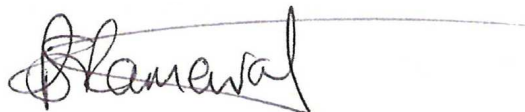


Despatched: 09.02.15

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held in the Council Chamber, Council Offices, Argyle Road, Sevenoaks commencing at 7.00 pm on 17 February 2015 to transact the under-mentioned business.



Chief Executive

### **AGENDA**

#### **Apologies for absence**

1. **To approve as a correct record the minutes of the meeting of the Council held on 4 November 2014** (Pages 1 - 6)
2. **To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting**
3. **Chairman's Announcements**
4. **To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.**
5. **To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.**
6. **Matters considered by the Cabinet**
  - a) **Christmas Parking 2014** (Pages 7 - 30)
  - b) **Calculation of Council Tax Base** (Pages 31 - 42)
  - c) **Treasury Management Strategy 2015/16** (Pages 43 - 78)
  - d) **Revenue Budget and Council Tax 2015/16** (Pages 79 - 128)
  - e) **Adoption of the Allocations & Development Management Plan** (Pages 129 - 192)
7. **Matters considered by Licensing and Standards Committees**

- a) **Monitoring Officer's Annual Report** (Pages 193 - 212)
  - b) **Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982: Licence Fees 2015/2016** (Pages 213 - 220)
  - c) **Licensing - Draft Statement of Licensing Act 2003 Policy** (Pages 221 - 266)
8. **To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council:**
- a) **Budget and Council Tax Setting 2015/16** To follow
  - b) **Pay Policy Statement** (Pages 267 - 278)
  - c) **Membership of Committees 2014/15** (Pages 279 - 290)
9. **To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.**
10. **To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.**
11. **To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.** To follow

### EXEMPT ITEMS

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

For any other queries concerning this agenda or the meeting please contact:

**The Democratic Services Team (01732 227241)**

**DISTRICT COUNCIL OF SEVENOAKS**

Minutes of the Meeting of the Sevenoaks District Council  
held on 4 November 2014 commencing at 7.00 pm

Present: Mrs. Davison (Chairman)  
McGarvey (Vice-Chairman)

Cllrs. Abraham, Mrs. Ayres, Ayres, Mrs. Bayley, Ball, Bosley, Mrs. Bracken, Brookbank, Brown, Butler, Ms. Chetram, Clark, Mrs. Clark, Mrs. Cook, Cooke, Davison, Dickins, Edwards-Winsor, Firth, Fittock, Fleming, Mrs. George, Grint, Horwood, Mrs. Hunter, London, Ms. Lowe, Mrs. Morris, Neal, Orridge, Mrs. Parkin, Pett, Piper, Mrs. Purves, Ramsay, Mrs. Sargeant, Searles, Miss. Thornton, Towell, Underwood and Walshe

Apologies for absence were received from Cllrs. Mrs. Bosley, Mrs. Dawson, Eyre, Gaywood, Hogarth, Maskell, Raikes, Scholey, Miss. Stack and Williamson

24. To approve as a correct record the Minutes of the meeting of the Council held on 22 July 2014

Resolved: That the Minutes of the meeting of the Council held on 22 July 2014 be approved and signed as a correct record.

25. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting

No further declarations of interest were received.

26. Chairman's Announcements

The Chairman welcomed the Kent Police & Crime Chief Commissioner Ann Barnes, and Deputy Chief Constable Paul Brandon, and advised that with the Councils indulgence, she would move forward the presentations to the first item after her announcements.

It was with sadness that she reported the passing of former Cllr. McInnes who had served as a District Councillor for Hextable between 2007 and 2011. A moments silence was given to remember his service to the Council, his ward and village, where he was held with great regard and demonstrated by the attendance at his funeral.

The Chairman reported that she had been very busy representing the District and asked that if Members were aware of anywhere in the District she had not visited, or knew of an event they wished her to attend she urged they get in contact as her diary was filling up fast, especially before Christmas.

27. To receive presentations from the Chief Commissioner Ann Barnes and the Deputy Chief Constable Mr. Paul Brandon

## Agenda Item 1

**Council - Tuesday, 4 November 2014**

Members welcomed Kent's Police and Crime Commissioner, Ann Barnes and the Deputy Chief Constable Kent Police, Paul Brandon. Ann Barnes gave a [presentation](#) on the work of the Police & Crime Commissioner and the Deputy Chief Constable Kent Police, Paul Brandon, gave a [presentation](#) on the new policing model for Kent.

The Police and Crime Commissioner was asked why she had responded negatively without explanation to a question posed by a Member in the Kent on Sunday, asking them to consider helping financially with the cost of CCTV which was relied on and used as evidence by the Police and was something other Commissioners around the country did. She replied that unfortunately there was just no money available to do this.

A Member commented on the local impact of Kent County Council (KCC) withdrawing its funding for community wardens and further asked whether it was possible to extract crime figures by Parish rather than by the current combined areas, as this led to higher insurance premiums in areas that otherwise did not have particular issues. He stated that recently this had been possible, and asked whether technology had allowed this or whether the extrapolation caused further expense and resources.

The Deputy Chief Constable replied that he was aware of the cut in Community Wardens which would affect Kent Police and they may need to fill any gap created. Representations had been made to KCC but he wasn't sure these would be successful. They were trying to identify the most suitable and effective locations to place the remaining community wardens. With regards to the statistics, losing resources meant that there was not the same capacity to extrapolate. The statistics were still accessible however he was unsure to what level, as already stated they had been moving away from numerical statistics and more towards quality of service indicators.

The Police and Crime Commissioner added that the Community Wardens did a fantastic job and went on to commend Special Constables and the amount of free hours given. There were more than 350 in Kent.

The Chairman thanked them both for attending.

28. To receive any questions from members of the public under paragraph 17 of Part 2 (the Council and District Council Members) of the Constitution.

No questions had been received.

29. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (the Council and District Council Members) of the Constitution.

No petitions were received.

30. Matters considered by Governance Committee

a) Community Governance Review

Councillor Fleming proposed and Councillor Pett seconded the recommendations from the Governance Committee.

Resolved: That

- a) following consultation on the District Council's draft recommendation, a Romney Street Ward be created in the Parish of Shoreham;
- b) following consultation on the District Council's draft recommendation, the number of parish councillors for the Romney Street Ward, the Shoreham Ward and The Well Hill Hundreds Ward of the Parish of Shoreham be 1, 6 and 1 respectively; and
- c) following consultation on the District Council's draft recommendation, the boundary between the parishes of Chevening and Sevenoaks Weald be amended in the vicinity of Bowzell Green.

b) Recording and The Openness of Local Government Bodies Regulations 2014

Councillor Fleming proposed a slightly amended version of the Governance Committee recommendations and Councillor Pett seconded. The amendments were that discretion to record other meetings be with the consent of the relevant Chairman, and that the Constitution amendments reflect the item listed as 29.3 as a heading in its own right rather than causing any confusion by being listed underneath 'disturbance by public.' Cllr. Fittock commended the amendments as they gave more input to Members. It was noted that recording was possible in the Conference Room.

Resolved: That

- a) following Full Council being successfully recorded on a trial basis all meetings of Full Council, Development Control Committee and Licensing Hearings be recorded from now on;
- b) with the consent of the relevant Chairman, Officers be given discretion to record such public meetings of the Council, the Cabinet and their committees, sub-committees or joint committees; and
- c) following the implementation of The Openness of Local Government Bodies Regulations 2014, the amendments to the Constitution together with a Protocol on Reporting on Meetings as set out at Appendix B to the report subject to making 29.3 in the Constitution, a heading in its own right, be approved.

31. To consider the following reports from the Chief Executive or other Chief Officers on matters requiring the attention of Council

- a) Membership of Committees

It was moved by Cllr Fleming, seconded by Cllr. Ms. Lowe and

Resolved: That the dissolution of the Sevenoaks District Strategic Board be noted and the amended memberships of Committees for 2014/15, attached as an Appendix to the report, be approved.

## Agenda Item 1

**Council - Tuesday, 4 November 2014**

b) Local Council Tax Support Scheme 2015/16

It was moved by Cllr Fleming, seconded by Cllr. Ramsay and

Resolved: That as resolved by Council on 27 November 2013, Members approve that from 1 April 2015 all residents of working age receive a deduction on the amount of council tax support they are entitled to, calculated on the basis of the previous council tax benefit scheme, of 18.5%.

32. To consider any questions by Members under paragraph 19.3 of Part 2 (the Council and District Council Members) of the Constitution, notice of which has been duly given.

Two questions had been received from Members in accordance with paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Cllr. Mrs. Sargeant

“Would the Leader of this Council Please explain why he has allowed 106 Money to be used for the most recent Swanley Housing Survey, as to which the results may be used in evidence to support a Green Belt Planning Application”.

Response: Leader of the Council

The District Council works with Action for rural Communities in Kent and three Housing Needs surveys had been factored in (using s.106 planning gains under the relevant criteria for affordable housing) and this was an opportune time to gain valuable data on the District's second largest town in order to effectively plan for all of Swanley's housing need and demand going forward into the future. This data will supplement any future Strategic Housing Market Assessment data by providing a more detailed analysis of the respective area. The study was intended to inform future strategy development and allow any scheme proposals, including that of Birchwood, to be objectively assessed. Before the survey, current data was inadequate and this could have left the District Council in a weak position when considering planning applications. This study was similar to the Balanced Housing Market Report which accompanied a previous District-wide housing needs study and fits within the priorities in the Member approved spending criteria for the s106 funding. The initial results of the survey have just been received indicating a need for 10 units of accommodation for over-55s in the Swanley area.

