

## **CABINET**

### Minutes of the meeting held on 7 February 2013 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bosley, Mrs. Clark, Mrs. Davison, Hogarth, Mrs. Hunter and Ramsay

Cllrs. Davison and Mrs. Morris were also present.

#### 73. Minutes

Resolved: That the minutes of the meeting held on 10 January 2013 be agreed.

#### 74. Declarations of interest

There were no further declarations of interest.

#### 75. Questions from Members (maximum 15 minutes)

A Member questioned whether Co-opted Members on Committees would have voting rights. In response, the Democratic Services Manager reported that in general, Co-opted Members on committees would not have voting rights, unless the terms of reference for individual Committees specifically made provision for the co-opted member to have voting rights.

#### 76. Matters referred from Council

There were no matters referred from Council.

#### 77. Matters referred from the Performance and Governance Committee and/or Select Committees (Paragraph 5.20 of Part 4 (Executive) of the Constitution)

##### (a) Treasury Management Strategy 2013/14

This was considered under Minute 83.

##### (b) Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy

This was considered under Minute 79.

##### (c) Community Infrastructure Levy Charging Schedule

This was considered under Minute 82.

## Cabinet - 7 February 2013

### 78. Annual Review of Parking Charges for 2013/14 - Results of Public Consultation

The Portfolio Holder for The Cleaner and Greener Environment introduced a report summarising the outcomes of the public consultation for the proposed increases to car park and on-street parking charges for 2013-14. The Portfolio Holder reported that responses to the consultation had been received from Sevenoaks Town Council who had expressed some concerns regarding the price rises, from Westerham Town Council regarding the 10p increase and from a season ticket holder in the Sennocke car park. Responses had also been received from the Police who had made no specific comments on the proposals. In response to the issues raised by Sevenoaks Town Council, the Portfolio Holder highlighted that the down turn was in line with the national trend for footfall and that the costs to Sevenoaks District Council of maintaining the car parks had continued to rise year on year.

The Parking and Amenity Manager advised that the Sevenoaks Town Council had clarified that their comments related to both the on-street and the car park proposals, and that they had expressed their thanks for the making the car park usage information available.

Members noted that there was a low risk that any of the options presented would have an adverse impact on people with protected characteristics under the Equality Act.

The Portfolio Holder for the Cleaner and Greener Environment reported that the free Christmas parking initiative had been well received in the towns. The initiative had received favourable publicity in the local newspaper and had helped to support Christmas trading.

The Chairman thanked Members of the Environment Select Committee for the work they had undertaken in reviewing and developing the proposals.

Resolved: that

- (a) the proposed increases to car park and on-street parking charges for 2013-14 be implemented on or soon after 1 April 2013.
- (b) Council be requested to confirm that the cost of the free Christmas Parking for 2012, estimated at £15,000, be funded from Supplementary Estimates.

### 79. Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy

The Portfolio Holder for Housing and Balanced Communities introduced a report presenting the District Council's proposed housing strategy developed in response to welfare reform and to ensure that the District's limited affordable housing supply was targeted at those deemed in most need (with more emphasis on local connection and employment) and future rent revenues were maximised to generate funding for the provision of new social sector housing.

Members noted that two in-depth equality impact assessments had been undertaken and were available on the Council's website. The impact assessments had highlighted

## Cabinet - 7 February 2013

that the Tenancy Strategy took the needs of people with disabilities, carers and older people into account.

In response to a question from the Chairman, the Head of Housing and Communications reported that consultation responses had supported proposals to introduce a requirement for a link to the District.

The Head of Housing and Communications also reported that a review of the Housing Register would be undertaken with a view to reduce it from 2000 to 1000. Officers would communicate with people who were removed from the register as a result of the review to outline the alternative options that were available to them. The Chairman also noted that if people's circumstances changes they could be placed back onto the Housing Register.

In response to a question from a Member, the Head of Housing and Communications reported that Sevenoaks was part of the County-wide housing register scheme "Kent Home Choice". This provided a joined-up approach across the County and ensured that administration of the scheme was the same in all Kent Authorities. In response to a further question, the Housing Manager outlined how Officers worked with landlords in the private rented sector to ensure that accommodation was of a reasonable standard. The Housing Manager also reported that a consultation had been undertaken with landlords in the private rented sector to identify their key needs in order to retain the valuable accommodation that they provided.

