

CABINET

Minutes of the meeting held on 20 April 2017 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllr. Lowe (Vice Chairman)

Cllrs. Dickins, Firth, Hogarth, Lowe and Piper

An apology for absence was received from Cllr. Scholey

Cllrs. Dr. Canet, Eyre, Mrs. Hunter, McGarvey and Pett were also present.

85. Minutes

Resolved: That the minutes of the meeting of Cabinet held on 9 March 2017, be approved and signed as a correct record.

86. Declarations of interest

There were no additional declarations of interest.

87. Questions from Members

There were none.

88. Matters referred from Sevenoaks District Joint Transportation Board and Scrutiny Committee

- a) Reference from Sevenoaks District Joint Transportation Board held on 8 March 2017 (Minute 38 - Sevenoaks Cycling Strategy Working Group)

Members considered the reference from the Sevenoaks District Joint Transportation Board, which asked Cabinet to consider contributing towards the £15,000 cost of the feasibility study for Cycling Strategy Route 1: East/West Cycle Route.

The Chairman exercised his discretion and allowed Mr. Andrew Michaelides, a member of the Sevenoaks Cycling Forum, to address the meeting. He explained that this route was a low cost link between Worships Hill in Riverhead and the Trinity School site which involved enlarging some footpath and improving signage. A desktop review had been carried out but no feasibility or design study carried out. He realised it was a Kent County Council (KCC) responsibility but was requesting a contribution in order to get it started.

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The Chairman advised that a decision could not be taken that evening as it was a KCC responsibility and there would need to be some consultation with them.

Resolved: That Officers be requested to consult with KCC and work closely with them to find possible ways to move this forward.

- b) Reference from Scrutiny Committee held on 30 March 2017 (Minute 39 - Final report from the Property Investment Strategy In-Depth Scrutiny Working Group)

Members considered the reference from Scrutiny Committee.

Resolved: That Officers be requested to move forward with the recommendations.

89. Primary Authority - Support for local businesses (Environmental Health Partnership)

The Portfolio Holder for Direct & Trading Services presented the report which informed Members of the proposal to create Primary Authority Partnerships with businesses, initially in Kent, but potentially UK wide and recover operating costs for the partnership work. He advised that the Direct & Trading Advisory Committee had considered and debated the same report and agreed to recommend it to Cabinet.

The Environmental Health Manager further explained that the Environmental Health partnership had been asked to partner with Kent County Council Trading Standards on their existing and future Primary Authority Partnerships, where Environmental Health would be subcontracted to provide assured advice on Environmental Health legislation compliance as requested.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the current situation regarding the operation of the national Primary Authority Scheme, be noted;
- b) the Environmental Health Partnership take on Primary Authority partnerships with businesses and recover operating costs for that partnership work;

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- c) the Environmental Health Partnership work with Kent County Council Trading Standards in their operation of the Primary Authority scheme, as their preferred sub contracted EH advisors.

90. Civil Penalties for Council Tax, Housing Benefit and Council Tax Reduction & Sanctions & Prosecution Policy for Council Tax and Council Tax Reduction

The Vice Chairman of the Finance Advisory Committee and Deputy Portfolio Holder for Finance was invited to present the report which requested approval of the introduction of civil penalties and proposed a revised Sanctions & Prosecutions Policy. He advised that the Finance Advisory Committee had considered and debated the same report and had agreed to recommend it to Cabinet.

The Fraud Manager further advised that the primary intention of the proposal was for penalties to be used as a deterrent measure creating a culture of reporting changes, not a regular source of income. No budget had been set for this change.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the introduction of civil penalties and the associated guidelines at Appendix A of the report, and the proposed revised Sanctions & Prosecutions Policy detailed at Appendix B of the report, be approved.

91. Carry Forward requests 2016/17

The Vice Chairman of the Finance Advisory Committee and Deputy Portfolio Holder for Finance was invited to present the report which advised of revenue carry forward requests. He advised that the Finance Advisory Committee had considered in detail and debated the same report and had agreed to recommend it to Cabinet.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That

- a) the Revenue 'carry forward' requests totalling up to £108,800 as set out in paragraph 5 of the report be approved;
- b) any variance arising from the 2016/17 budget is transferred to/from the Budget Stabilisation Reserve;

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- c) the Capital carry forward request totalling £3,715 as set out in paragraph 6 of the report be approved; and
- d) a new Reserve, the Community Housing Reserve, be established to hold money received under the Community Housing Programme.

92. Financial Results - to the end of January 2017

The Vice Chairman of the Finance Advisory Committee and Deputy Portfolio Holder for Finance was invited to present a report on the Council's financial results 2016/17 to the end of January 2017. He advised that the Finance Advisory Committee had considered and debated the same report and agreed to recommend it to Cabinet.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted.

93. Property Investment Strategy Update

The Vice Chairman of the Finance Advisory Committee and Deputy Portfolio Holder for Finance was invited to present the report which updated Members on the progress of the Property Investment Strategy and looked at its future direction. The report sought updates to the Strategy and a further £25 million to be set aside for future investments. He advised that it had been a major tool in helping the Council achieve financial self-sufficiency and continue to deliver a balanced 10-year budget. It was important to continue with the Property Investment Strategy to enable schemes to progress and therefore deliver further income streams. Going forward, additional property income would be required to meet the assumptions included in the 10-year budget.

