

DISTRICT COUNCIL OF SEVENOAKS

Minutes of the Meeting of the Sevenoaks District Council held on
21 July 2009 commencing at 7 p.m.

Present: Cllr. Lankester (Chairman)

Cllrs. Abraham, Arnold, Bosley, Mrs. Bosley, Mrs. Bracken, Brigden, Brookbank, Mrs. Broomby, Brown, Bruce, Chard, Cole, Mrs. Cook, Cooke, Darrington, Davison, Mrs. Davison, Fleming, Gaywood, Gilbert, Golding, Grint, Mrs. Hunter, London, Mrs. Lowe, Maskell, McGarvey, McInnes, Orridge, Mrs. Parkin, Piper, Mrs. Purves, Ramsay, Ryan, Scholey, Miss. Stack, Underwood, Waller, Wigg and Williamson.

Apologies for absence were received from Cllrs. Mrs. Clark, Coates, Dean, Dibsall, Fodor, Harrod, Mrs. Morris, Pett, Mrs. Sargeant and Walshe.

PRAYERS

In the absence of the Reverend Paul Francis, Reverend Griffin led Members of the Council in prayers.

12. MINUTES OF THE LAST MEETING

Resolved: That, the minutes of the Meeting of the Council held on 12 May 2009, pages 1 to 10, be approved as a correct record.

13. DECLARATIONS OF INTEREST

The list of interests declared at meetings from 31st March 2009 to 8th July 2009 was noted.

There were no declarations of interest on items being considered at the meeting.

14. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members of the recent sad death of a former Councillor, Joyce Thompsett, who had died on Thursday 25th June 2009. He informed Members that she had been a Member of the District Council for the Sevenoaks Kippington Ward from 1979 to 1991 and was Chairman of the Council during the 1985-6 Municipal Year. Members stood in silence for a few moments.

15. PETITIONS FROM MEMBERS OF THE PUBLIC

No petitions were received from members of the public.

16. MATTERS CONSIDERED BY THE CABINET AND/OR OTHER COMMITTEES

These were discussed under their respective items.

17. TO CONSIDER THE FOLLOWING REPORTS FROM THE CHIEF EXECUTIVE OR OTHER DIRECTORS ON MATTERS REQUIRING THE ATTENTION OF COUNCIL

(a) Development Services Review (Report 6a)

A letter from Eynsford Parish Council was circulated to members. Representations from other parish councils and interested parties were also taken into account.

Further to meetings of the Environment Select Committee, Cabinet and the Modern Local Government Group, Cllr. Fleming moved and Cllr. Williamson seconded that the proposed changes to the operation of the Development Control Committee and Scheme of Delegation and related formal procedures set out in the report be approved. However, with the consent of the meeting, Cllr. Fleming went on to alter his motion as follows:

“Page 60, (c) to read: “Those addressing the Committee including the local member(s) will not normally participate further in respect of that item. However, at the Chairman’s discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item”.

Page 64, 3.33 – delete final sentence and replace with “After the speaker has spoken there will not normally be an opportunity for any speaker to participate or address any of the issues raised in the subsequent debate. However, at the Chairman’s discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item.””

Cllr. Ryan moved and Cllr. Brigden seconded that the motion be amended as follows:

“(1) The site meeting should be retained EXCEPT that:-

- (a) It should be re-named SITE VISIT (not site inspection or site meeting), as per Appeal Inspectors’ nomenclature.
 - (b) The site visit will be open to all Members of DC Committee and Local Members, only. There will be No discussions and no voting.
 - (c) When voting for a site visit, DC Committee should clearly state what aspects of the Application they wish members of the site visit to address. The site visit will allow the members to inform the DC Committee on those aspects.
- (2) At DC meetings, as well as their initial 4 minute address, Local Members right to reply to questions from Committee should be retained.
- (3) At DC Meetings Town and Parish Councils should NOT be given a three minute slot. Their views should already be recorded in the Officer’s report.
- (4) Any future changes to DC Format and protocol should be scrutinised by

Environment Select Committee, not just by the Cabinet.”