In considering under-occupation, the Chairman noted that in future, one of the main drivers for managing under-occupation would be the benefits cap as tenants would not be able to afford the additional rooms.

The Chairman noted that in developing the new policies, Officers had responded to the concerns expressed by Members surrounding recognising employment and local connections.

Resolved: that the adoption of the Sevenoaks District Tenancy Strategy and Sevenoaks District Housing Register Allocations Policy be endorsed and both documents be recommended to Full Council for approval as District Council policy.

### 80. Community Right to Bid

The Portfolio Holder for Planning and Improvement introduced a report summarising the duty placed on local authorities in the Localism Act 2011 to administer Assets of Community Value. Assets of Community Value, also known as the Right to Bid, allowed relevant bodies to request that a local building or area of land was added to a list for having a value to the community. The report provided an update on the Council's procedures for administering the Right to Bid and proposed that a Members Advisory Group be established to assist the Council in making a decision on each nomination it received.

Members noted that it was unlikely that the proposals would have an adverse impact on people with protected characteristics under the Equality Act.

## Cabinet - 7 February 2013

Members welcomed the proposal for Councillor involvement in determining nominations under the Right to Bid. There was consensus that the Member Advisory Panel should be drawn from the whole Membership of the Council. Members would need training on the Community Right to Bid processes but local Ward Members would have valuable local knowledge that could be used to assess specific applications.

The Chairman advised Officers that any applications that were received before training could be provided should put in front of local ward Members. This would assist with the confirmation of facts and would provide valuable local knowledge.

Members noted that the rules governing the Community Right to Bid were complex and highlighted the need to ensure that all parties involved in the process understood the rules. If misunderstandings did occur, there could be frustration amongst communities if property sales became delayed unnecessarily.

Resolved: that:

- (a) The Council's procedures for the administration of the Right to Bid process be endorsed;
- (b) That until all Members of the Council are trained in the Community Right to bid, local Members should be approached to provide advice to Officers on ward specific applications; and
- (c) That when once members have had training a group of three members, to include the local members be called upon to advise officers

### 81. Allocations and Development Management Plan

The Portfolio Holder for Planning and Improvement introduced a report presenting the Allocation and Development Management Plan (ADMP) Pre-Submission document for approval prior to public consultation and submission to an independent inspector. The report also contained a draft Green Belt Supplementary Planning Document (SPD) for approval prior to public consultation. When adopted, the SPD would supplement the ADMP with more details about how the Council would consider applications in the Green Belt but it would not contain separate policies. The ADMP and Green Belt SPD had been considered by the Local Development Framework Advisory Group with very few changes being made. The minutes from the Advisory Group were tabled at the Cabinet meeting for Member's information along with some additional maps showing the minor amendments that had been proposed by the Advisory Group. In addition to this the Chairman consented to a letter from Pro Vision being circulated amongst Members of the Cabinet for consideration. The Pro Vision letter objected to undeveloped Land at Broom Hill, Swanley being included in the ADMP as protected "natural/semi-natural open space which would preclude some housing development on the land which had previously been promoted for some housing. The Pro Vision letter complained about lack of public consultation for this change and considered if the Council were to include the Land as currently proposed the decision may be susceptible to Judicial Review.

Members noted that the Equalities Impact Assessment concluded that the ADMP and the SPD would not have a differential impact which would adversely affect any groups in the community.

## Cabinet - 7 February 2013

The Group Manager – Planning outlined a number of site specific issues that had emerged during the consultation process. Officers had been working with stakeholders to address and resolve the issues. In relation to the Pro Vision letter and in general Members were reminded that there would be two further opportunities to make representations on the ADMP, through the consultation to be arranged following the publication of the draft plan and through the examination in public.

Councillor Roddy Hogarth, speaking on behalf of Sevenoaks Town Council, reported that in respect of Greatness Cemetery, it was the opinion of the Town Council that the land had historically been included in the Green Belt in error. As a result of this, the Town Council was asking that a correction be made and that the land be removed from the green belt to enable it to be developed, if necessary, for housing in the future. In the response, the Chairman reported that he had some local knowledge of the area and noted that there appeared to be some errors in the map provided. The Chairman suggested that the best course of action would be for the Town Council to make further representations to the Independent Inspector and through the examination in public.

The Chairman thanked Officers for their extensive work on the ADMP.

