

Council – 22 February 2011

DISTRICT COUNCIL OF SEVENOAKS

Minutes of the Meeting of the Sevenoaks District Council held
on 22 February 2011 commencing at 7 p.m.

Present: Cllr. Loney (Chairman)

Cllr. Orridge (Vice-Chairman)

Cllrs. Abraham, Arnold, Mrs Bracken, Brookbank, Mrs. Broomby, Brown, Bruce, Mrs. Clark, Cole, Mrs Cook, Darrington, Davison, Mrs. Davison, Dean, Dibsdall, Fleming, Gaywood, Gilbert, Grint, Harrod, Mrs. Hunter, Lankester, London, Mrs. Lowe, Maskell, McGarvey, McInnes, Mrs. Morris, Mrs. Parkin, Pett, Mrs. Purves, Ramsay, Mrs. Sargeant, Scholey, Stack, Underwood, Walshe and Wigg.

Apologies for absence were received from Cllrs. Bosley, Mrs Bosley, Brigden, Chard, Coates, Cooke, Ms Moore, Piper, Ryan, Waller and Williamson.

56. MINUTES OF THE LAST MEETING

Resolved: That the Minutes of the meeting of the Council held on 16 December 2010 be approved and signed by the Chairman as a correct record.

57. DECLARATIONS OF INTEREST

Members declarations of interest at meetings from 4 December 2010 to 7 February 2011 were noted.

58. CHAIRMAN'S ANNOUNCEMENTS

The Chairman informed Members of the death of former Councillor Tony Bent on 13th February. Councillor Bent had served as a member of the Council representing Halstead, Knockholt and Badgers Mount ward from 1995 until 2003 and his funeral had been held on 21st February. The Council observed a minute's silence as a mark of respect.

59. TO RECEIVE ANY PETITIONS SUBMITTED BY MEMBERS OF THE PUBLIC

The Chairman announced that no petitions had been submitted.

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

A. Monitoring Officer's Annual Report 2010

Councillor Fleming moved and Councillor Mrs Bracken seconded that the recommendations of the Standards Committee on 11 January 2011 and the Performance and Governance Committee on 15 February 2011 be adopted:

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Resolved: That the Monitoring Officer's Annual Report 2010 be noted.

B. Balanced Communities Vision 2010-13

Councillor Fleming moved and Councillor Mrs Clark seconded a motion that the Balanced Communities Vision 2010-13 be adopted as District Council Policy.

Councillor Bruce moved an amendment that an additional sentence should be added to clarify the content of the second paragraph on page 18 of the report (page 65 of the Council agenda) which gave the misleading impression that Sevenoaks was one of the worst areas in the country in terms of having a high number of individuals with no qualifications. Councillor Fleming seconded the amendment which was put to the vote and carried. The substantive motion was put to the vote and carried.

Resolved: That the Balanced Communities Vision 2010-13, with additional clarification on page 18 of the report, be adopted as District Council policy.

C. Local Development Framework Core Strategy Adoption

Councillor Fleming moved and Councillor Mrs Davison seconded that the recommendation of the Cabinet on 10 February 2011 be adopted.

Councillor London acknowledged the work of Members and Officers on developing the Core Strategy but informed Members that whilst he felt the Core Strategy was a very good plan overall he would not be supporting its adoption as he felt it was fundamentally flawed. Councillor London did not feel that the inclusion of Chipstead and Bessels Green as an "urban area" in Planning Policy SP7 was appropriate nor that the safeguards to protect the character of the area could be relied upon. Other Members supported these concerns about the preservation of local identity in the context of increasing development pressures in the South East and concerns about housing density. Further concern was expressed that the Core Strategy would not prevent "in-fill" and "back development".

The Portfolio Holder for Continuous Improvement and Strategic Planning acknowledged the concerns that had been raised by Members and by Chevening Parish Council but pointed out that the Planning Inspector had considered these matters and decided that it was appropriate to include areas reaching out to the Green Belt, including Chevening and Chipstead in "urban area". She highlighted the protections included in SP7 to ensure that development should not compromise the design or character of an area and that developments which were not in character with the area could be rejected. The Inspector had also added further safeguards. Members were reminded that if the Core Strategy was not adopted the Council would not have an effective Development Plan and that there would be no protection against unsuitable development.

Councillor Mrs Stack emphasised the importance of supporting the concerns of local people but stressed the need for the Council to take robust action when conditions imposed by the Development Control Committee were disregarded.

