

CABINET

Minutes of the meeting held on 8 May 2014 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Bosley, Ms. Lowe and Ramsay

Apologies for absence were received from Cllrs.

Cllrs. Brookbank, Dickins, Edwards-Winsor, Firth, McGarvey, Piper, Mrs. Purves and Scholey were also present.

103. Minutes

Resolved: That the minutes of the meeting of Cabinet held on 10 April 2014, be approved and signed as a correct record.

104. Declarations of interest

There were no additional declarations of interest.

105. Questions from Members

The Portfolio Holder Housing & Community Safety, and Ward Councillor for Otford and Shoreham commented on the anxiety that had been caused by the decision at the previous meeting on 'Gypsy and Traveller Plan - Site Options Consultation' for all residents but particularly those in Shoreham and asked whether it was possible to keep as close as possible to the minimum statutory consultation period of 6 weeks so that the results of the consultation could be known as soon as possible.

The Chairman advised that the consultation was to allow comment and consultation on potential sites and the opportunity for other sites to be identified and brought forward, so whilst it would be as timely as possible enough time was needed to identify other sites. The Planning Policy Team Leader advised that the 6 weeks consultation period was the statutory minimum, the Council usually ran these consultations for a period of 8 - 10 weeks, in this case it was believed that an 8 week period would be appropriate. During this period small consultation events would also be held with local communities and the Gypsy and Traveller communities.

The Chairman informed the Cabinet that he had received a request to speak by a member of the public and that he was going to exercise his discretion as Chairman and allow Mrs Ann Palmer to address them with her concerns over the decision taken at Cabinet on 10 April 2014 on the report 'Gypsy and Traveller Plan - Site Options Consultation'. Although he was using his discretion to allow Mrs Palmer to speak, he reminded Members that there could be no debate or decision making but that Cabinet could note the concerns raised.

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Mrs Palmer, a resident of Shoreham, who was supported by the presence of a number of Shoreham residents, thanked the Chairman for the opportunity to address the Cabinet and handed out some papers to support her presentation, drawing Members' attention to pictures of certain view of the consultation site in Shoreham. Samuel Palmer's 'Valley of Vision' was a special place, an area of outstanding natural beauty, and not far from the site was Shoreham's iconic cross and residential housing. She pointed out that the GTTA assessment was carried out two years ago and the consultation had a deadline to deliver by April 2013 which had not been met due to staff long term sickness. As they saw it Sevenoaks District Council (SDC) was performing a tick box exercise to keep the Planning Inspectorate happy; the cost of the consultation did not matter; and that the fight was unfortunate but would come out in the wash.

As the community saw it the land had been sold in good faith in order to protect the environment and prevent unsuitable development and would not have been sold otherwise. That SDC had failed to effectively resource the original call for sites, had failed to meet the self imposed deadline of last spring and had not challenged consultees enough such as KCC and DfT. Their own ward councillors had not been aware of any of this until late February, the initial assessment impact had ruled it out as had the Advisory Committee on 25 March 2014. However at Cabinet on 10 April 2014 it was kept in to make up numbers. It was felt that SDC was being driven by expediency not efficiency and effectiveness with a blatant disregard of public money.

The community was angry and felt that they had been let down and treated badly, and were now full of mistrust. The Council's now lacked credibility in their eyes. Radio Kent and The Chronicle were helping with the campaign of support as they would be launching a strong campaigning as well as responding to the consultation. She accused the Council of a lack of corporate integrity, openness or transparency and felt that there was an attempt to pull the wool over the Planning Inspectorate's eyes by pretending to consult on viable sites. The fight was being passed to residents to fight forcing them to dip into their own pockets after already having to pay increased Council Tax which the SDC was using to fund the consultation. Whilst the local property market was being destroyed.

As a community they wanted the process to get underway and end as soon as possible to remove uncertainty and that the consultation period should be no more than the minimum 6 weeks; that alternative sites should be examined in parallel; and that the Shoreham site should be removed from the consultation by the summer.

The Chairman acknowledged the concerns raised. He reminded those present that the process was at a very early stage and the consultation process allowed all the arguments to be put forward and for opportunities to look at new sites brought forward. The Council had to find 72 plots and had to consult as to near to that figure as possible otherwise there was a risk of sites being allowed on appeal as there was no controls and this was already happening for example at Well Hill.

106. Ruling by the Chairman regarding Urgent Matters

In accordance with Section 100B (4) of the Local Government Act 1972, the Chairman advised that he had agreed to accept an urgent matter - 'Flood Support Schemes' and the Chairman of the Scrutiny Committee had been satisfied that the making of this key decision was urgent and could not reasonably be deferred pursuant to Regulation 11 of

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the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The matter was urgent because Government funding was available for people who had suffered flooding this Winter and it needed to be distributed as quickly as possible. The scheme guidelines had been drafted urgently following the very recent receipt of the grant guidelines from Government therefore missing the five clear day publication of the agenda and the Key Decision notice with the required 28 days. The decision needed to be taken as soon as possible so as not to delay access to funding for those in need and the next meeting of the Cabinet was not until June 2014.

The urgent matter was taken as Agenda Item 10.

107. Matters referred from Council

There were none.

108. Matters referred from the Audit Committee and Scrutiny Committee (Paragraph 5.20 of Part 4 (Executive) of the Constitution)

There were none.

109. Recommendations from the Cabinet Advisory Committees

- a) Safeguarding Policy (Housing & Community Safety Advisory Committee, Minute 39 - 29 April 2014)

This was considered under Minute 111.