Supplementary question: Cllr. Mrs. Sargeant

Please explain the discrepancy between the email dated 3 September 2014 where the Leader stated this was not undertaken for the Birchwood planning applications, and the email from a Council Officer to the Clerk of the Town Council on 19 August 2014 proposing the survey be carried out on 15 September 2014 in order to be able to produce a report by 10 November 2014 as this would be the latest timescale for it to be submitted as comments for the Birchwood application as there was likely to be a resubmission before 12 December 2014.

Response: Leader of the Council

The report was for future strategy and to help with any scheme including Birchwood and the objective had been achieved. To reiterate, the initial results of the survey indicated a need for 10 units of accommodation for over-55s in the Swanley area.

There was no further discussion.

Question 2: Cllr. Mrs. George

"Could the Leader of this Council explain why a member of staff made contact in August 2014, with an SDC Deputy Cabinet Member of the Local Planning & Environment Advisory Committee? With regard to help with the recent Swanley Housing Survey and Swanley Town Council. For Transparency why did this member of staff not contact the Town Clerk?"

Response: Leader of the Council

Throughout this process, officers have been in contact with various local Members regarding housing needs generally in the respective area and, of course, the proposed scheme at Birchwood – including various direct communications between yourself and officers, such as Gavin Missons and Liz Crockford. Back in August 2014, contact was made with Cllr Searles, a District Council Member who also sits on the Town Council. Officers do generally communicate with relevant elected councillors in order to move forward strategy and policy work. In this case an email was sent to Cllr Searles, of Swanley Town Council and an elected Member, asking for suggestions as to the best way to engage the Town Council on this matter. Direct communication with the Town Council then followed with Julie Pilbeam, as you know, as soon as she returned from leave (on 18/08/14) dialogue commenced verbally and by email.

Supplementary question: Cllr. Mrs. George

Who paid for the aborted letter.

Response: Leader of the Council

Swanley Town Council was billed for the letter, as the Clerk had received an executive instruction from the Town Council to send it out in the Mayor's name which was then withdrawn.

There was no further discussion.

33. To consider any motions by Members under paragraph 20 of Part 2 (the Council and District Council Members) of the Constitution, notice of which has been duly given.

Councillor Fittock proposed, and Councillor Mrs. Sargeant seconded the following motion:

"This Council has agreed to conduct a housing needs survey just for Swanley parishes that is linked to proposals to build on the Sevenoaks District Green Belt. Sevenoaks District Council has recently agreed to conduct a District Wide Older Persons housing needs survey as part of new Strategic Housing Market Assessment required by

## Agenda Item 1

**Council - Tuesday, 4 November 2014**

Central Government. Therefore this Council condemns, as a misuse of public money, the inappropriate use of section 106 funds being spent on a separate survey for Swanley.”

Cllr. Fittock spoke to the motion stating that the Council had agreed to the protection of the greenbelt and the motion was to ensure everything possible was done to support that policy. The first affordable housing supplementary document had been adopted and supported in 2011. An Older Housing Needs Survey was to be carried out in 2012, but was delayed to be included in the strategic housing survey and coincide with new household forecast figures and in addition another survey for Swanley was carried out by this Council. Members were concerned that it had been squeezed in to coincide with a planning application in the greenbelt. Councillors were also concerned that Officers had been compromised and Councillors misled that the Town Council had been consulted. The questionnaire was worded in such a way that ex-pats could comment, was it the intention of the Council to rehouse expats? Some of the questions were difficult to understand. He asked that the Council support or at least heed the content of the motion.

The Leader reminded Cllr. Fittock of the answers given to the previous questions posed. The survey showed that there was no need for the Birchwood site, and all the propaganda had been proven untrue. The data had been needed in order to make a proper judgement. It had showed the need for just 10 units of accommodation for over 55's in the Swanley area, and as only 50% of need was required that meant only 5 units. The Council should be congratulated for carrying out the survey because it had helped prove the Birchwood site was not needed.

Another Member stated that regardless of the result the question was whether it had been needed and that it had been a waste of money. It was commented that KCC should have paid for the survey, and it would have been appreciated if ward councillors had been consulted and that the Cabinet Members for Housing & Community Safety and Local Planning & Environment had not listened to local members.

Cllr. Fittock stated that he had taken on board the Leader's responses to the previous questions, but insisted that it had been a waste of time and money.

The motion was put to the vote and it was lost.

34. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council Meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 8 July to 30 October 2014.

THE MEETING WAS CONCLUDED AT 8.12 pm

Chairman



**Item 6 (a) – Christmas Parking 2014**

The attached report was considered by the Cabinet, relevant minute extract below – **Council is being asked to agree recommendation ‘e’ only**, recommendations ‘a, b, c and d’ were resolutions of Cabinet:

Cabinet – 13 November 2014 (Minute 45)

The Chairman clarified that the report before the Cabinet was to decide what would go out for consultation with the final decision taken in February 2015. The Portfolio Holder for Economic & Community Development presented the the annual review of parking charges report which proposed car park and on-street parking charge options for 2015/16 for consultation, and included consideration of free Christmas parking for 2014. The Portfolio Holder highlighted the recommendations made by the Economic & Community Development Advisory Committee who had considered the same report.

Members discussed freezing the on street parking charges and in Sevenoaks making parking free after 8.30pm by removing the £1 charge and bringing daytime charges up to 8.30pm.

It was noted that there was also free parking being made available for the Christmas lights evening events in Westerham on 27 November and Sevenoaks on 28 November.

Public Sector Equality Duty

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

Resolved: That:

- a) the proposed car park charges for 2015/16 be as shown in Option 1-3 in Appendix B1, confirming that the 3 hour charge for the Blighs car park be increased by 30p as shown, the £1 evening charge in the Sevenoaks town centre car parks which runs up to 9.30pm be removed and daytime charges extended through until 8.30pm, and that no changes be applied to the St Johns Hill car parks or the Westerham car parks;
- b) no increases be applied to on-street parking charges for 2015/16 and that the on-street charges in Sevenoaks town centre which apply up to 9.30pm be amended to end at 8.30pm;
- c) free Christmas parking be provided in all car parks and on-street parking areas throughout the District for two Saturdays before Christmas 2014, on 6 and the 13 December 2014 as requested by the consultees; and
- d) a working group be set up to review the car parking fees at Sevenoaks St. John’s and the Membership include Cllrs. Hogarth, Miss. Stack and Miss Thornton and report this to the Portfolio Holder for Economic and Community Development to report to Cabinet.

- e) it be recommended to Council that cost in terms of lost income for free parking to be provided in all car parks and on-street parking areas throughout the district for two Saturdays before Christmas 2014 be funded from Supplementary Estimates.**

**ANNUAL REVIEW OF PARKING CHARGES FOR 2015/16 AND CHRISTMAS PARKING 2014**

**Council – 17 February 2015**

Report of Chief Officer Environmental and Operational Services

Status: Consideration and comment

Also considered by: Economic & Community Development Advisory Committee – 21 October 2014

Cabinet - 13 November 2014

Key Decision: Yes

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**Executive Summary:** This report is the annual review of parking charges. It proposes car park and on-street parking charge options for 2015/16, and includes consideration of free Christmas parking for 2014

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**This report supports the Key Aims of** the effective management of Council resources and supporting and developing the local economy

**Portfolio Holder** Cllr. R Hogarth

**Contact Officer(s)** Gary Connor x7310

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**Recommendation to Advisory Committee:** It be resolved that the following proposals be considered and that the views of this Committee be submitted to Cabinet for consideration in relation to:

- (a) the proposed car park charges for 2015/16, subject to consultation as noted in the report;
- (b) the proposed on-street parking charges for 2015/16, subject to consultation as noted in the report; and
- (c) the dates for free Christmas parking to be provided in all car parks and on-street parking areas throughout the district for two Saturdays before Christmas 2014; and the cost in terms of lost income be funded from Supplementary Estimates.

**Recommendation to Cabinet:** That the following be resolved:

- (a) the proposed car park charges for 2015/16 be confirmed, subject to consultation as noted in the report;
  - (b) the proposed on-street parking charges for 2015/16 be confirmed, subject to consultation as noted in the report; and
  - (c) the dates for free Christmas parking to be provided in all car parks and on-street
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## Agenda Item 6a

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parking areas throughout the district for two Saturdays before Christmas 2014 be confirmed; and that the cost in terms of lost income be funded from Supplementary Estimates.

**Recommendation to Council:** It be resolved that:

cost in terms of lost income for free Christmas parking to be provided in all car parks and on-street parking areas throughout the district for two Saturdays before Christmas 2014 be funded from Supplementary Estimates.

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**Reason for recommendation:** To ensure car parking charges are set to support a sustainable local economy.

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### Introduction and Background

- 1 One of the primary considerations when reviewing parking charges is to ensure the Council makes the best use of its parking spaces for the benefit of the local economy.
- 2 The Council's approach has been to ensure our parking charges are set to encourage people to visit our towns while at the same time promoting a good turnover of parking spaces for the benefit of businesses and visitors.
- 3 This has resulted in high use of the Council's car parks and on-street parking spaces, benefitting retailers. Past studies by the Local Data Company concluded that Sevenoaks town has one of the healthiest high streets in the country with the fewest number of empty shops for a town of its size. The Council's approach to setting parking charges has contributed to this success.
- 4 At the same time additional income generated from parking charges will allow the Council to cover the increased cost of providing parking, including maintenance, business rates and utility costs.
- 5 Any surplus income is invested in District Council services by contributing towards the Council's budget requirements at a time when the Council faces the biggest reductions in Government funding in its history.
- 6 The Council's 10 year budget, approved by Council in February 2014 assumes an increase in the levels of income of 3.5% to enable a balanced budget to be delivered. This includes income from parking.
- 7 This report sets out options for parking charges from April 2015 and also recommends that the Council considers repeating its free parking concession on two Saturdays before Christmas, to support local businesses

### Background Information

- 8 Car park ticket machines do not accept bronze coins, and because of the general lack of availability of 5p coins, parking tariffs are usually set to the nearest 10p. This practice is commonly adopted by local authorities. Although a tariff increase

of 10p may be relatively low in monetary terms, it can be high in percentage terms depending upon the scale of the charge, particularly in relation to lower tariffs.