However, following debate and with the consent of the meeting, Cllr. Ryan altered his amendment to just read:

“At DC Meetings Town and Parish Councils should NOT be given a three minute slot. Their views should already be recorded in the Officer’s report.”

Members debated the amendment. On being put to the vote, the amendment was LOST.

Members then continued to debate the original motion, as altered by Cllr. Fleming. On being put to the vote, the motion was CARRIED.

Resolved: That the proposed changes to the operation of the Development Control Committee and Scheme of Delegation and related formal procedures set out in the report be approved, subject to the following alterations:

Page 60, 3.6 (c) to read: “Those addressing the Committee including the local member(s) will not normally participate further in respect of that item. However, at the Chairman’s discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item”.

Page 64, 3.33 – delete final sentence and replace with “After the speaker has spoken there will not normally be an opportunity for any speaker to participate or address any of the issues raised in the subsequent debate. However, at the Chairman’s discretion any of the initial speakers or local members may be asked a question of clarification. Any local Member who is a member of the Committee and speaks at the start of the item and has not uttered a prejudicial view will continue to be allowed to debate and vote on the item.”

(b) Investment Strategy Review (Report 6b)

Further to meetings of the Finance Advisory Group, Performance and Governance Committee and the Cabinet, Cllr. Fleming moved and Cllr. Ramsay seconded that the Cabinet’s recommendations were approved.

Resolved:

- a) That the Investment Strategy for 2009/10 be amended to remove unrated building societies from the lending list;
- b) that lending to nationalised and part government owned banks be reintroduced to a limit of £4m per group (£2m per institution within that group) e.g.,

Lloyds Group – Bank of Scotland plc, Lloyds TSB Bank plc and Cheltenham and Gloucester;

Royal Bank of Scotland Group – ABN AMRO Bank NV, National

Westminster Bank plc, Royal Bank of Scotland plc and Ulster Bank Ltd; and Northern Rock plc;

- c) that the group limit for Santander be increased to £4m (£2m per institution within that group, e.g., Abbey National plc, Alliance and Leicester plc and Bradford and Bingley); and
- d) that no lending take place with building societies with a credit rating of below AA- (the same credit criteria for banks).

(c) Licensing Committee – Amendments to the Constitution (Report 6c)

Further to a meeting of the Licensing Committee, Cllr. Fleming moved and Cllr. Bracken seconded that the Licensing Committee's recommendations be approved.

Resolved: That Part 8 of the Constitution be amended as set out in Appendix A of the report.

(d) Variation of Parking Agency Agreement

Further to a meeting of the Cabinet, Cllr. Fleming moved and Cllr. Williamson seconded that the Cabinet's recommendations be approved.

Resolved:

- a) That the District Council enter into a Deed of Variation with Kent County Council on the terms set out in the report varying the Agency Agreement relating to the enforcement of parking control entered into between the parties on 10th January 2000; and
- b) That the District Council agree that the functions of Kent County Council set out in the Deed of Variation shall be discharged by the District Council (in so far as they are functions of the Council) and by the Executive of the District Council (in so far as they are functions of the Executive) with effect from the date upon which the Deed of Variation is entered into.

18. QUESTIONS FROM MEMBERS UNDER PARA. 19.3 OF PART 2 OF THE CONSTITUTION

Cllr. McGarvey asked the following question:

"Would the Leader please advise what powers are being used by SDC in its surveillance techniques, and in so doing, kindly confirm that the additional powers available to security forces under the Terrorism Act are not being used by SDC in covert surveillance?"

"While not asking the Leader to divulge how surveillance is carried out by SDC, could he please outline the criteria that initiate SDC's surveillance and the authorisation process involved?"

The Leader of the Council replied as follows:

“Firstly I can clarify that the Council’s role and powers in this regard relates to its powers under the Regulation and Investigatory Powers Act (RIPA) 2000, and does not extend to the specific use of anti-terrorism acts such as the Terrorism Act 2000 or the Counter Terrorism Act 2008.