Councillor Fleming highlighted the great improvements afforded by the Core Strategy as against the old Local Development Plan which was outdated and ineffective. The

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Core Strategy provided extra protection to places such as Chipstead, Bessels Green and outlying parts of the District. It afforded greater protection for the Green Belt and specifically addressed the distinctive character of certain areas and villages. As a result of the wide ranging consultation during the preparation of the Strategy significant changes had been made and it appeared that some of the remaining concerns related to the use of terminology such as “urban area” and “Outer London fringe”. It was noted that the only options available to the Council were to either adopt the Core Strategy or not to adopt it and that further amendment was not possible.

Resolved: That

(a) the Core Strategy Draft for Submission be amended to incorporate the recommended changes set out in the appendices to the Inspector’s Report;

(b) the Core Strategy, as amended, be adopted as a Development Plan Document; and

(c) the adopted Core Strategy be published and that copies be made available at a price to be agreed by the Portfolio Holder.

61. REPORTS FROM THE CHIEF EXECUTIVE OR OTHER DIRECTORS ON MATTERS REQUIRING THE ATTENTION OF COUNCIL

A. New Political Group on the Council and Review of Allocation of Committee Seats

The Council was advised that Councillor McGarvey had ceased to be a member of the Liberal Democrat Group and had formed a new Political Group with Councillor Pett, the Independent Group. Councillor Pett would be Group Leader and Councillor McGarvey Deputy Leader. A review of the allocation of seats to each group had been completed and concluded that the Councillors should continue to serve on the Committees to which they had already been appointed but as members of the Independent Group as this still met proportionality requirements.

Councillor Fleming moved and Councillor Mrs Bracken seconded the recommendations in the report which were duly carried.

Resolved: That

(a) Councillor McGarvey’s cessation of membership of the Liberal Democrat Group be noted;

(b) The formation of a new Political Group, the Independent Group, by Councillors McGarvey and Pett be noted;

(c) It be noted that Councillor Pett will be the Leader of the Independent Group and Councillor McGarvey will be Deputy Leader;

(d) Following a review of the allocation of committee seats to each of the Political Groups in proportion to their strength on the Council that Councillors McGarvey and Pett should continue to serve on the Committees to which they were appointed in May 2010 as members of the Independent Group; and

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(e) Councillor McGarvey should continue to serve as the Vice-Chairman of the Performance and Governance Committee for the remainder of the Municipal Year.

B. Council Tax Setting 2011/12

The Council considered a report which followed on from the report to the Council on 16 December 2010 which established the budget for 2011/12 and the budgetary approach for forthcoming years. The report set out the remaining factors that needed to be considered in order to set the Council Tax for 2011/12 which included the precepts from other authorities and the collection fund position and details of the final financial grant settlement from Central Government.

Councillor Fleming moved and Councillor Ramsay seconded that the recommendations contained in the report be agreed.

Resolved: That

(a) *it be noted that at the Cabinet meeting on 20 January 2011 the Council calculated the amount of 50,574.57 as its council tax base for the year 2011/12 in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992 made under Section 33(5) of the Local Government Finance Act 1992;*

(i) *50,574.57 being the amount calculated by the Council, in accordance with Regulation 3 of the Local Authorities (Calculation of Council Tax Base) Regulations 1992, as its Council tax base for the year;*

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(ii) Part of the Council's Area

<i>Ash-cum-Ridley</i>	2,555.06
<i>Brasted</i>	755.90
<i>Chevening</i>	1,459.17
<i>Chiddingstone</i>	593.92
<i>Cowden</i>	410.64
<i>Crockenhill</i>	703.96
<i>Dunton Green</i>	900.08
<i>Edenbridge</i>	3,624.98
<i>Eynsford</i>	944.85
<i>Farningham</i>	629.64
<i>Fawkham</i>	286.66
<i>Halstead</i>	764.96
<i>Hartley</i>	2,591.48
<i>Hever</i>	616.30
<i>Hextable</i>	1,712.10
<i>Horton Kirby & South Darenth</i>	1,342.85
<i>Kemsing</i>	1,861.65
<i>Knockholt</i>	614.91
<i>Leigh</i>	844.76
<i>Otford</i>	1,743.54
<i>Penshurst</i>	823.66
<i>Riverhead</i>	1,242.36
<i>Seal</i>	1,231.81
<i>Sevenoaks Town</i>	9,226.73
<i>Sevenoaks Weald</i>	626.55
<i>Shoreham</i>	1,021.17
<i>Sundridge</i>	945.45
<i>Swanley</i>	6,050.79
<i>Westerham</i>	2,049.40
<i>West Kingsdown</i>	2,399.24