- 9 For guide purposes, current car parking charges for neighbouring authorities are attached as Appendix A.
- 10 For information, in relation to parking in the vicinity of rail stations, the current day charge for the station car parks operated on behalf of Southeastern Trains is £6.70 at Sevenoaks, £6.00 at Swanley and £3.50 at Knockholt station. Annual season ticket charges at Sevenoaks are £1,212 for Car Park 4 (off Morewood Close) and £1,467 for Car Park 1 (adjacent the station).

### **CAR PARKS**

- 11 A 3.5% budget increase for 2015/16 amounts to £73,215.
- 12 As at the end of September 2014 (approximate figures given), there was a shortfall of £30,000 for total car park income against budget target. Income from pay and display charges was £43,000 below target, whilst income from season tickets was £11,000 above target.
- 13 To achieve the additional income approved by Cabinet in respect to this financial year, after 6 months we would expect income from pay and display charges to be up by £31,000 on last year. Actual income is up nearly £34,000 compared to the same period last year. This shows, therefore, that the expected additional income is being achieved for this current year. It is worth noting that this is despite the reduction in spaces brought about by the Marks & Spencer development, as mentioned below.

### **The Blighs Development**

- 14 The development to provide a new Marks & Spencer store in London Road, Sevenoaks began in June 2013. As a result, 54 short stay spaces were lost from the Blighs car park, of which 5 formed part of the main Blighs car park. In June 2014, the Pembroke Road car park with 54 long stay spaces, which had initially been reduced to 33 spaces, was also lost to the development. No adjustment has been made to the budget target for parking income for the current year to take account of the significant reductions in parking spaces.
- 15 Due to the opening of the new Marks & Spencer store on 8 October, the overall parking situation in the town centre remains somewhat unsettled.
- 16 The Marks & Spencer development included the provision of a VMS (variable message signing) system for the town centre. Electronic signs have been installed on the main approaches to the town centre which indicate the number of spaces available in the town centre car parks, thus encouraging better use of parking facilities in the town.
- 17 The small upper, surface car park associated with the development (30 spaces) will be managed and operated by the Council as part of the Blighs car park, with the same conditions and charges applying. Transfer arrangements should be in place from the time of the store opening. The undercroft car park (49 spaces) is

## Agenda Item 6a

to be privately managed and, as far as we are aware, is not directly linked, in management terms, to the M&S store.

### **Proposals for the Buckhurst 2 Car Park**

- 18 The Council has recently submitted a planning application to provide approximately 300 additional parking spaces at the Buckhurst 2 car park. The proposals for the additional spaces form part of a separate investment strategy and, therefore, do not feature as part of this review. The existing spaces, however, were not included in the financial calculations and, hence, they do need to be included in the review.
- 19 It should be noted that any recommendations in respect to parking charges for the existing parking spaces at the Buckhurst 2 car park will automatically apply to the additional spaces proposed as part of the scheme.
- 20 The business case for the new car park was assumes an annual increase of 3% for pay and display and season ticket charges to enable the costs of the scheme to be self financing. The proposals contained in this review for 2015/16 take this into account.

### **Car Park Charges**

- 21 Proposals and options for car park charges are provided and attached as Appendix B. There are two versions shown, B1 and B2, to take account of whether a change to the evening parking charge is to be recommended. B1 assumes that a change to the evening charge is not included, whereas B2 assumes that it is. A proposal for the evening charge is discussed below. All income figures quoted are net of VAT.
- 22 The proposals within each option are not exclusive to that particular option, but can be interchanged or swapped with those in other options to provide a preferred set of proposals should Members so wish. However, care should be taken to maintain charging differentials, particularly between Blighs car park and the other short stay car parks in the town centre.
- 23 Included in Appendix B, as an example and as a possible option, is the income that could be derived from a flat 10p increase to all pay and display tariffs and a £10 increase to all season tickets.
- 24 In formulating the options, an attempt has been made to avoid the areas where increases were applied as a result of the previous review for the current financial year.

### **Westerham Parking Charges**

- 25 As noted in the appendix, the performance of the parking charges introduced in Westerham this year in response to the parking policies proposed by the Westerham Town Partnership, are being discussed with the Town Partnership and the Westerham Town Council. Therefore, this section of the appendix has not been completed. It is intended to report details at the time of the meeting.

### **Evening Charge**

- 26 The £1.00 evening charge was introduced in 2004. Over the years the use of a one-off payment for the evening period has caused confusion to car park users. This continues to be the case. Members may wish to consider removing the evening charge and instead extending the daytime charges through into the evening period. If this were to be done, a cut-off of 9.00pm is recommended as there are few parking purchases after this time.

### **Car Park Options**

- 27 Option 1 in Appendix B1: mainly proposes increasing the 30 minute and 1 hour charges in Blighs, which were not included last year, and increasing the 2, 3 and 4 hour charges in the other town centre car parks to try and maintain the charging differential. As previously stated, increases for the Buckhurst 2 car park are in line with the investment strategy for the proposed scheme. In respect to Swanley, a nominal 10p increase is proposed to the long stay charges in Swanley in order to reduce the amount of coinage required.
- 28 Option 2 in Appendix B1: includes an increase to the 2 hour charge in Blighs which enables the 2 hour charge in the other town centre car parks to be removed. Otherwise, this option is much the same as option 1.
- 29 Option 3 in Appendix B1: applies increases to the longer parking periods in all the town centre car parks to encourage the turn-over of spaces and to maintain the average hourly cost for each set of charges.
- 30 Options 1, 2 & 3 in Appendix B2: the inclusion of the evening charge enables the extent of the increases to the other parking charges to be reduced.
- 31 The two day ticket in the Bradbourne car park will be automatically adjusted to twice the day ticket rate.
- 32 The cost of altering ticket machines and signing has been taken into account in the budget figures provided.
- 33 The adjustment of car park charges will require an amendment to the Council's Off-Street Parking Places Order. The process requires the Council to undertake statutory public consultation by way of Public Advertisement of the proposals. To enable any revised charges to take effect at the beginning of April 2015, the proposals would need to be advertised and any objections received reported to Cabinet for consideration.

### **ON-STREET PARKING**

- 34 A 3.5% increase for 2015/16 amounts to £19,947.

## Agenda Item 6a

- 35 As at the end of September 2014 (approximate figures given), income from on-street parking charges was £49,000 above target. The account as a whole was £30,000 in surplus.
- 36 Income from pay and display charges for the first 6 months of this year is up by £38,000 compared to the same period last year. To achieve the additional income approved by Cabinet in respect to this financial year, we would expect to be £25,000 up at this point. This indicates, therefore, that the expected additional income is being achieved for the current year.
- 37 In view of the better than expected level of income received, Members may wish to consider freezing on street parking charges for 2015/16..
- 38 Three options are provided for consideration in Appendix C. The appendix comprises two pages, C1 and C2. C1 shows all the current charges for the different parking areas within the district. However, with the parking charge structure being more or less standardised across the district, the suggested increases can be shown against each parking period as opposed to each parking area, as shown in Appendix C2. Any increase approved would automatically be applied to any area where it featured within the district.

### **Westerham On Street Parking Charges**

- 39 As noted in the appendix, the performance of the parking charges introduced in Westerham this year in response to the parking policies proposed by the Westerham Town Partnership, are being discussed with the Town Partnership and the Westerham Town Council. Therefore, this section of the appendix has not been completed, but it is intended to report details at the meeting.

### **On-Street Options**

- 40 Option 1: in view of the positive situation of the on-street parking account, this option proposes freezing the current parking charges. .
- 41 Option 2: suggests a nominal 10p increase to the 30 minute charge. This achieves a 2.0% increase in the on street parking income which, taking into consideration the performance of the parking account, may be acceptable.
- 42 Option 3: applies a 20p increase to the 2 and 4 hour charges. This is aimed at improving the turn-over of spaces. The increases achieve 2.7% in respect to the budget target. Should additional income be required to achieve 3.5%, a 10p increase on the day charge in all areas would produce £5,900 of additional income providing an overall budget increase of 3.7%.
- 43 Any changes to the on-street parking charges would require an amendment to the Traffic Regulation Order. The process requires the Council to undertake statutory public consultation by way of Public Advertisement of the proposals.

### **CHRISTMAS PARKING 2014**

- 44 In previous years, to encourage people to shop locally and to support local businesses, the Council has provided free parking in all car parks and on-street



parking areas on two Saturdays before Christmas. Members are recommended to consider repeating this free parking concession this year.