- b) Community Safety Action Plan (Housing & Community Safety Advisory Committee, Minute 40 - 29 April 2014)

This was considered under Minute 112.

110. Budget: Council Tax Support Funding for Town and Parish Councils

The Chairman explained that this report was being brought back with numerous appendices so that Full Council could see all information and that he would be proposing that Cabinet recommend Council consider all the options proposed and did not state a preference.

The Portfolio Holder for Finance and Resources then presented the report which explained that at the Council meeting on 18 February 2014 it was resolved that “no Council Tax Support funding for Town and Parish Councils be issued as no money had been ring-fenced for this purpose in the Government Grant Settlement, and the approach be agreed and adopted”. This was also recommended by Cabinet on 6 February 2014.

Westerham Town Council supported by Sevenoaks Town Council and Dunton Green Parish Council had said they intended to seek a judicial review of the decision as it was believed that the decision was not as clear as it could have been. The Council Leader,

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Chief Finance Officer and Legal Services Manager had met representatives of the three Town and Parish Councils on 3 April 2014 and it was agreed that a report would be taken to Council on 13 May 2014 to give Members the opportunity to reconsider passing Council Tax Support funding to Town and Parish Councils.

The Chief Finance Officer advised that the amount of £274,000 had been ringfenced in 2013/14 but not in 2014/15. Town and Parish Councils had been advised that the funding may not continue in future years from January 2013. In light of the potential judicial review Officers had obtained the advice of a leading Queens Counsel who had confirmed that Sevenoaks District Council had discretion whether to pass any funding on to Town and Parish Councils and that the Council should make a fresh decision.

In response to questions the Chairman explained that part of the focus of the application for judicial review was that the Council had made a fettered decision and therefore he was keen that all the options were considered by Full Council. He pointed out that if the Council did agree to pass on some of the money residents in Towns and Parishes which had raised their precept would in effect be taxed twice. Many Members commented that their parishes would not know what to do with the money if passed on and it would end up in their reserves. The main reason the report was coming forward was because the resolutions concerning this aspect had been part of a composite resolution agreed by Council and the advice received was that it needed to be shown to be a clear and considered separate decision.

Public Sector Equality Duty

Members noted the considerations given to impacts under the Public Sector Equality Duty.

Resolved: That all of the following options be recommended to Council to consider:

- a) An amount of funding is passed to Town and Parish Councils for Council Tax Support in 2014/15 equivalent to the amount passed on in 2013/14 less 24% (the Council's reduction in Revenue Support Grant);
- b) A different amount is passed to Town and Parish Councils for Council Tax Support in 2014/15;
- c) No funding is passed to Town and Parish Councils for Council Tax Support in 2014/15.

111. Safeguarding Policy

The Portfolio Holder for Housing & Community Safety presented a report which sought approval for the adoption of the updated Safeguarding Policy to enable the Council to more effectively meet its statutory responsibilities under s. 11 of the Children's Act 2004 and follow guidance published by the Department of Health and Kent County Council in relation to vulnerable adults. The main advantage was that the guidance to Officers was now more comprehensive and made sure contractors and volunteers were aware of their professional and moral obligations for Safeguarding. The Policy was intended to apply to all staff, Members of the Council, contractors and volunteers, and also clarified the District Council's responsibility for ensuring that any organisation that received funding from the District Council had appropriate policies in place to safeguard children and

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vulnerable adults. Members noted and considered the relevant minute and recommendations received from the Housing & Community Safety Advisory Committee who had considered the same report.

The Chief Officer Communities and Business advised that it had more recently been updated in light of a new important piece of legislation the Children and Families Act 2014.

Public Sector Equality Duty

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

Resolved: That it be recommended to Council to adopt the updated Safeguarding Policy for the protection of children and vulnerable adults.

112. Community Safety Action Plan

The Portfolio Holder for Housing & Community Safety presented a report which sought approval for the adoption of the Sevenoaks District Community Safety Strategy & Action Plan 2014/15. It took into account the Strategic Assessment undertaken between September 2012 and October 2013 and more up-to-date data where available. Eight priorities had been highlighted for 2014/15, which were: road safety; anti-social behaviour including environmental crime; domestic abuse; vehicle crime; burglary dwelling & burglary other than dwelling; young people's Issues; substance misuse ; and theft. Members noted and considered the relevant minute and recommendations received from the Housing & Community Safety Advisory Committee who had considered the same report.

Public Sector Equality Duty

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

Resolved: That it be recommended to Council that the Sevenoaks District Community Safety Action Plan be adopted.

113. Flood Support Schemes

The Chief Officer Communities & Business presented an urgent report which set out information about the Repair and Renew Grant. The Government was making funding available to the Council to fund the scheme, which would help properties and businesses in the District who had been affected by flooding to put flood resilience measures in place to reduce the risk of future flooding. The maximum amount of funding available was £5,000 per property. The Council would have to forward fund the schemes claiming back quarterly from DEFRA.

It was noted that only nine applications had been received for the Business support scheme. There were already 20 expressions of interest in the Repair and Renew funding

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and Officers would be checking to see whether some may be more suitable to apply under the Business Support funding.

Public Sector Equality Duty

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

Resolved: That

- i) the guidelines for the Council's Repair and Renew Grant, as set out at Appendix B to the report, be agreed; and
- ii) authority delegated to the Portfolio Holder for Economic and Community Development to approve grants.

IMPLEMENTATION OF DECISIONS

This notice was published on 12 May 2014. The decision contained in Minute 113 takes effect on 19 May 2014.

THE MEETING WAS CONCLUDED AT 7.55 PM

CHAIRMAN