He reported that the report had been discussed at length by Finance Advisory Committee who had noted the Policy & Performance Advisory Committee had thought of limiting investments to within Kent and after debate had concluded that the updated Property Investment Strategy be recommended to Cabinet subject to limiting the geographical area of outside the district as a 50 mile radius from the Argyle Road Offices. He further advised since that meeting the Leader, Portfolio Holder for Finance and he had met with officers to clarify the issues raised.

The Chairman, and Chairman of Policy & Performance Advisory Committee and Portfolio Holder, drew Members' attention to tabled [revised recommendations](#) which had been drawn up in response to the Advisory Committee concerns. He also drew Members' attention to the key points within the report.

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It was noted that the risks relating to the strategy had also previously been reported to the Audit Committee, and a Scrutiny Committee Member Working Group had also looked at the Property Investment Strategy (Minute 88 (b) above). Members discussed, and the Vice Chairman of Finance Advisory Committee explained the reasoning behind the arbitrary geographical limit request. It was acknowledged that this could be reviewed. It was also noted that the requested amount would not all be borrowed but approval of the recommendation would give the flexibility to spend up to that amount and the ability to act promptly on potential investments.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

The Chairman moved the revised recommendations and it was

Resolved: That it be recommended to Council that

- a) expenditure of a further £25million be approved for the Property Investment Strategy as updated; and
- b) the updated Property Investment Strategy, as set out in Appendix A with the following amendments, be approved
 - i) deletion of current point 5 and replaced with ‘Investment opportunities are restricted to those within a 50 mile radius of the Council’s Argyle Road offices’
 - ii) point 7 - deletion of ‘3% net of borrowing costs’ and replaced with ‘in excess of 3% for schemes that include some external borrowing’
 - iii) point 11.i - deletion of ‘or 3% net of borrowing costs’ and replaced with ‘in excess of 3% for schemes that include some external borrowing’
 - iv) point 11.vi - deletion of ‘Rented’ to read ‘Private Residential’
 - v) deletion of point 11.vii as no longer relevant.

94. Sevenoaks Local List

The Portfolio Holder for Planning presented the report which had been considered the night before at the Planning Advisory Committee and unanimously accepted.

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He stated that there were a treasury of buildings and landmarks within the area and that this was a good way of preserving them.

The Conservation Officer advised that the report actioned policy EN4 of the Allocations and Development Management Plan (ADMP) by creating a Sevenoaks District Local List Supplementary Planning Document (SPD) and sought adoption of it including the first round of locally listed assets proposed, and the second tranche of identified assets going out to public consultation along with the use of Article 4 Directions.

The Chairman of the Planning Advisory Committee was invited to address the Cabinet and advised that the Planning Advisory Committee had considered and debated the same report and agreed to recommend it to Cabinet subject to an additional recommendation that approval of the final version of the supplementary planning document be delegated to the Portfolio Holder in consultation with the Chairman and Vice Chairman of the Planning Advisory Committee. A draft minute had been [tabled](#) for reference, the full draft minutes were yet to be produced and published.

Members expressed concern and recommended communication with local members be improved. Some Members sympathised with the additional incumbent the SPD placed upon property owners, although it was acknowledged that in reality if the SPD did not exist the Conservation Officer would still have the ability to comment on any planning applications and would in affect the outcome would be the same. Therefore arguably the SPD, in effect, gave them notice. It was acknowledged that there was still more freedom than if it were made a conservation area.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

The Chairman moved and it was

Resolved: That

- a) the draft Sevenoaks District Local List Supplementary Planning Document (including the first round of locally listed assets proposed) be adopted with authority delegated to the Portfolio Holder for Planning to approve the final draft in consultation with the Chairman and Vice Chairman of the Planning Advisory Committee;
- b) the second tranche of identified assets be approved for public consultation;
- c) the consideration of the focused use of Article 4 Directions be approved, to remove limited permitted development rights which would result in planning permission being required for
 - i) demolition of Locally Listed Buildings outside a conservation area;

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- ii) alteration (including removal) of locally listed boundaries and railings, inside and outside a conservation area;
- d) the communication of the proposed Article 4 Direction if necessary; and
- e) the Portfolio Holder for Planning, in conjunction with Officers, draft and send letters to all affected by the Sevenoaks District Local List Supplementary Planning Document.

95. Gypsy & Travellers Accommodation Assessment

The Portfolio Holder for Planning presented the report and advised that the Planning Advisory Committee had considered and debated the same report and agreed to recommend it to Cabinet. A draft minute had been [tabled](#) for reference, the full draft minutes were yet to be produced and published.

The Senior Planning Policy Officer advised that the Gypsy and Traveller Accommodation Assessment (GTAA) had been prepared as part of the evidence base to support the emerging Local Plan, and had identified a need for 51 new pitches to provide suitable accommodation for the Gypsy and Traveller community up to 2035 and the District had a potential supply of 76 pitches on existing sites. As the need could be potentially met on existing sites it was unlikely that new sites would be needed.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the Gypsy and Traveller Accommodation Assessment (GTAA) attached at Appendix A to the report, be endorsed as a robust evidence base from which the Local Plan strategy would be developed.

THE MEETING WAS CONCLUDED AT 8.38 PM

CHAIRMAN

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IMPLEMENTATION OF DECISIONS

This notice was published on 24 April 2017. The decisions contained in Minutes 88, 91 and 92 take effect immediately. The decisions contained in Minutes 80, 89, 90, 94 and 95 take effect on 3 May 2017. The decision in Minute 93 has been recommended on to Full Council on 25 April 2017.