- 45 It should be noted that this would only apply to Sevenoaks and Westerham as parking charges in Swanley and in Halstead (outside Knockholt station) only apply Monday to Friday.
- 46 In connection with free Christmas parking, we understand that a request will be made by the Government's Department for Business Innovation & Skills and Department for Communities and Local Government to repeat the "UK Small Business Saturday" this December. The request is aimed at supporting small businesses and the viability of town centres. One of the suggested measures is the waiving of town centre parking charges for the day..
- 47 We are in the process of inviting the views of the Sevenoaks Chamber of Commerce, the Sevenoaks Town Council, the Westerham Town Council and the Westerham Town Partnership regarding the preferred dates for the free parking concession and the Small Business event. Any responses received will be reported at the time of the meeting.
- 48 It should be noted that the provision of free parking will enable people to park up to the maximum period of stay for the car parks should they so wish. This is likely to reduce the turnover of spaces. However, all parking areas will be enforced as normal to ensure compliance with the general conditions of use.
- 49 As for last year, all ticket machines will be closed-off with suitable signing provided to advise users that parking is free.
- 50 The parking areas operated by Sencio Community Leisure at the Sevenoaks leisure centre form part of the Suffolk Way car park. Sencio has always joined the Council in providing free parking at Christmas and will be requested to confirm its support again for this year.
- 51 It is estimated that the loss of income for all car parks and on-street areas throughout the district for each Saturday would be in the region of £9,000. Therefore, the total cost of providing free parking for two Saturdays is estimated at £18,000. It is suggested that should the free parking concession for 2014 be approved, it be funded from the Supplementary Estimates.

### **CHRISTMAS LIGHTS EVENTS 2014**

- 52 Members are advised that the provision of free parking in connection with Christmas Lights and Late Night Shopping events being held in Westerham on 27 November (free parking from 5pm) and in Sevenoaks on 28 November (free parking from 6pm) has recently been approved by the Council's Portfolio Holder for Economic and Community Development. The Council is pleased to support these annual events. It should be noted that the Sevenoaks event is also supported by Sencio Community Leisure.

### **Key Implications**

Financial

## Agenda Item 6a

- 53 The Council's 10 year budget, approved by Council in February 2014 assumes an increase in the levels of income of 3.5% to enable a balanced budget to be delivered. This includes income from parking. .
- 54 The financial implications are evident in the report and appendices.

### Legal Implications and Risk Assessment Statement.

- 55 As mentioned earlier in this report, any changes to the car park charges will necessitate an amendment to the Car Park Order and similarly, any changes to the on-street parking charges will necessitate an amendment to the Traffic Regulation Order. There are set legal processes to be followed in respect to both of these Orders.
- 56 The estimated figures are based upon current levels of patronage. The introduction of higher parking charges could lead to reduced patronage and, hence, the under-achievement of the income levels estimated in this report.

### Equality Impacts

- 57 There is a low risk that any of the options presented will have an adverse impact on people with 'protected characteristics' under the Equality Act. There are no apparent issues of direct relevance to parking charges as our car parks are open to use by anyone who chooses to do so. Free parking is generally available in roads just out from the town centres, although in some cases this might be limited to 2 hours. Free parking is offered for those with disabilities who hold a Blue Badge and this remains unaffected. Any issues will be monitored through complaints received.

### **Conclusions**

- 58 Proposals and options to review the car parking charges for 2015/16 are detailed in the appendices to this report. It is important that the proposals are considered making reference to the Parking Charges for Neighbouring Authorities.

**Appendices**                      Appendix A – Parking Charges for Neighbouring Authorities  
    Appendix B – Options for Car Park Charges  
    Appendix C – Options for On-Street Parking Charges

**Mr Richard Wilson**  
**Chief Officer Environmental and Operations Services**

**CURRENT PARKING CHARGES FOR NEIGHBOURING AUTHORITIES – AS AT OCTOBER 2014**

(Charges shown relate to town centre car parks)

	Dartford ❶	Gravesham	Maidstone ❷	Orpington (L.B. of Bromley)	Oxted (Tandridge)	Sidcup (L.B. of Bexley)	Tonbridge & Malling ❸	Tunbridge Wells ❹	Sevenoaks
<b>Charges apply:</b>	8am – 6.30pm Mon - Sat	8am - 6pm Mon - Sat	8am – 6.30pm Mon - Sun	7.30am - 6.30pm Mon - Sat	7am-5pm Mon - Frid	8am - 6pm Mon - Sun	8am - 6pm Mon - Sat	8am - 6pm Mon - Sat and 10am - 5pm On Sundays	8.30am - 6.30pm Mon - Sat
<b>Short Stay</b>									
									(Blighs in brackets)
0 - 30 minutes	--	--	50p	--		--	50p	--	-- (70p)
0 - 1 hr	£1.00	80p	90p	30p	Up to 4 hours free parking except in one car park where the charge is £4.60 for parking before 10am.	50p - 90p	£1.00	£1.00 - £1.20	£1.00 (£1.30)
1 - 2 hrs	£1.00	£1.50	£2.00	30p		£1.00 - £1.20	£1.70	£1.70 - £2.20	£1.80 (£2.70)
2 - 3 hrs	£2.00	£1.50	£2.00	--		£1.50 - £1.60	£2.30	£2.40 - £3.20	£2.50 (£4.50)
3 - 4 hrs	£2.00	£2.00	£3.00	--		£1.50 - £1.60	£3.00 - £3.50	£3.20 - £4.20	£3.50 --
Evenings	£1.00	--	£1.50	--		--	--	£1.00	£1.00
<b>Long stay</b>									
All day	£4.00	£3.00- £6.50	£6.00	n/a		£3.80 - £10.00	£5.20	£4.70 - £10.00	£4.40

- ❶ Dartford: one car park has 50p for up to 1 hour; the evening charge does not apply to all car parks  
 ❷ Maidstone: charges apply 7 days a week; a £1.50 charge applies evenings and overnight.  
 ❸ Tonbridge & Malling: the 50p charge for 30 minutes is not available in all car parks.  
 ❹ Tunbridge Wells: charges apply 7 days a week (but from 10 to 5 on Sundays).

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OPTIONS FOR CAR PARK CHARGES

CAR PARK TARIFFS - OPTIONS 1				Example		Proposed Increases			Estimated Income			
Item No.	Description	Charge Period	Current Charge	Income from 10p/£10 increase		Option 1-1	Option 1-2	Option 1-3	Option 1-1	Option 1-2	Option 1-3	
<b>1.0</b>	<b>SEVENOAKS TOWN CENTRE - Blighs</b>											
1.1	Short stay	30 minutes	70p	10p	£7,000	10p	10p		£7,000	£7,000		
1.2	" "	1 hour	£1.30	10p	£10,000	20p	20p		£20,000	£20,000		
1.3	" "	2 hours	£2.70	10p	£7,000		30p	30p		£21,000	£21,000	
1.4	" "	3 hours	£4.50	10p	£1,800			30p			£5,500	
	<b>Buckhurst 1, South Park, Suffolk Way</b>											
1.5	Short stay	1 hour	£1.00	10p	£14,000							
1.6	" "	2 hours	£1.80	10p	£8,500	20p	20p	20p	£17,000			
1.7	" "	3 hours	£2.50	10p	£3,600	30p	30p	50p	£11,000	£11,000	£18,000	
1.8	" "	4 hours	£3.50	10p	£2,300	30p	30p	50p	£7,000	£7,000	£12,000	
	<b>Buckhurst 2</b>											
1.9	Long stay	all day	£4.40	10p	£2,800	20p	20p	20p	£5,600	£5,600	£5,600	
1.10	Season tickets	year	£839	£10	£1,000	£20	£20	£20	£2,000	£2,000	£2,000	
<b>2.0</b>	<b>SEVENOAKS STATION</b>											
2.1	Long stay	all day	£6.80	10p	£2,500	20p	20p	20p	£4,000	£4,000	£4,000	
	Season tickets:											
2.2	Bradbourne	year	£1,090	£10	£1,300		£20	£20		£2,600	£2,600	
2.3	Sennocke	year	£1,130	£10	£700		£20	£20		£1,400	£1,400	
<b>3.0</b>	<b>SEVENOAKS ST JOHNS HILL</b>											
3.1	Short stay	30 minutes	20p	10p	£1,000			10p			£1,000	
3.2	" "	1 hour	40p	10p	£1,000			10p			£1,000	
3.3	" "	2 hours	60p	10p	£700			10p			£700	
3.4	" "	3-4 hours	£1.00	10p	£800			10p			£800	
3.5	Long stay	all day	£3.10	10p	£150			10p			£150	
<b>4.0</b>	<b>SWANLEY</b>											
4.1	Short stay	30 minutes	20p	10p	£300			10p			£300	
4.2	" "	1 hour	40p	10p	£300			10p			£300	
4.3	" "	2 hours	60p	10p	£300			10p			£300	
4.4	" "	3-4 hours	£1.00	10p	£800			10p			£800	
4.5	Long stay	all day	£3.90	10p	£300	10p	10p	10p	£300	£300	£300	
<b>5.0</b>	<b>WESTERHAM - Darent</b>											
5.1	Short stay	1 hour	free									
5.2	" "	2 hours	free									
5.3	" "	3 hours	free									
5.4	" "	4 hours	£1.20									
5.5	Long stay	all day	£3.10									
	<b>WESTERHAM - Quebec Avenue</b>											
5.6	Short stay	15 minutes	10p									
5.7	" "	30 minutes	20p									
5.8	" "	1 hour	50p									
5.9	" "	2 hours	70p									
5.10	" "	4 hours	£1.20									
5.11	Long stay	all day	£3.10									
	<b>WESTERHAM - Vicarage Hill</b>											
5.12	Short stay	15 minutes	10p									
5.13	" "	30 minutes	20p									
5.14	" "	1 hour	60p									
5.15	" "	2 hours	£1.50									
			<b>Total:</b>		<b>£68,150</b>				<b>Total:</b>	<b>£73,900</b>	<b>£81,900</b>	<b>£77,750</b>
			<b>Percentage:</b>		<b>3.26%</b>				<b>Percentage:</b>	<b>3.53%</b>	<b>3.92%</b>	<b>3.72%</b>

Possible options for the Westerham car parks have not been included at the time of writing this report as they are subject to discussion with the Westerham Town Partnership and the Westerham Town Council. It is intended to provide details to Members at the meeting.

