent Cold Store Section 106 Agreement – Community Facilities
- Treasury Management Update
- Budget Update

**Sevenoaks Locality Board – 9 January 2013**

- Education
- Libraries
- Youth
- Health
- Troubled Families
- Community Plan

**Cabinet – 10 January 2013**

## Agenda Item 9

- Draft Budget 2013/14
- Calculation of Council Tax Base and other tax setting issues
- Senior Management Restructure
- Whiteoak Leisure Centre Asset Maintenance – Consideration of Options

The work of the Leader – Meetings held and attended:

### 16 to 30 November

- The Future of the High Street - the next steps in revitalising our Town Centres
- Spring House Annual General Meeting
- Kent Forum
- Public Property Summit
- The Future of Shared Services in Local Government
- Revolutionising Public Sector Communications
- Investor in People assessments

### 1 to 31 December

- Police & Crime Commissioners Seminar
- South East England Local Enterprise Partnerships Full Board Meeting
- Sevenoaks Hockey Club - The President's Cocktail Party
- Community Christmas Carol Service
- Local Government Association Smith Square debate
- Kent Ambition Board 2
- Sevenoaks District Council Carol Service

### 1 January to 31 January

- 'Demand Management' seminar
- Councillor Camp - Social Media Day
- West Kent Health and Wellbeing Board
- West Kent Partnership Conference
- Future Councillors – National Local Government Network
- District Council's Network - Finance Assembly meeting
- Sevenoaks 'Mind the Gap' Health Inequalities Workshop
- District Council Network Executive Meeting
- Local Government Association and & National Association of Local Councils joint conference on modelling devolution
- Governance Review

**Chairman's Report**

**Services Select Committee**

In the absence of the Chairman I chaired the meeting on 14<sup>th</sup> January 2013.

Key Points arising from the meeting were as follows: -

1. Following the success of the two in-depth scrutiny reviews undertaken by this Committee in 2012, the SSC agreed in principle to undertake an in-depth scrutiny of rural broadband within the Sevenoaks area. Parameters for this review will be set at the next meeting.
2. A detailed report was received from the Head of Housing and Communications in relation to Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy. The key points to be noted were that: -
  - a. The allocation policy had been re-targeted to focus on those with a local connection and local employment.
  - b. That the old points system had been replaced with the Kent wide banding system.
  - c. Those on the housing register would be reviewed and the register would be significantly reduced.
  - d. That the strategy would be trialed on a 10% sample of the housing register. The update of the trial would be provided to SSC in June 2013.
  - e. That a significant publicity campaign in relation to the new policy would be undertaken, including local newspapers and individual letters to all those affected.
  - f. Members made a number of positive suggestions in relation to the policy, including a greater emphasis on young people, the location of affordable housing and rewarding those in employment.
3. An update report was provided in relation to Localising Support for Council Tax. The key points arising were that: -
  - a. Town and Parish Councils would now be affected by the scheme and SDC had provided support to them in understanding its impact.
  - b. Officers would be writing to all affected residents at the end of January in a deliberate attempt to prevent non-payment at an early stage.
4. Lastly updates on Localising Support for Council Tax (April 2013), Tenancy Strategy (June 2013) and Universal Credits (November 2013) would be provided later in the year.

**Cllr. Cameron Brown**  
4<sup>th</sup> February 2013

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**Chairman's Report – Environment Select Committee 15/01/13**

The previous minutes were signed without dissent.

No declarations of interest were noted.

The Cabinet's Formal responses were noted. They were accepted unaltered.

Future work was noted, and added to the planed list was the invitation to the Portfolio Holder for Economic Development to address the Committee. Gatwick was suggested as a future item. Members were asked to bring along any ideas.

The Committee received a presentation by 3 Bus Operators and the KCC. Members felt that all 3 were very informative and interesting.

The bus company agreed to supply the numbers of passengers in future.

The questions asked of them were wide ranging and in depth and all felt the answers were satisfactory.

The Principal Planning Officer then gave an update on the Community Infrastructure Levy Charging Schedule.

We resolved to endorse:

1. The CIF levy Draft Charging schedule be agreed for publication and submission for independent examination
2. That the Portfolio Holder is authorised to agree minor presentational changers and detailed amendments to the charging schedule to assist the clarity of the document.

