

CABINET

Minutes of the meeting of the Cabinet held on 23 June 2011 commencing at 7.00 pm

Present: Cllr. P Fleming (Chairman)

Cllr. Mrs E Bracken, Cllr. Mrs C Clark, Cllr Mrs J Davison and
Cllr. Mrs A Hunter

Also Present: Cllr Grint, Cllr Mrs Purves and Walshe

Apologies for absence: Cllr. Mrs P Bosley and Cllr. B Ramsey

3. MINUTES OF THE MEETINGS OF THE CABINET HELD ON:

Resolved: That the minutes of the Cabinet meetings held on 14 April 2011 and 24 May 2011 be approved and signed as a correct record.

4. DECLARATIONS OF INTEREST

There were no declarations of interests.

5. QUESTIONS FROM MEMBERS

There were no questions from Members.

6. MATTERS REFERRED FROM THE PERFORMANCE AND GOVERNANCE COMMITTEE AND/OR SELECT COMMITTEES (PARAGRAPH 5.20 OF PART 4 (EXECUTIVE) OF THE CONSTITUTION)

(a) Conservation Area Appraisals – Hartslands, Sevenoaks – (Environment Select Committee – 12 April 2011)

This was considered under minute item 7 below.

(b) Members' Task Group for Recycling – Swanley Materials Recovery Facility (Services Select Committee – 13 April 2011)

The Cabinet had regard to the minutes of the Members' Task Group for Recycling which took place on 11 April 2011 and the recommendation from the Services Select Committee on 13 April 2011 that the cabinet be asked to raise the issues and potential benefits of using the Ideal Waste Company Materials Recovery Facility in Swanley with the Kent Waste Partnership.

The Head of Environmental and Operational Services advised the Cabinet that he and the Portfolio Holder for the Cleaner and Greener Environment had attended a meeting of the Kent Waste Partnership earlier in the day and that the Partnership was aware of the issue. The Ideal Waste Company MRF at Swanley was more modern and efficient than the Allington MRF but Kent

County Council (KCC), the responsible authority, had a contractual obligation to Allington to supply a certain minimum tonnage of waste material for recycling. However it had been agreed with KCC that Sevenoaks could send its clear sack recycling from the Swanley round to the Ideal MRF for a trial period. The Head of Environmental and Operational Services made it clear that disposal of household waste, and the costs of disposal, was a KCC issue.

The Cabinet thanked both the Members Task Group for Recycling and Services Select Committee for raising this matter, noted that the ability to send clear sack recycling to Swanley would reduce the percentage of rejected material but recognised that KCC had a contractual obligation with Allington which would have to be observed.

(c) Policy for On-street Disabled Parking Bays – (Environment Select Committee – 7 June 2011)

This was considered under minute item 8 below.

7. CONSERVATION AREA APPRAISALS – HARTSLANDS, SEVENOAKS

The Cabinet considered the Conservation Area Appraisal and Management Plan for the Hartslands, Sevenoaks Area. The report by the Head of Development Services explained that there was a duty on local authorities to designate as conservation areas any 'areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'. Clear and concise appraisals of the character of conservation areas provided a sound basis for their designation and management, informed local development documents and provided a framework for the control of development. The CAMP had been prepared in collaboration with District Councillors, Sevenoaks Town Council and local amenity groups (the Hartslands Group, the Hollybush Residents Association and the Sevenoaks Society). There had also been considerable consultation which had included writing to every household and business in the area and a local exhibition. As a result of consultation amendments had been incorporated in the CAMP in relation to the proposed boundary and Character Appraisal Map. The response to consultation had shown strong support from local residents for the area to become a designated Conservation Area. If agreed, the CAMP would help the local community, developers, local authorities and development professions engage in the conservation and enhancement of the local historic environment and secure the preservation of the character of the conservation area as an important heritage asset.

The Environment Select Committee had considered the CAMP at its meeting on 12 April 2011 and recommended the designation of Hartslands as a Conservation Area and that additional guidance should also be provided to residents in relation to the type of replacement doors, windows and roof materials suitable within Conservation Areas.

The Leader of the Council welcomed the many local residents and local Ward Members who had attended the Cabinet for this item which he felt was a testament to the vital role that they had played in the development of the CAMP. Councillors Walshe and Mrs Purves spoke strongly in support of the

designation of the CAMP and emphasised the special character of the Hartsland area and the participation of local people and organisations.

The Cabinet expressed its thanks to the Director of Community and Planning Services and her staff for the excellent work that had been carried out in preparing the CAMP and thanked the consultant, Tony Fulford, for his work on this project.