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OPTIONS FOR CAR PARK CHARGES

CAR PARK TARIFFS - OPTIONS 2				Example		Proposed Increases			Estimated Income			
Item No.	Description	Charge Period	Current Charge	Income from 10p/£10 increase		Option 2-1	Option 2-2	Option 2-3	Option 2-1	Option 2-2	Option 2-3	
1.0	<b>SEVENOAKS - Evening Charge</b>											
	Short stay	evening	£1.00			Extend daytime charges to 9.00pm			£24,000	£24,000	£24,000	
	<b>Blighs</b>											
1.1	Short stay	30 minutes	70p	10p	£7,000	10p			£7,000			
1.2	" "	1 hour	£1.30	10p	£10,000	10p	20p	20p	£10,000	£20,000	£20,000	
1.3	" "	2 hours	£2.70	10p	£7,000	10p	30p	30p	£7,000	£21,000	£21,000	
1.4	" "	3 hours	£4.50	10p	£1,800							
	<b>Buckhurst 1, South Park, Suffolk Way</b>											
1.5	Short stay	1 hour	£1.00	10p	£14,000							
1.6	" "	2 hours	£1.80	10p	£8,500	20p		20p	£17,000		£17,000	
1.7	" "	3 hours	£2.50	10p	£3,600							
1.8	" "	4 hours	£3.50	10p	£2,300							
	<b>Buckhurst 2</b>											
1.9	Long stay	all day	£4.40	10p	£2,800	20p	20p	20p	£5,600	£5,600	£5,600	
1.10	Season tickets	year	£839	£10	£1,000	£20	£20	£20	£2,000	£2,000	£2,000	
2.0	<b>SEVENOAKS STATION</b>											
2.1	Long stay	all day	£6.80	10p	£2,500		20p			£4,000		
	Season tickets:											
2.2	Bradbourne	year	£1,090	£10	£1,300							
2.3	Sennocke	year	£1,130	£10	£700							
3.0	<b>SEVENOAKS ST JOHNS HILL</b>											
3.1	Short stay	30 minutes	20p	10p	£1,000							
3.2	" "	1 hour	40p	10p	£1,000							
3.3	" "	2 hours	60p	10p	£700							
3.4	" "	3-4 hours	£1.00	10p	£800							
3.5	Long stay	all day	£3.10	10p	£150							
4.0	<b>SWANLEY</b>											
4.1	Short stay	30 minutes	20p	10p	£300							
4.2	" "	1 hour	40p	10p	£300							
4.3	" "	2 hours	60p	10p	£300							
4.4	" "	3-4 hours	£1.00	10p	£800							
4.5	Long stay	all day	£3.90	10p	£300	10p	10p	10p	£300	£300	£300	
5.0	<b>WESTERHAM - Darent</b>											
5.1	Short stay	1 hour	free									
5.2	" "	2 hours	free									
5.3	" "	3 hours	free									
5.4	" "	4 hours	£1.20									
5.5	Long stay	all day	£3.10									
	<b>WESTERHAM - Quebec Avenue</b>											
5.6	Short stay	15 minutes	10p									
5.7		30 minutes	20p									
5.8	" "	1 hour	50p									
5.9	" "	2 hours	70p									
5.10	" "	4 hours	£1.20									
5.11	Long stay	all day	£3.10									
	<b>WESTERHAM - Vicarage Hill</b>											
5.12	Short stay	15 minutes	10p									
5.13	" "	30 minutes	20p									
5.14	" "	1 hour	60p									
5.15	" "	2 hours	£1.50									
			<b>Total:</b>		£68,150				<b>Total:</b>	£72,900	£76,900	£89,900
			<b>Percentage:</b>		3.26%				<b>Percentage:</b>	3.49%	3.68%	4.30%

Possible options for the Westerham car parks have not been included at the time of writing this report as they are subject to discussion with the Westerham Town Partnership and the Westerham Town Council. It is intended to provide details to Members at the meeting.

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ON-STREET PARKING TARIFFS				Proposed Increases			Estimated Income		
Item No.	Description	Charge Period	Current Charge	Option 1	Option 2	Option 3	Option 1	Option 2	Option 3
<b>6.0</b>	<b>SEVENOAKS TOWN CENTRE (High Street, London Road, South Park)</b>								
6.1	Short stay	30 minutes	20p						
6.2	" "	1 hour	60p						
6.3	" "	2 hours	£1.30						
<b>7.0</b>	<b>SEVENOAKS TOWN COMMUTER AREAS (Plymouth Drive, Holly Bush Lane)</b>								
7.1	Short stay	30 minutes	20p						
7.2	" "	1 hour	60p						
7.3	" "	2 hours	£1.30						
7.4	long stay	all day	£2.60						
<b>8.0</b>	<b>SEVENOAKS RAIL COMMUTER and COURTS AREAS (St Botolphs, Morewood Close)</b>								
8.1	Short stay	30 minutes	20p						
8.2	" "	1 hour	60p						
8.3	" "	2 hours	£1.30						
8.4	" "	4 hours	£2.40						
8.5	long stay	all day	£5.50						
<b>9.0</b>	<b>SWANLEY (Azalea Drive, Goldsel Road)</b>								
9.1	short stay	30 minutes	20p						
9.2	" "	1 hour	60p						
9.3	" "	2 hours	£1.30						
9.4	" "	4 hours	£2.40						
9.5	long stay	all day	£3.50						
<b>10.</b>	<b>KNOCKHOLT STATION</b>								
10.1	short stay	4 hours	£2.40						
10.2	long stay	all day	£3.50						
<b>11.0</b>	<b>WESTERHAM (The Green, The Grange, Market Square)</b>								
	short stay	15 minutes	10p						
11.0	" "	30 minutes	20p						
11.1	" "	1 hour	60p						
11.2	" "	2 hours	£1.50						
	<b>WESTERHAM (Croydon Road and Fullers Hill)</b>								
11.3	short stay	15 minutes	10p						
11.4	" "	30 minutes	20p						
11.5	" "	1 hour	60p						
11.6	" "	2 hours	£1.50						
11.7	" "	3 hours	£2.50						
						<b>Total:</b>	£0	£0	£0
						<b>Percentage:</b>	0.00%	0.00%	0.00%

This page shows the current parking charges for the various areas. Please see the next page Appendix C2 for the option proposals.

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ON-STREET PARKING TARIFFS			Proposed Increases			Estimated Income		
Item No.	Charge Period	Current Charge	Option 1	Option 2	Option 3	Option 1	Option 2	Option 3
<b>Standard Charges Structure (excludes Westerham)</b>								
	30 minutes	20p		10p		nil	£11,200	
	1 hour	60p				nil		
	2 hours	£1.30			20p	nil		£13,600
	4 hours	£2.40			20p	nil		£1,600
	Day	varies				nil		
			<b>Totals:</b>			<b>£0</b>	<b>£11,200</b>	<b>£15,200</b>
			<b>Percentage:</b>			<b>0.0%</b>	<b>2.0%</b>	<b>2.7%</b>
<p>Note: Possible options for the Westerham car parks have not been included at the time of writing this report as they are subject to discussion with the Westerham Town Partnership and the Westerham Town Council. It is intended to provide details at the meeting.</p>								
<b>Example: Additional Income from 10p Increases (excludes Westerham)</b>								
	Charge Period	Current Charge	10p increase	Additional income				
	30 minutes	20p	10p	£11,200				
	1 hour	60p	10p	£7,500				
	2 hours	£1.30	10p	£13,600				
	4 hours	£2.40	10p	£1,600				
	Day	varies	10p	£5,900				

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# HISTORY OF PARKING CHARGES - CAR PARKS

APPENDIX D

(Showing charges as and when increased and approximate percentage increase)