So far as the District Council’s actions are concerned it seeks to carry out its enforcement and investigative work through overt tactics wherever possible. However, where covert surveillance is necessary, the Council may authorise two types of surveillance under RIPA:

- (1) Directed surveillance (covert surveillance which is not intrusive and is undertaken for the purposes of a specific investigation and is carried out in such a manner as is likely to result in the obtaining of private information about a person)
- (2) The use of a covert human intelligence source (i.e. a person who establishes or maintains a relationship with someone in order to covertly obtain information, to provide another with access to information or to disclose information as a result of that relationship.

Both of these may only be authorised for the purpose of preventing or detecting crime or of preventing disorder. The Council’s powers are much more limited than those of intelligence and law enforcement agencies.

The Council may not authorise intrusive surveillance, or warrants for interception. Nor are we able to access the most intrusive form of communications data, mainly traffic data.

I should also add that only two such surveillance actions have been necessary in the last three years, so these powers are used very sparingly and carefully. For further more detailed information, I would refer Cllr. McGarvey to the Council’s Surveillance Policy, which sets out the circumstances in which Council officers will be permitted to undertake a covert surveillance operation and the requirements that will need to be observed in order that we do not contravene relevant legislation of national Codes of Practice.

The Office of the Surveillance Commissioners commended the Council during its most recent inspection in October 2007. He concluded “Sevenoaks has invested in substantial training of a reportedly good quality for a large number of its staff, and the policy documentation, procedural and oversight systems it has in place are all highly commendable. It stands heads above most local authorities seen by this Inspector”

Cllr. McGarvey asked a supplementary question as follows:

“Could the Leader please give an overview of what steps need to be followed to start an investigation running? Also, how is it decided that an investigation is required?”

“Cllr Fleming replied as follows:

“As I said in my previous response, I would refer Cllr McGarvey to the Council’s

Surveillance Policy, which clearly sets out the hoops that need to be gone through. If Cllr McGarvey has a specific issue, I will be happy to reply to him in writing.”

19. QUESTIONS FROM THE PUBLIC UNDER PARA. 17 OF PART 2 OF THE CONSTITUTION

No questions had been received from members of the public.

20. REPORT FROM THE LEADER OF THE COUNCIL (Report 9)

The Leader of the Council made the following additions to his report. He informed Members that he had attended the Local Government Association (LGA) meeting in Harrogate. He stated that all the political parties there had made it clear that the future was looking very difficult in terms of funding for local government and particularly for District Councils. He stated that although opportunities might be presented as a result of this situation, the future difficulties this would present could not be understated.

The Leader of the Council also reported that District Councils would be forming a special interest group on the LGA. He stated that this was a significant step, because it would mean that District Councils could set up meetings with Ministers, with the full support of the LGA.

Cllr. McGarvey asked the Leader about the Police Co-Location item discussed by Cabinet. The Leader replied that this was a significant opportunity which would lead to even closer and better working between the Council and the police. He thought that this would be a model that would be rolled out across Kent and nationwide. He also envisaged similar arrangements with Primary Care Trusts taking place in the future.

Cllr. Brigden asked about the Air Quality Action Plan. The Leader replied that although there were some areas of the District where the Council had limited control over air quality issues, where the Council did have some control it had been working very closely with Kent County Council to improve air quality.

21. REPORT OF THE CHAIRMEN OF THE SELECT COMMITTEES (Report 10)

Members were presented with reports on the work of the Environment, Services and Social Affairs Select Committees since the last meeting of the Council.

22. REPORT OF THE CHAIRMAN OF THE PERFORMANCE AND GOVERNANCE COMMITTEE

Members were presented with a report on the work of the Performance and Governance Committee since the last meeting of the Council.

THE MEETING WAS CONCLUDED AT 8.10 P.M.

CHAIRMAN