Resolved: That the designation of the Hartsland Conservation Area be approved and the Hartsland Conservation Area Appraisal and Management Plan (attached at Appendix A to the report) be adopted as informal planning guidance and a material consideration in the determination of development proposals.

8. POLICY FOR ON-STREET DISABLED PARKING BAYS

The Cabinet was requested to consider whether it should charge for the provision of on-street disabled parking bays taking account of legal advice from Kent County Council which questioned the legality of such charges on grounds of disability discrimination. Historically KCC and the District Council's had charged an administration charge of £30 for the consideration of on-street disabled parking bays, far less than the actual cost of providing one. The report distinguished between the provision of interim "advisory disabled parking bays" which cost much less to provide but which could not be enforced and permanent enforceable bays which required a Traffic Regulation Order to be made. It was noted that there was a statutory power which allowed for charging for the actual provision of parking bays and the question was whether the Council wished to make such a charge and if so at what level. Whilst the new procedures recommended by KCC for processing applications for on-street disabled parking bays had been adopted the issue of charging was a matter for each District Council to determine, although KCC had recommended that where a charge was made it should be capped at a maximum of £250 per application.

The Portfolio Holder for the Cleaner and Greener Environment advised the Cabinet that this matter had been discussed at the Environment Services Select Committee meeting on 7 June 2011. The Committee had had regard to the relatively small number of applications and the fact that if a charge was to be levied for a parking bay there was no right of exclusivity by the person making the payment and had therefore recommended that the status quo should prevail. The Parking and Amenities Manager informed Cabinet that, so far, 5 other Kent Districts had decided not to make a charge and that 2 other Districts were currently undecided. The Cabinet felt that no charge should be made given the current level of applications but reserved the right to look at this again if the number of applications increased significantly.

Resolved:

(a) That the implementation of interim disabled parking places be at no cost to applicants and that they be funded from the on-street parking account;

- (b) That the provision of enforceable on-street disabled parking places requiring a traffic regulation order be at no cost to applicants and funded from the on-street parking account; and
- (c) That the issue of whether to charge for the provision of On-street Disabled Parking Places should be reviewed in 12 months time.

9. COMMUNITY SAFETY STRATEGIC ASSESSMENT AND ACTION PLAN

The Portfolio Holder for Safe Community reminded the Cabinet that the Crime & Disorder Act 1998 placed a statutory duty on the District Council, Kent County Council and Kent Police, along with other key partners, to undertake an audit of crime and disorder in the District and to co-operate to develop and implement a strategy and action plan for tackling crime and disorder. The Action Plan that had been produced as a result of this activity was a highly synthesised plan which drew together the many strands of community safety and was presented in a highly accessible way. The Action Plan set out clear priorities for Community Safety which included anti-social behaviour, young people's issues, burglary, vehicle crime, speeding, public perception, substance misuse and domestic abuse and identified the lead agency in each case.

The Director of Community and Planning Services explained that the Action Plan had been based on data collected from the many agencies involved in the Community Safety Partnership and the Plan had been subject to detailed consultation. Whilst focussing on the key priorities contained in the Plan a watch would be kept for emerging issues and patterns of crime so that these could also be addressed. It was noted that the Action Plan was a one year plan as the various agencies involved were going through a period of significant change and only felt able to commit for that period. The Chief Executive stressed that in view of the changes and restructuring of many of the partner agencies the Council would have to pay even greater attention to ensuring that collective targets were met.

The Cabinet commended the Director of Community and Planning Services and the Head of Community Development and their staff for their work in producing the Community Safety Strategic Assessment and Action Plan for 2011/12 and recognised the important role that the Council would have in providing continuity of direction on community safety.

Resolved: That the Council's actions in the Sevenoaks District Community Safety Action Plan 2011/12 be approved.

10. PROVISIONAL OUT-TURN 2010/11 AND CARRY FORWARD REQUESTS

The Cabinet received a report which set out the provisional outturn for 2010/11 and requests to carry forward certain revenue and asset maintenance budgets into 2011/12. It was noted that since the last forecast in February the Council had obtained a VAT refund of £364,000 which had significantly improved the position for the year.