		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<b>SEVENOAKS TOWN CENTRE</b>												
Evening charges		£1.00										
Short stay	1 hr	50p <span style="color: red;">25%</span>	60p <span style="color: red;">20%</span>		70p <span style="color: red;">17%</span>		80p <span style="color: red;">14%</span>		90p <span style="color: red;">13%</span>		£1.00 <span style="color: red;">11%</span>	
all excluding	2 hrs	£1.00 <span style="color: red;">43%</span>		£1.10 <span style="color: red;">10%</span>		£1.20 <span style="color: red;">9%</span>		£1.40 <span style="color: red;">17%</span>	£1.50 <span style="color: red;">7%</span>	£1.60 <span style="color: red;">7%</span>		£1.80 <span style="color: red;">12%</span>
Blighs	3 hrs	£1.50 <span style="color: red;">7%</span>		£1.60 <span style="color: red;">7%</span>		£1.80 <span style="color: red;">13%</span>		£2.00 <span style="color: red;">11%</span>	£2.10 <span style="color: red;">5%</span>	£2.20 <span style="color: red;">5%</span>		£2.50 <span style="color: red;">14%</span>
	4 hrs			£2.10 <span style="color: red;">5%</span>		£2.50 <span style="color: red;">19%</span>		£2.70 <span style="color: red;">8%</span>	£3.00 <span style="color: red;">11%</span>	£3.20 <span style="color: red;">7%</span>		£3.50 <span style="color: red;">9%</span>
Short Stay	30 mins		40p <span style="color: red;">33%</span>		50p <span style="color: red;">25%</span>		60p <span style="color: red;">20%</span>		50p <span style="color: red;">-17%</span>		70p <span style="color: red;">40%</span>	
Blighs only (started in 2002)	1 hr	60p <span style="color: red;">20%</span>	70p <span style="color: red;">17%</span>		80p <span style="color: red;">14%</span>	90p <span style="color: red;">13%</span>		£1.00 <span style="color: red;">11%</span>		£1.10 <span style="color: red;">10%</span>	£1.30 <span style="color: red;">18%</span>	
	2 hr	£1.20 <span style="color: red;">20%</span>		£1.40 <span style="color: red;">17%</span>		£1.50 <span style="color: red;">7%</span>		£1.70 <span style="color: red;">13%</span>	£2.20 <span style="color: red;">29%</span>	£2.30 <span style="color: red;">4%</span>	£2.50 <span style="color: red;">9%</span>	£2.70 <span style="color: red;">8%</span>
	3 hr	£1.80 <span style="color: red;">20%</span>		£2.00 <span style="color: red;">11%</span>	£2.20 <span style="color: red;">10%</span>	£2.50 <span style="color: red;">14%</span>		£2.70 <span style="color: red;">8%</span>	£3.60 <span style="color: red;">33%</span>	£3.80 <span style="color: red;">5%</span>	£4.20 <span style="color: red;">11%</span>	£4.50 <span style="color: red;">7%</span>
Long stay		£3.00 <span style="color: red;">20%</span>	£3.10 <span style="color: red;">3%</span>	£3.20 <span style="color: red;">3%</span>	£3.40 <span style="color: red;">6%</span>	£3.80 <span style="color: red;">12%</span>			£4.00 <span style="color: red;">5%</span>	£4.20 <span style="color: red;">5%</span>		£4.40 <span style="color: red;">5%</span>
Seasons (yr)	Buckhurst 2	£500 <span style="color: red;">11%</span>	£515 <span style="color: red;">3%</span>	£530 <span style="color: red;">3%</span>	£560 <span style="color: red;">6%</span>	£769 <span style="color: red;">37%</span>		£779 <span style="color: red;">1%</span>	£799 <span style="color: red;">3%</span>	£819 <span style="color: red;">3%</span>		£839 <span style="color: red;">2%</span>
	South Park	£500 <span style="color: red;">11%</span>	£515 <span style="color: red;">3%</span>	£530 <span style="color: red;">3%</span>	£560 <span style="color: red;">6%</span>	£769 <span style="color: red;">37%</span>		£779 <span style="color: red;">1%</span>	£799 <span style="color: red;">3%</span>	£819 <span style="color: red;">3%</span>		£839 <span style="color: red;">2%</span>
<b>SEVENOAKS STATION</b>												
Bradbourne	After 3.00 pm			£1.50								
	Day		£4.10 <span style="color: red;">3%</span>	£4.20 <span style="color: red;">2%</span>	£4.30 <span style="color: red;">2%</span>	£4.60 <span style="color: red;">7%</span>	£5.00 <span style="color: red;">9%</span>	£5.40 <span style="color: red;">8%</span>	£5.80 <span style="color: red;">7%</span>	£6.20 <span style="color: red;">7%</span>	£6.50 <span style="color: red;">5%</span>	£6.80 <span style="color: red;">5%</span>
	Season (yr)	£650 <span style="color: red;">18%</span>	£670 <span style="color: red;">3%</span>	£760 <span style="color: red;">13%</span>	£780 <span style="color: red;">3%</span>	£910 <span style="color: red;">17%</span>	£970 <span style="color: red;">7%</span>	£990 <span style="color: red;">2%</span>	£1,020 <span style="color: red;">3%</span>	£1,050 <span style="color: red;">3%</span>	£1,060 <span style="color: red;">1%</span>	£1,090 <span style="color: red;">3%</span>
Sennocke	2 hr	£1.00										
	After 3.00 pm			£1.50								
	Day		£4.10 <span style="color: red;">3%</span>	£4.20 <span style="color: red;">2%</span>	£4.30 <span style="color: red;">2%</span>	£4.60 <span style="color: red;">7%</span>	£5.00 <span style="color: red;">9%</span>	£5.40 <span style="color: red;">8%</span>	£5.80 <span style="color: red;">7%</span>	£6.20 <span style="color: red;">7%</span>	£6.50 <span style="color: red;">5%</span>	£6.80 <span style="color: red;">5%</span>
	Season (yr)	£720 <span style="color: red;">31%</span>	£740 <span style="color: red;">3%</span>	£800 <span style="color: red;">8%</span>	£820 <span style="color: red;">3%</span>	£950 <span style="color: red;">16%</span>	£1,010 <span style="color: red;">6%</span>	£1,030 <span style="color: red;">2%</span>	£1,060 <span style="color: red;">3%</span>	£1,090 <span style="color: red;">3%</span>	£1,100 <span style="color: red;">1%</span>	£1,130 <span style="color: red;">3%</span>
<b>SEVENOAKS ST JOHNS HILL</b>												
St. Johns &	30 mins			10p					20p <span style="color: red;">100%</span>			
St. James	1 hr			20p		30p <span style="color: red;">50%</span>			40p <span style="color: red;">33%</span>			
(started in 2001)	2 hrs			30p		50p <span style="color: red;">67%</span>			60p <span style="color: red;">20%</span>			
	2 to 4 hrs	60p <span style="color: red;">20%</span>				80p <span style="color: red;">33%</span>			£1.00 <span style="color: red;">25%</span>			
	Day	£2.00 <span style="color: red;">100%</span>				£2.20 <span style="color: red;">10%</span>		£2.50 <span style="color: red;">14%</span>	£2.70 <span style="color: red;">8%</span>	£2.90 <span style="color: red;">7%</span>		£3.10 <span style="color: red;">7%</span>

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# HISTORY OF PARKING CHARGES - CAR PARKS

APPENDIX D

(Showing charges as and when increased and approximate percentage increase)

		2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
<b>WESTERHAM</b>												
Darent								30min	20p			
	Up to 2 hrs		30p <b>50%</b>		1 hr	30p n/a			40p <b>33%</b>		1 hr	free
	Day		70p <b>40%</b>		2 hrs	50p <b>67%</b>			60p <b>20%</b>		2 hrs	free
					2-4 hrs	80p <b>14%</b>			£1.00 <b>25%</b>		3 hrs	free
				£40 <b>14%</b>	Day	£1.50 <b>214%</b>		£2.00 <b>33%</b>	£2.70 <b>35%</b>	£2.90 <b>7%</b>	4 hrs	£1.20 <b>20%</b>
											Day	£3.10 <b>7%</b>
Quebec Avenue											15 mins	10p
								30min	20p			
	Up to 2 hrs		30p <b>50%</b>		1 hr	30p n/a			40p <b>33%</b>		1 hr	50p <b>25%</b>
	Day		70p <b>40%</b>		2 hrs	50p <b>67%</b>			60p <b>20%</b>		2 hrs	70p <b>17%</b>
					2-4 hrs	80p <b>14%</b>			£1.00 <b>25%</b>		2-4 hrs	£1.20 <b>20%</b>
				£40 <b>14%</b>	Day	£1.50 <b>214%</b>		£2.00 <b>33%</b>	£2.70 <b>35%</b>	£2.90 <b>7%</b>	Day	£3.10 <b>7%</b>
<b>SWANLEY</b>												
Park Road	30 mins		Free	10p					20p <b>100%</b>			
(started 2005)	1 hr		Free	20p		30p <b>50%</b>			40p <b>33%</b>			
	2 hrs		Free	30p		50p <b>67%</b>			60p <b>20%</b>			
	2 to 4 hrs		50p			80p <b>60%</b>			£1.00 <b>25%</b>			
	Residents (yr)		£40									
Bevan Place	30 mins		Free	10p					20p <b>100%</b>			
(started 2005)	1 hr		Free	20p		30p <b>50%</b>			40p <b>33%</b>			
	2 hrs		Free	30p		50p <b>67%</b>			60p <b>20%</b>			
	2 to 4 hrs		50p			80p <b>60%</b>			£1.00 <b>25%</b>			
	Day		£2.50			£ 3.00 <b>20%</b>			£3.50 <b>17%</b>	£3.70 <b>6%</b>		£3.90 <b>5%</b>
	Season (yr)		£396									
	Residents (yr)		£40									
Station Road	30 mins		Free	10p					20p <b>100%</b>			
	1 hr		Free	20p		30p <b>50%</b>			40p <b>33%</b>			
	2 hrs		Free	30p		50p <b>67%</b>			60p <b>20%</b>			
	2 to 4 hrs		50p			80p <b>60%</b>			£1.00 <b>25%</b>			
	Day	£2.50 <b>66%</b>				£ 3.00 <b>20%</b>			£3.50 <b>17%</b>	£3.70 <b>6%</b>		£3.90 <b>5%</b>

# HISTORY OF PARKING CHARGES - ON STREET

(Showing charges as and when increased and approximate percentage increase)