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being the amounts calculated by the Council, in accordance with Regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate;

- (b) *the following amounts be now calculated by the Council for the year 2011/12 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992:-*
- (i) *£55,639,877 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2) (a) to (e) of the Act.*
 - (ii) *£38,162,389 being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (a) to (c) of the Act.*
 - (iii) *£17,477,488 being the amount by which the aggregate at (b)(i) above exceeds the aggregate at (b)(ii) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.*
 - (iv) *£4,912,218 being the aggregate of the sums which the Council estimates will be payable for the year into its general fund in respect of redistributed non-domestic rates and revenue support grant.*
 - (v) *£248.45 being the amount at (b)(iii) above less the amount at (b)(iv) above, all divided by the amount at (b)(i) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year.*
 - (vi) *£3,366,261 being the aggregate amount of all special items referred to in Section 34 (1) of the Act.*
 - (vii) *£181.89 being the amount at (b)(v) above less the result given by dividing the amount at (b)(vi) above by the amount at (a)(i) above, calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.*

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(viii) <u>Part of the Council's area</u>	£
<i>Ash-cum-Ridley</i>	208.11
<i>Brasted</i>	220.25
<i>Chevening</i>	222.88
<i>Chiddingstone</i>	229.88
<i>Cowden</i>	222.61
<i>Crockenhill</i>	264.00
<i>Dunton Green</i>	244.25
<i>Edenbridge</i>	301.98
<i>Eynsford</i>	253.65
<i>Farningham</i>	235.57
<i>Fawkham</i>	206.32
<i>Halstead</i>	234.54
<i>Hartley</i>	225.11
<i>Hever</i>	220.83
<i>Hextable</i>	261.27
<i>Horton Kirby & South Darenth</i>	247.42
<i>Kemsing</i>	224.33
<i>Knockholt</i>	240.06
<i>Leigh</i>	203.79
<i>Otford</i>	253.58
<i>Penshurst</i>	207.08
<i>Riverhead</i>	220.53
<i>Seal</i>	230.34
<i>Sevenoaks Town</i>	259.38
<i>Sevenoaks Weald</i>	238.87
<i>Shoreham</i>	225.96
<i>Sundridge</i>	237.95
<i>Swanley</i>	286.39
<i>Westerham</i>	256.30
<i>West Kingsdown</i>	218.15

being the amounts given by adding to the amount at (b)(vii) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (a)(ii) above, calculated by

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the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

(ix) *Schedule 1 being the amounts given by multiplying the amounts at (b) (vii) and (b) (viii) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in the proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.*

(c) *it be noted that for the year 2011/2012 the Kent County Council, the Kent Police Authority and the Kent & Medway Towns Fire Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-*

<u>Valuation Bands</u>	<u>Precepting Authority</u>		
	<i>Kent County Council</i> £	<i>Kent Police Authority</i> £	<i>Kent & Medway Towns Fire Authority</i> £
A	698.52	92.45	45.30
B	814.94	107.86	52.85
C	931.36	123.27	60.40
D	1,047.78	138.68	67.95
E	1,280.62	169.50	83.05
F	1,513.46	200.32	98.15
G	1,746.30	231.13	113.25
H	2,095.56	277.36	135.90

(d) *having calculated the aggregate in each case of the amounts at (b) (ix) and (c) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the amounts for each of the categories of dwellings shown in Schedule 2, as the amounts of council tax for the year 2011/2012.*

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62. TO CONSIDER ANY QUESTIONS BY MEMBERS UNDER PARAGRAPH 19.3 OF PART 2 OF THE CONSTITUTION

None were received.

63. TO RECEIVE ANY QUESTIONS FROM MEMBERS OF THE PUBLIC UNDER PARAGRAPH 17 OF PART 2 OF THE CONSTITUTION

The following question relating to item 5(c) LDF Core Strategy Adoption was put by Mr F Robinson:

“What is the reasoning for the Council’s decision to apply the affordable housing policy SP3 with immediate effect from 18 January as an overriding material consideration in decisions on housing planning applications without warning and, so far as relating to schemes in the pipeline, in effect retrospectively, and also taking into account the draft status of LDF Supplementary Planning Document Affordable Housing which is not going to be adopted before Autumn 2011 ?”

Councillor Fleming responded to the question in the following terms:

“When the Council agreed the Core Strategy Draft for Submission on 5 January 2010 the resolution stated that it would be taken into account where relevant in the consideration of planning applications.