Resolved: That

- (a) The Pre-Submission version of the Allocations and Development Management Plan be approved and recommended to Full Council for pre-submission publication;
- (b) The draft Green Belt Supplementary Planning Document be approved for public consultation;
- (c) The Portfolio Holder for Planning and Improvement be authorised to agreed 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 for Planning and Improvement.

### 82. Community Infrastructure Levy Charging Schedule

The Portfolio Holder for Planning and Improvement introduced a report setting out the Draft Charging Schedule for the Community Infrastructure Levy (CIL). This set out what developers would need to pay in £ per sq m of new buildings and any variations by area or type of development. 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 was likely that the Council would be in a position to adopt the Charging Schedule in late 2013/early 2014.

The Portfolio Holder reported that one of the main issues with the Charging Schedule was the split between £75/m<sup>2</sup> and £125/m<sup>2</sup> for residential development in different parts of the District. The split was the result of differences in the value of development and the consultants that had carried out the Council's Viability Assessment were confident that £125/m<sup>2</sup> was a viable charge for the South and the East of the District.

## Cabinet - 7 February 2013

The Chairman reported that he had been approached by a number of Members with a variety of issues which included:

- Concerns surround a split by ward boundaries rather than parish boundaries;
- Concerns that development would be concentrated in the areas with a £75/m<sup>2</sup> charge as the cost of development would be a lot less;
- Concerns that vital infrastructure proposed by the Parish had been omitted from the list of infrastructure considered to be required by providers; and
- Concern that small and medium sized developers had not responded to the consultation.
- The difference between the amounts that developers would pay through CIL compared with Section 106 agreements.
- Whether social housing would pay CIL.

In response to the first point, the Principal Planning Officer reported that Ward boundaries had been proposed on the basis that the consultants appointed to undertake the CIL Viability Assessment found data of house prices by ward and house prices per m<sup>2</sup> by ward readily available. This information was critical in carrying out a viability assessment of this type. Boundaries within CIL Charging Schedules had to be based on viability evidence. The fact that certain ward boundaries probably do not reflect a clear distinction in viability was acknowledged. However, it was considered that boundaries drawn on any basis, such as Parish boundaries, ran the risk of not being able to fully reflect differences in property values and viability. Any proposal to replace an existing dwelling with new dwellings or convert a building that had recently been in use to a dwelling would only pay CIL on the net increase in floorspace. Therefore, the amount of CIL charged in areas with little opportunity for new development may be found to be negligible and the difference in charge between the two areas of little impact. This was something that Officers would monitor.

In response to the second point, the Principal Planning Officer explained that the Viability Assessment sought to identify levels of CIL that were equally affordable within different areas in the District. Therefore, on the basis of prices that developers could expect to sell new dwellings for, which varied across the District, the different charges should prove to be equally challenging but generally affordable in these areas. The CIL Charging Schedule would be just one consideration that a developer will need to take into account when deciding where to seek to develop. Planning policy constraints, including Green Belt, Conservation Areas and Protected Open Space, as well as the availability of development land would all continue to be major drivers of where developments were located.

In response to the third point, the Principal Planning Officer highlighted that Officers believed that no infrastructure schemes that were proposed had been excluded from the Draft Infrastructure Plan. However, the schemes had been separated into different lists. The list on which the calculation of the infrastructure funding gap was based (Appendix A of the Draft CIL Infrastructure Plan – Background Paper 3) primarily included those schemes that the Council expected to deliver or provide funding for other organisations to deliver. A separate list of the majority of schemes that the Council anticipated town and parish councils may wish to fund through the proportion of CIL that would be paid directly to them was also set out (Appendix B of the Draft CIL Infrastructure Plan – Background Paper 3). There was no requirement for the Council to decide what it should

## Cabinet - 7 February 2013

fund from CIL in advance of the collection of the money and no restriction on the Council transferring further funds to town and parish councils for infrastructure proposed by them at the time that development came forward. The primary purpose of the Draft CIL Infrastructure Plan was to prove to an Inspector that a funding gap existed that justified charging CIL.

The Principal Planning Officer reported that the Council had consulted all organisations and individuals that were on its LDF mailing list and publicised the document in the same way that other LDF documents had been, including through a press release and public notice. The LDF mailing list included numerous developers and agents that had requested to be on the mailing list, made representations as part of the LDF previously or had proposed developments in the plan. Of those few developers that did respond some raised either general or specific objections to the charges, whilst others did not object to the proposals at all. Officers did not consider the low response rate to be a result of the failure of the consultation process.