		2006	2008	2009	2010	2011	2012	2013	2014
<b>PAY &amp; DISPLAY</b>									
<b>Sevenoaks</b>									
Town centre shops (2004)	30 minutes							20p	100%
(High St, London Rd	1 hour	40p	33%	50p	25%	60p	20%		
South Park)	2 hours	90p	50%	£1.00	11%	£1.20	20%		£1.30 8%
		(and extended to 9.30pm)							
Town commuters (2008)	30 minutes		10p					20p	100%
(Hollybush Lane	1 hour		50p			60p	20%		
Plymouth Drive)	2 hours		£1.00			£1.20	20%		£1.30 8%
	Day		£2.00		£2.20	10%	£2.40	9%	£2.60 8%
Rail commuters (2008)	30 minutes		10p					20p	100%
(St Botolphs	1 hour		50p		60p	20%			
Morewood Close)	2 hours		£1.00		£1.20	20%			£1.30 8%
	4 hours						£2.20	(new)	£2.40 9%
	Day		£4.00	£4.50	13%	£5.00	11%	£5.30	6%
Courts area (2008)	30 minutes		10p					20p	100%
(Morewood Close)	1 hour		50p			60p	20%		
	2 hours		£1.00			£1.20	20%		£1.30 8%
	4 hours		£2.00		£2.20	10%			£2.40 9%
<b>Swanley</b>									
						30 min	10p	(new)	20p 100%
						1 hr	60p	(new)	
						2 hrs	£1.20	(new)	£1.30 8%
Rail commuters (2008)	4 hours		50p		60p	20%	4 hrs	£2.20	267%
(Azalea Drive & Goldsel Rd)	Day		£2.00	£2.50	25%	£3.00	20%	Day	£3.30 10%
<b>Knockholt Station</b>									
Rail commuters (Oct 2011)	4 hours					60p	(new)		£2.40 300%
	Day					£3.00	(new)		£3.50 17%

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# HISTORY OF PARKING CHARGES - ON STREET

(Showing charges as and when increased and approximate percentage increase)

		2006		2008		2009		2010		2011		2012		2013		2014	
<b>PAY &amp; DISPLAY</b>																	
Westerham																	
The Geen (2002)	15 minutes	10p								Gone						10p	<i>(new)</i>
Market Square (2002)	30 minutes	20p	100%							10p				20p	100%		
The Grange (2002)	1 hour	40p	33%							50p	25%					60p	20%
	2 hours	60p	20%							£1.00	67%					£1.50	50%
Croydon Road (2007)	15 minutes	10p								Gone						10p	<i>(new)</i>
Fullers Hill (2002)	30 minutes	20p	100%							10p				20p	100%		
	1 hour	40p	33%							50p	25%					60p	20%
	2 hours	60p	20%							£1.00	67%					£1.50	50%
Pagham														3 hrs		£2.50	<i>(new)</i>
<b>PERMITS &amp; WAIVERS</b>																	
Residents permits																	
	First	£40	14%	£30	-25%								£35	17%			
	Second	£40	14%	£60	50%								£70	17%			
	Third	n/a		£100				£115	15%				£125	9%			
	Fourth	n/a		£200				£230	15%				£250	9%			
Residents' visitor vouchers	Each							£1.20	20%								
Non-residents permits:																	
Sevenoaks town commuters				£380		£250	-34%	£260	4%				£270	4%			
Sevenoaks rail commuters	Inner zone			£610				£630	3%				£650	3%			
	Outer zone			£725				£745	3%				£765	3%			
Residential business permits	First	£60						£100	67%				£110	10%			
	Second	n/a						£200					£210	5%			
Waivers																	
	1 hour	n/a						£2.00									
	4 hours	n/a						£3.00									
	Day	£2.00						£6.00	200%								

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**Item 6 (b) – Calculation of Council Tax Base**

The attached report was considered by the Cabinet, relevant minute extract below:

Cabinet – 15 January 2015 (Minute 66)

The Portfolio Holder for Finance & Resources introduced a report setting out details of the District's tax base for council tax setting purposes. As part of the budget cycle the Council was required to calculate the council tax base of the district for tax setting purposes for the coming financial year and the calculation had to be approved by Cabinet and Full Council. The tax base was determined by converting all property and occupancy data to the equivalent number of band D properties and this figure was used to calculate the band D charge.

This report showed that the tax base for 2014/15 was 47,629 and the tax base for 2015/16 would be 48,209. The number of dwellings on the Valuation List had increased from 48,811 to 49,082.

A collection rate of 99.3% had been included, the same as used in 2014/15.

A new parish for Badgers Mount had been created as from 1<sup>st</sup> April 2015 and the tax base for Shoreham had been adjusted accordingly.

Members noted that the timetable leading up to setting the council tax for 2015/16 was also included in the 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**

- a) the report of the Chief Finance Officer for the calculation of the Council's tax base for the year 2015/16 be approved;
- b) pursuant to the report of the Chief Finance Officer and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the amount calculated by the Sevenoaks District Council as its council tax base for the whole area for the year 2015/16 shall be 48,209.05;
- c) pursuant to the report of the Chief Finance Officer and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the amount calculated by the Sevenoaks District Council as the council tax base for 2015/16 for the calculation of local precepts shall be:

## Agenda Item 6b

<u>Parish</u>	<u>Tax Base</u>
Ash-cum-Ridley	2,381.61
Badgers Mount	329.08
Brasted	765.50
Chevening	1,433.69
Chiddingstone	586.47
Cowden	406.93
Crockenhill	632.84
Dunton Green	901.64
Edenbridge	3,446.21
Eynsford	910.78
Farningham	610.40
Fawkham	280.52
Halstead	748.62
Hartley	2,477.44
Hever	593.81
Hextable	1,634.97
Horton Kirby & South Darent	1,255.25
Kemsing	1,798.82
Knockholt	616.16
Leigh	809.10
Otford	1,664.07

Penshurst	823.30
Riverhead	1,218.41
Seal	1,165.48
Sevenoaks Town	9,055.46
Sevenoaks Weald	609.80
Shoreham	661.34
Sundridge	910.48
Swanley	5,255.55
Westerham	1,952.44
West Kingsdown	2,272.88

- d) any expenses incurred by the Council in performing in part of its area a function performed elsewhere in its area by a parish or community council or the chairman of a parish meeting shall not be treated as special expenses for the purposes of section 35 of the Local Government Finance Act 1992.

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**CALCULATION OF COUNCIL TAX BASE AND OTHER TAX SETTING ISSUES**

**Council 17 February 2015**

Report of the: Chief Finance Officer  
 Status: For Decision  
 Also considered by: Cabinet – 15 January 2015  
 Key Decision: No

**Executive Summary:**

This report sets out details of the calculation of the District’s tax base for council tax setting purposes. These figures are used to determine tax rates for each of the council tax bands once the Council’s budget requirement is known. The report also advises Members of the timetable for setting the 2015/16 council tax.

**This report supports the Key Aim of efficient management of the Council’s resources.**

**Portfolio Holder** Cllr. Ramsay  
**Contact Officer** Roy Parsons, Principal Accountant – Ext 7204

**Recommendation to Cabinet:** That it be recommended to Council that:

- (a) the report of the Chief Finance Officer for the calculation of the Council’s tax base for the year 2015/16 be approved;
- (b) pursuant to the report of the Chief Finance Officer and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the amount calculated by the Sevenoaks District Council as its council tax base for the whole area for the year 2015/16 shall be 48,209.05;
- (c) pursuant to the report of the Chief Finance Officer and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the amount calculated by the Sevenoaks District Council as the council tax base for 2015/16 for the calculation of local precepts shall be:

<u>Parish</u>	<u>Tax Base</u>
Ash-cum-Ridley	2,381.61
Badgers Mount	329.08
Brasted	765.50

## Agenda Item 6b

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Chevening	1,433.69
Chiddingstone	586.47
Cowden	406.93
Crockenhill	632.84
Dunton Green	901.64
Edenbridge	3,446.21
Eynsford	910.78
Farningham	610.40
Fawkham	280.52
Halstead	748.62
Hartley	2,477.44
Hever	593.81
Hextable	1,634.97
Horton Kirby & South Darent	1,255.25
Kemsing	1,798.82
Knockholt	616.16
Leigh	809.10
Otford	1,664.07
Penshurst	823.30
Riverhead	1,218.41
Seal	1,165.48
Sevenoaks Town	9,055.46
Sevenoaks Weald	609.80
Shoreham	661.34
Sundridge	910.48
Swanley	5,255.55
Westerham	1,952.44
West Kingsdown	2,272.88

- (d) any expenses incurred by the Council in performing in part of its area a function performed elsewhere in its area by a parish or community council or the chairman of a parish meeting shall not be treated as special expenses for the purposes of section 35 of the Local Government Finance Act 1992.

**Recommendation to Council:** That the various calculations detailed above be approved.

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**Reason for recommendations:** As part of the tax setting process for 2015/16, the

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Council needs to formally approve the tax base at individual town and parish level as well as for the District as a whole.

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### **Introduction**

- 1 The Local Authorities (Calculation of Council Tax Base) Regulations 1992, made under powers of the Local Government Finance Act 1992, specify formulae for calculating the council tax base which must be set between 1 December and 31 January.
- 2 The council tax base is a measure of the number of dwellings to which council tax is chargeable in an area or part of an area. It is used for the purposes of calculating a billing authority's and other precepting authorities' band D council tax.
- 3 Under the regulations, the council tax base is the aggregate of the relevant amounts calculated for each valuation band multiplied by the Council's estimated collection rate for the year.
- 4 The Council is required to calculate a tax base figure for the Department for Communities & Local Government (DCLG). This is based on the valuation list as at 8 September 2014 and occupancy information at 6 October 2014. The tax base for tax setting purposes is based on information available in December 2014. In addition, other factors may be taken into account to reflect likely changes to the tax base during 2015/16. These factors include:-
  - An allowance for changes in the amount of disabled relief
  - An allowance for changes in the number of exempt properties
  - An estimate of the number of new properties liable to council tax
  - An estimate of the number of properties ceasing to be liable to council tax
  - An allowance for changes in the number of single person discounts
  - An allowance for the effect of appeals by taxpayers on the banding of their properties
- 5 It has always been the practice to assume that these items will be self-balancing and hence no adjustment to the overall tax base was made other than the usual allowance for non-collection. Over the last few years the tax base has been rising due to new properties being built. However, the rate of increase is not significant enough to warrant a change from the self-balancing assumption.