In considering the weight to be given to policies in the plan between Draft for Submission and adoption stage we have taken account of Government advice in the Supplement to PPS 1: “The Planning System: General Principles”. This states in paragraph 18 that in determining planning applications account can be taken of policies in emerging DPDs but that the weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. It adds that where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy.

In the case of Core Strategy Policy SP3, which lowers the threshold for affordable housing provision, it was considered that the policy should not be a determining factor in considering planning applications prior to the receipt of the Inspector’s Report in view of the representations received and the potential for the Inspector to make changes. Once the report was received the position became much clearer in that the policy was found sound and following the advice in the guidance it could now carry now considerable weight in determining planning applications as it was most likely to be adopted.

This is not a decision made without warning as the original Council resolution to have regard to Core Strategy policies was made in January 2010 and the Government guidance on the weight to be attached to emerging policies has

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been in existence for many years.

Policy on affordable housing provision is set out in the Core Strategy which will have development plan status once it is adopted. Under Section 38 of the 2004 Act decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The SPD is intended to give supplementary advice on the implementation of the policy and will not make new policy. There is nothing in the Core Strategy policy or its supporting text, or in the Inspector's Report suggesting that implementation of Policy SP3 should be delayed until the SPD is adopted.

A Working Draft of the Affordable Housing SPD was considered by the Council's LDF Advisory Group on 23 August 2010 and is available on the Council's website.

The Council's statement to the Core Strategy Examination said that the document would be refined for consultation as soon as possible after the Core Strategy is adopted. The Inspector made no adverse comment on this approach.

We anticipate that the draft SPD will be presented to Members in April to agree for consultation. Following consultation it will be reported back for adoption which we currently anticipate will be in September".

64. TO RECEIVE THE REPORT FROM THE LEADER OF THE COUNCIL ON THE WORK OF THE CABINET SINCE THE LAST MEETING

The Leader of the Council reported on the work that he and the Cabinet had undertaken since 28 October 2010. He drew attention to the large number of meetings that he had attended with outside organisations and in particular to the work being carried out with the Local Government Association on various issues, including proposed changes to the benefits regime with the introduction of universal credits. There was also a concern that the Department of Work and Pensions was seeking to centralise benefits administration but District Council's had emphasised the need of this to be carried out locally due to the need of some 30% of claimants to receive face-to-face advice. Work was also being carried out around the possibility of the decentralisation of business rates. The Leader informed Members that he had been invited to speak at VAWK's recent conference on the "Big Society" which had been attended by the Minister of State who had been left in no doubt that the Voluntary sector was already very active and that the Big Society was very much alive in Kent. Councillor Fleming also drew attention to the announcement by the Minister for Housing and Local Government in the previous week on the final design of the New Homes Bonus Scheme with some provisional figures from the Government. When the final settlement was announced it would be used to support the ten year budget agreed by the Council in December 2010.

Councillor Walshe commended the Cabinet's decision to dispose of the Council's minibuses to local voluntary organisations but asked why it had not been considered possible to offer additional financial support to them to assist

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with running and maintenance costs. Councillor Gilbert also asked whether the Leader supported the Government's position on reform of local government pensions and for an increase in employee contributions.

In response the Leader explained that he had attended a meeting with those organisations who had expressed an interest in taking on a Council minibus the previous week at Holybush. This had been very constructive and the organisations were grateful to the Council for deciding to "gift" the minibuses and fully understood the ongoing costs involved. The extension of the Kent Karrier service to cover Sevenoaks District was also welcomed. In terms of the Local Government Pension Scheme it was noted that unlike many public sector schemes the Local Government scheme was fully funded. It did not constitute a gold plated scheme and many of the participants were on low pay and there was concern that a blanket increase in employee contributions could result in many people having to withdraw from the scheme. The current approach being taken by the Local Government Association was to support some increase for high earners and a lower rate for the lowly paid.

65. TO RECEIVE A REPORT FROM THE CHAIRMEN OF THE SELECT COMMITTEES ON THE WORK OF THE COMMITTEES SINCE THE LAST COUNCIL MEETING

The report from the Select Committee Chairmen was received.

66. TO RECEIVE A REPORT FROM THE CHAIRMAN OF THE PERFORMANCE AND GOVERNANCE COMMITTEE ON THE WORK OF THE COMMITTEE SINCE THE LAST MEETING

The report from the Chairman of the Performance and Governance Committee was received.

THE MEETING WAS CONCLUDED AT 7.44 PM.

Chairman