The Cabinet had regard to the detailed comments and some concerns raised by the Finance Advisory Group (FAG) that were set out at the meeting by

Councillor Grint. In recognition of these comments the Cabinet considered each of the carry forward requests where the FAG had recommended refusal or had sought more clarification:

Request A1 – Supporting the Paralympics Cycling Event

The Cabinet accepted that this was not a carry forward as the holding of this event in Sevenoaks could not have been anticipated when the budgets for the year were originally established. The Cabinet recognised that this was an event worthy of support and in alignment with many of the Council's wider objectives including community participation and healthy living. It was proposed therefore that the £35,000 requested for this project could be funded from the underspend in the 2010/11 Community Development budget and that Council should be asked to approve this and set this sum aside as an earmarked reserve.

Request A3 – Extended Licensing Partnership

The Cabinet rejected this as a carry forward but agreed that a separate report should be brought forward when there was clarity on the direction that the partnership would be taking.

Request A4 – Healthy Eating

The Cabinet rejected this as it did not meet the criteria for a carry forward.

Request A6 – Civic Expenses

The Cabinet rejected this as it did not meet the criteria for a carry forward.

Requests A15, B7 and C4 – Various IT Expenditure

The Cabinet decided to approve these carry forward requests in light of the further clarification provided by the Head of IT and Facilities Management.

The Cabinet thanked the FAG for its diligence in considering the carry forwards and for its advice and recommendations.

Resolved:

- (a) That the carry forward requests A1, A3, A4 and A6 outlined in the report be rejected as they do not fall within the definition accepted by the Cabinet and the Finance Advisory Group for a valid carry forward;
- (b) That all of the remaining carry forward requests contained in the report be approved;
- (c) That the Cabinet recommends to the Council that the £35,000 underspend in the 2010/11 Community Development Budget be set aside as an earmarked reserve to support the Paralympic Cycling event (Request A1); and
- (d) That a further report be brought forward at the appropriate time on the extension of the Licensing Partnership once there is greater clarity on the direction that the partnership will be taking (Request A3).

11. MEMBERS AFFAIRS GROUP – FUTURE ROLE AND REMIT

The Leader of the Council advised the Cabinet that he felt that the Cabinet should re-establish the Members' Affairs Group as this had been a useful vehicle for providing wider insight for the Cabinet from across the Council membership on a number of projects. The Group would be convened as and when necessary with a broad remit to look at issues of interest to Members and "housekeeping" issues such as the Member's Portal and the new committee management system. The Leader of the Council would liaise with the Portfolio Holder for Safe Community and the other Group Leaders over the membership of the Group as appropriate.

Resolved: That the Members' Affairs Group should be re-established with the membership to be agreed by the Leader of the Council and the Portfolio Holder for Safe Community, in consultation with the other Group Leaders, and that the Group should be convened as and when necessary.

12. RESTORATION OF THE SEVENOAKS WEALD ELEMENT OF THE 402 BUS ROUTE

The Cabinet considered a supplementary report relating to efforts to restore the Sevenoaks Weald element of the 402 bus route. The Cabinet was advised that Arriva had recently taken the decision to remove Sevenoaks Weald from the 402 bus service between Bromley and Tunbridge Wells due to timetabling difficulties caused by congestion in Tonbridge and Tunbridge Wells. Kent County Council had sought to compensate for the loss of this service by extending the subsidised 421 bus route between Sevenoaks and Dartford to include Sevenoaks Weald. However the 421 service only stopped at Sevenoaks Weald four times per day and also did not provide access to Hildenborough which was a local centre for services for residents of Sevenoaks Weald and consequently reduced access to key services and facilities such as schools and GP surgeries for residents of Sevenoaks Weald.

The Cabinet considered two letters which it was proposed should be sent to Arriva and Kent County Council asking the two organisations to investigate how the congestion issues in Tonbridge and Tunbridge Wells could be overcome and asking Kent County Council to consider whether more frequent bus services could be provided for Sevenoaks Weald, including access to Hildenborough.

Members felt that the 402 bus route had provided a lifeline for Weald Village and that the removal of the village from the route impacted heavily on the accessibility of vital services. It was also considered that this could set a precedent for the isolation of other rural communities from the bus routes on which they relied if Arriva's decision was not opposed.

Resolved: That the Cabinet supports the restoration of bus services to the residents of Sevenoaks Weald as detailed in the report and agrees that the draft letters attached to the report at Appendices A and B should be sent to Kent County Council and Arriva Southern Counties respectively.

Implementation of Decisions

This notice was published on 27 June 2011. The decisions in minutes 7, 8 and 9 will take effect on 5 July 2011 unless called-in by the appropriate Select Committee. All other decisions take effect immediately.

THE MEETING WAS CONCLUDED AT 7.55 pm

Chairman