The Principal Planning Officer reported that it was not straightforward to compare CIL and Section 106 contributions. Whilst CIL is charged on the basis of m<sup>2</sup> of development, is not levied on affordable housing and is only based on the net increase in floorspace, charges in Section 106 agreements have been negotiated on the basis of all dwellings (market and affordable), are generally calculated on the basis of number of dwellings rather than floorspace and do not take account of existing buildings on the site. Members were directed to p8 of Background Paper 5, which set out the infrastructure contributions that had been secured through s106 agreements for 5 recent developments and the CIL charge that would be levied on the basis that all dwellings were built at the national average size for new builds and that CIL was only levied on market housing. Section 106 contributions ranged from £1,608 to £5,369, whilst CIL ranged from £2,850 to £7,600. The CIL calculation did not take account of the floorspace of existing buildings on the sites which would reduce the charges, in some cases substantially.

The Principal Planning Officer confirmed that a 100% relief from CIL for social housing was built into the CIL Regulations.

In response to a further question, the Principal Planning Officer reported that the Charging Schedule could be reviewed at any time. Any changes that were decided upon would have to be subject to a detailed consultation process. In addition to this, a decision to stop charging could be taken at any time through a resolution of Full Council.

The Chairman requested that a review of the impact of the CIL by ward boundary be undertaken, following implementation, and that the review incorporate historical data. Officers were also requested to investigate the possibility of increasing the funding to Parishes within the £75/m<sup>2</sup> boundary, following the publication of the regulations to introduce the proportion to be paid to town and parish councils.

Members noted that the Environment Select Committee had requested that the Implementation Plan be presented to the Committee for review.

## Cabinet - 7 February 2013

Resolved:

- (a) That Council be recommended to agreed the Community Infrastructure Levy Draft Charging Schedule for publication and submission for independent examination;
- (b) That the Portfolio Holder for Planning and Improvement be authorised to agree minor presentational changes and detailed amendments to the Charging Schedule to assist the clarity of the document;
- (c) That the consultation document be published on the Council's website and made available to purchase in hard copy at a price to be agreed by the Portfolio Holder;
- (d) That the scheme is monitored to understand its impact on development across the District and held under review
- (e) That, subject to the awaited Ministerial Guidance, Cabinet is minded to recommend that the Council provides top up funding to Parishes within the £75/m<sup>2</sup> boundaries; and
- (f) That the Implementation Plan be presented to the Environment Select Committee for review.

### 83. Treasury Management Strategy 2013/2014

The Portfolio Holder for Finance and Value for Money introduced the Treasury Management Strategy 2013/14 setting out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments. The Portfolio Holder explained that the Local Government Act 2003 required the Council to set out its treasury strategy for borrowing each year and to prepare an Annual Investment Strategy which set out the Council's policies for managing its investments and for giving priority to the security and liquidity of those investments.

The report had previously been considered by the Performance and Governance Committee and the Finance Advisory Group who had considered that the maximum investment period should be for one year and the maximum investment in a single institution should be a limit of 25% of the Fund at the time the investment was made. There should also be a further limit of £5m per counterparty except for call accounts where the limit was £6m, and deposits with the Lloyds banking group and Royal Bank of Scotland where the limit was £8m. Finally, Building Societies with assets in excess of £9bn were to be included in the lending list with a maximum investment limit of £2m and a maximum duration of 3 months.

Members agreed that these proposals would increase opportunities for the Council to invest wider.

Resolved: That Council be recommended to approve the Treasury Management Strategy for 2013-14.



## Cabinet - 7 February 2013

### 84. Capital Programme and Asset Maintenance 2013-16

The Portfolio Holder for Finance and Value for Money introduced a report setting out the proposed 2013/16 Capital Programme, with supporting documentation in a standard format for individual scheme bids. The schemes included were the annual schemes for commercial vehicles and Housing Improvement Grants.

The report also set the Asset Maintenance budget. The Portfolio Holder reported that there was an error in the recommendation; the asset maintenance budget for 2013/14 should be £427,000 as shown in paragraph 17 of the report.

The Chairman noted that the imbalance between the Disabled Facilities Grant received by the Council and the overall costs of service provision to the Council. The Chairman highlighted that a key issue was that the Council had very little control over how the grant was allocated and the costs incurred as decisions were taken by Officers at another Local Authority.