The meeting closed at 8.25 pm

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**Social Affairs Select – Report of a Meeting held on 22nd January 2013**

Members reviewed the Community Plan objectives relating to 'A Better Start for our Children' receiving two presentations from Carers First and Spring House.

The Chief Executive of Carers First, Pete Turner, explained that the charity existed to offer support and help to carers providing information, advocacy, short respite care and a forum for carers to meet. He also announced that they had just been awarded a significant contract by K.C.C. to provide services across the whole of Kent and Medway.

Members heard that the census in 2001 included, for the first time, a question asking people if they were carers. In the 2011 census the number of unpaid carers recorded showed a 10% increase. However this figure probably still represented the tip of an iceberg since many people do not perceive themselves to be carers or for various reasons are reluctant to be so classified. According to a report by the Princess Royal Trust carers save this country over £119 billion every year.

A significant number of carers are young people, many of whom give anything up to 50 hours of support each week; some are as young as five years old quite often having to cope with intimate care needs. This can have a serious effect on their schooling and robs them of a normal childhood. It is important that teachers understand their problems and know how to recognise a young carer as many do not identify themselves for fear of being bullied.

Carers First works closely with VAWK to provide support groups, activities and a befriending scheme for these youngsters. SDC can help Carers First by using its contacts to promote the needs of carers and to signpost them to the help that is available for them.

The Manager of Spring House Family Support Service, Hayley Bell, explained that since 2009 the charity had been delivering Sure Start, funded by K.C.C. As well as Spring House itself it provided a virtual centre 'Merry Go Round' covering rural and isolated areas of the District, offering parenting support and opportunities for play, particularly aimed at reaching those children who might not otherwise get a good start in life.

Early intervention in supporting vulnerable families was vital in ensuring that children were ready to start Primary School. Midwives and Health Visitors were valuable in helping to identify those families who often had multiple problems due to low income, unemployment, health inequalities, poor housing etc. Working to key National Indicators, 'getting in early, getting it right', they have a local target to reach 91% of all under 2 yr. olds. They also work with childminders to ensure positive early learning.

## Agenda Item 10

Sure Start also worked closely with Parish Councils and had provided a series of play sessions last summer. These had proved to be extremely popular but future funding for this operation was uncertain.

Mrs Bell, in answer to a question, said that members could support the work of the charity by joining the steering group to help inform its work.

Lesley Bowles then introduced the new Local Health Structure illustrating the various groups which currently cover health related issues. She explained that six Local Health and Wellbeing Boards were being established, the intention being to promote greater democracy and accountability in the commissioning of services.

The head of Community Development then commented on the new draft Community Plan and its longer term vision which is currently out for public consultation before being considered by the Committee at its March meeting.

Mumsnet had been running a thread on hospital care related to miscarriages in the Sevenoaks District. This had attracted a large number of responses mainly associated with Pembury Hospital. There were some common themes which emerged, namely lack of empathy, unacceptable waiting times and inadequate information. These observations will be shared with the two local hospitals and forwarded to K.C.C. for its Health and Overview and Scrutiny committee to consider.

Cllr. Alison Cook, Chairman



### Performance and Governance Committee 8 January 2013

The Committee received a presentation from Grant Thornton, the Council's external auditors, which explained the effects of the change from the Audit Commission to Grant Thornton confirmed the planned audit fee for 2012/13 and introduced a summary of the financial health reviews carried out on 24 local authorities in 2012 which were audited by Grant Thornton.

Members received the formal responses from the Cabinet and Select Committees referred by this Committee. This included the 2013/14 budget and review of service plans. The property review of the Cobden Centre and an update on the Treasury Management.

An internal Audit Progress report for the 2 quarter was received and requests to defer items on the Review of Housing and Review of the Sale of Assets was agreed. An update on risk Management was provided and the contents of the report noted. The Treasury Management Strategy for 2013/14 which supports the key aims of effective management of Council resources and recommendations were made to the Finance and Advisory Group on amendments to the credit worthiness criteria. The budget monitoring report was considered and suggestion made on ways of reducing unfavourable variances.

Mark Fittock  
27 January 2013

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