Resolved: That

(a) The Capital Programme 2013/16 and funding method set out in Appendix B be approved; and

(b) The proposed Asset Maintenance budget of £427,000 be agreed for 2013/14.

### 85. Revenue Budget and Council Tax 2013/14

The Portfolio Holder for Finance and Value for Money introduced a report setting out the proposed budget and required level of Council Tax for 2013/14. The report detailed changes to the draft budget since the previous Cabinet meeting on 10<sup>th</sup> January 2013.

The Council had continued with the 10-year budget strategy that had been used over the previous two years. This included a four year savings plan which had resulted in very few new changes being made in this budget cycle. The proposed net expenditure for 2013/14 was £13.8m with the District's Council Tax increasing by 1.98% to £185.49 for a Band D property.

The Group Manager – Financial Services reported that since the budget process had started in September, Cabinet and other Committees had received various reports resulting in the budget proposed in this report. Cabinet's recommendations would go on to Full Council on 19 February 2013.

The final settlement figures had been received from Government, and were the same as those included in the budget. The Council had also been informed of some new one-off grant funding, however one of these funding streams had since been removed so Officers did not yet have complete assurance as to any additional amounts that the Council was likely to receive.

The Group Manager – Financial Services also highlighted that following a Member suggestion, Cabinet may wish to amend the first part of recommendation (b) to: "The 10-

## Cabinet - 7 February 2013

*year budget 2012/13 to 2022/23 which is the guiding framework for the detailed approval of future years' budgets set out in Appendix A...*" This amendment was agreed.

The Chairman highlighted that raising the tax levied on residents, especially in the current financial climate was never easy, however the rises had to be balanced against the savings that were being made across all services. The Chairman also highlighted the reduction in the central government funding received by the Council. Local Authorities were facing a fundamental shift in the way that they were financed and needed to adapt to the changes that were taking place.

Resolved: That Council be recommended to:

- (a) Approve the summary of Council Expenditure and Council Tax set out in appendix C of the report;
- (b) Approve The 10-year budget 2012/13 to 2022/23 which is the guiding framework for the detailed approval of future years' budgets set out in Appendix A to the report, including the growth and savings proposals set out in Appendix B to the report, and where possible any variations during and between years be met from the Budget Stabilisation Reserve; and
- (c) Approve the changes to reserves set out in Appendix F of the report.

### 86. Discretionary Rate Relief

The Portfolio Holder for Finance and Value for Money introduced a report setting out proposals for awarding discretionary rate relief for 2013-14. The report provided Members with a list of applicants wishing to receive Discretionary Rate Relief. Previously any awards decided had been approved for two years, but in light of the introduction of Business Rates Retention the report only set out recommendations for one year. A further review would be carried out prior to the award of any relief for 2014-2015.

Officers tabled updated appendices to the report as the information that had been included with the agenda was out of date.

Resolved: that the proposals for granting relief from business rates for 2013-2014 set out in the updated appendix B to the report be approved.

### 87. Council Tax Discounts Resolution

The Portfolio Holder for Finance and Value for Money introduced a report setting out resolutions to Council 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.

The Portfolio Holder reported that the Local Government Finance Act had given Council's the ability to change some Council Tax discounts with effect from 1 April 2013.

## Cabinet - 7 February 2013

It was recommended that:

- No discount be given to second homes;
- Unoccupied properties receive 100% discount for three months then nothing after that;
- Council Tax be increased to 150% for properties unoccupied for over two years,

The benefits of these changes should be to encourage owners of empty properties to bring them back into the housing market, and for the extra Council Tax income obtained to help support the Local Council Tax Support scheme.

The Chairman requested that further investigation be made into the Single Persons Discount. The Chief Executive Designate reported that Officers had been undertaking work on this and approximately 2000 cases were subject to further investigation.

A Member also suggested that more should be done to encourage the development of sites that had received planning permission but were yet to be developed. Members noted that there were a number of sites across the District where buildings had been demolished and planning permission had been granted for developments but work had not yet commenced.

Resolved: That the following resolutions be recommended 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).

## **Cabinet - 7 February 2013**

### **Implementation of Decisions**

This notice was published on 11<sup>th</sup> February 2013. The decisions contained in Minutes 78, 79, 81, 82 and 86 take effect on 18<sup>th</sup> February 2013 and the decision contained in Minutes 80, 83, 84, 85 and 87 take effect immediately.

THE MEETING WAS CONCLUDED AT 9.20 PM

CHAIRMAN