### **Detailed Tax Base Calculations**

- 6 The current year's tax base calculation assumes a 99.3% collection rate, which also allows for some movement in the items mentioned in Paragraph 4. The impact of the current economic downturn on the future collection rate has been assessed along with the likely effect of the changes to council tax support and it is considered prudent to maintain the assumed collection rate at 99.3% for 2015/16.

## Agenda Item 6b

- 7 The second column of the table below sets out the number of band D equivalents based on the valuation list and occupancy information at 1 December 2014 for each parish, together with a summary for the District. The figures are then subjected to the collection rate adjustment in column 3 to arrive at the tax base for council tax setting purposes appearing in column 4. The corresponding figures for 2014/15 appear in column 5.
- 8 A separate parish for Badgers Mount will be created with effect from 1 April 2015. There is a consequent reduction in the tax base for Shoreham.

<b>(1)</b> <b><u>Parish</u></b>	<b>(2)</b> <b><u>Band D</u></b> <b><u>Equivalents</u></b>	<b>(3)</b> <b><u>Collection</u></b> <b><u>Rate</u></b> <b><u>Multipliers</u></b>	<b>(4)</b> <b><u>Tax base</u></b> <b><u>2015/16</u></b>	<b>(5)</b> <b><u>Tax base</u></b> <b><u>2014/15</u></b>
Ash-cum-Ridley	2,398.40	0.993	2,381.61	2,379.72
Badgers Mount	331.40	0.993	329.08	0.00
Brasted	770.90	0.993	765.50	741.77
Chevening	1,443.80	0.993	1,433.69	1,433.20
Chiddingstone	590.60	0.993	586.47	577.53
Cowden	409.80	0.993	406.93	409.91
Crockenhill	637.30	0.993	632.84	625.29
Dunton Green	908.00	0.993	901.64	855.57
Edenbridge	3,470.50	0.993	3,446.21	3,383.75
Eynsford	917.20	0.993	910.78	899.56
Farningham	614.70	0.993	610.40	600.77
Fawkham	282.50	0.993	280.52	276.45
Halstead	753.90	0.993	748.62	743.16
Hartley	2,494.90	0.993	2,477.44	2,455.79
Hever	598.00	0.993	593.81	588.95
Hextable	1,646.50	0.993	1,634.97	1,621.77
Horton Kirby & South Darenth	1,264.10	0.993	1,255.25	1,253.76
Kemsing	1,811.50	0.993	1,798.82	1,791.17
Knockholt	620.50	0.993	616.16	610.99
Leigh	814.80	0.993	809.10	781.09
Otford	1,675.80	0.993	1,664.07	1,663.77
Penshurst	829.10	0.993	823.30	810.88
Riverhead	1,227.00	0.993	1,218.41	1,204.11
Seal	1,173.70	0.993	1,165.48	1,167.07



Sevenoaks Town	9,119.30	0.993	9,055.46	8,926.87
Sevenoaks Weald	614.10	0.993	609.80	606.62
Shoreham	666.00	0.993	661.34	976.02
Sundridge	916.90	0.993	910.48	901.54
Swanley	5,292.60	0.993	5,255.55	5,165.78
Westerham	1,966.20	0.993	1,952.44	1,932.18
West Kingsdown	2,288.90	0.993	2,272.88	2,243.98
<b>TOTALS</b>	<b>48,548.90</b>		<b>48,209.05</b>	<b>47,629.02</b>

- 9 The Council has previously resolved that its expenses are to be treated as general expenses. In addition the Council has formally to approve what are to be regarded as special expenses now that parish precepts are treated as part of the District Council's general fund and therefore its budget requirement.

### Timetable for Setting the Tax

- 10 The County Council and Fire and Rescue Service have advised me of their budget meeting dates for 2015/16. Confirmation of the Police & Crime Commissioner's budget meeting date is awaited:

County Council	12 February 2015
Police & Crime Commissioner	Expected by 9 February 2015
Fire and Rescue Service	12 February 2015

- 11 The council tax for the Sevenoaks area cannot be set before the Fire, Police or County precepts have been ratified. There are several dates laid down in regulations on, or by which, certain tasks in relation to the budget process and tax setting have to be carried out. These key dates appear in the Appendix.
- 12 As part of the tax setting process, the Council is required to make an estimate of the collection fund surplus or deficit at 15 January 2015 or the first working day after this, for the year ending 31 March 2015.
- 13 The amount of any surplus or deficit which a billing authority estimates in its collection fund will not remain in the collection fund but will be shared and taken into account by both billing and major precepting authorities in calculating their basic amounts of council tax for 2015/16.
- 14 In estimating any surplus or deficit, items relating to community charge will not be taken into account. These are to remain with the billing authority and will be taken into account by it in calculating its basic amount of council tax for the year.
- 15 An authority's share of any surplus or deficit relating to council tax is to be in the same proportion as its demand bears to the total demand and precepts on the collection fund for 2014/15. Payment is to be made during 2015/16 on the same dates as precept payments.

### Key Implications

## Agenda Item 6b

### Financial

16 There are no financial implications.

### Community Impact and Outcomes

17 There are no community impacts arising from this report.

### Legal Implications and Risk Assessment Statement

18 Calculation of the tax base for the District is a statutory requirement. The information is used by other authorities in setting their precepts. The actual tax base will vary during the year as new properties are built and exemptions and discounts are granted or withdrawn. Any difference in the revenue raised to that needed to pay precepts remains in the collection fund to be distributed to or collected from major precepting authorities in the following year.

### Equality Assessment

19 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

20 Members are asked to approve the calculation of the District's tax base for council tax setting purposes and to note the timetable for setting the 2015/16 council tax.

### **Appendices:**

Appendix A – Key dates in the council tax setting process

### **Background Papers:**

None

**Adrian Rowbotham**  
**Chief Finance Officer**

**APPENDIX A**

**KEY DATES IN THE COUNCIL TAX SETTING PROCESS**

- |       |   |  |
|-------|---|--|
| i)    | By 17 October 2014                          | Notify tax base for grant settlement purposes to Department for Communities & Local Government (DCLG)  |
| ii)   | During December 2014                        | DCLG notifies schedule of payment dates for Revenue Support Grant (RSG) and Non-Domestic Rates (NDR). DCLG notifies the NDR multiplier (rate in £) for 2015/16 |
| iii)  | By 31 December 2014                         | Issue proposed schedule of payment dates to precepting authorities   |
| iv)   | By 31 January 2015                          | Agree actual schedule of precept payment dates   |
| v)    | Between 1 December 2014 and 31 January 2015 | Notify tax base for tax setting purposes to KCC, Fire & Rescue Service and Police & Crime Commissioner   |
| vi)   | On 15 January 2015                          | Estimate collection fund surplus or deficit for year and calculate the amount to be shared between SDC, KCC, Fire and Police (where applicable)                |
| vii)  | By 22 January 2015                          | Notify KCC, Fire and Police of their shares of the surplus or deficit and when amounts are to be paid or transferred during 2015/16 (where applicable)         |
| viii) | During January and February 2015            | Notify Town/Parish Councils of tax bases for their areas within 10 days of them making such a request  |
| ix)   | During February 2015                        | DCLG notifies entitlements and payment dates of Formula Spending Share (FSS), RSG and NDR  |
| x)    | By 1 March 2015                             | KCC, Fire & Rescue Service, Police & Crime Commissioner and Town/Parish Councils issue their precepts  |
| xi)   | By 11 March 2015                            | District sets council tax for 2015/16, taking account of its own budget requirement and those of the precepting authorities                                    |

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**Item 6 (c) – Treasury Management Strategy**

The attached report was considered by the Cabinet on 5 February 2015, the relevant minute extract was not available before the printing of this agenda and will follow.

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**TREASURY MANAGEMENT STRATEGY 2015/16**

**Council – 17 February 2015**

Report of the: Chief Finance Officer

Status: For Consideration

Also considered by: Finance and Resources Advisory Committee – 20 January 2015  
Cabinet – 5 February 2015

Key Decision: No

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**Executive Summary:** The Local Government Act 2003 (the Act) and supporting regulations requires the Council to ‘have regard to’ the Prudential Code and to set Prudential Indicators for the next three years to ensure that the Council’s capital investment plans are affordable, prudent and sustainable.

The Act therefore requires the Council to set out its treasury strategy for borrowing and to prepare an Annual Investment Strategy (as required by investment guidance issued subsequent to the Act). This sets out the Council’s policies for managing its investments and for giving priority to the security and liquidity of those investments.

Members’ particular attention is drawn to paragraph 61 of the report, which discusses an investment option in the current strategy not at present being utilised.

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**This report supports the Key Aim of** Effective Management of Council Resources.

**Portfolio Holder** Cllr. Ramsay

**Contact Officer** Roy Parsons, Principal Accountant - Ext 7204

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**Recommendations to Finance and Resources Advisory Committee:**

- a) That consideration is given to utilising Enhanced Money Market Funds as an investment option; and
- b) That the Treasury Management Strategy for 2015/16 be approved.

**Recommendation to Cabinet:** That, subject to the views of the Finance and Resources Advisory Committee, Cabinet recommends Council to approve the Treasury Management Strategy for 2015/16.

**Recommendation to Council:** That the Treasury Management Strategy for 2015/16 be approved.

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**Reason for recommendations:** To ensure that an appropriate and effective annual Treasury Management Strategy is drawn up in advance of the forthcoming financial year, which meets both legislative and best practice requirements.

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### Background

- 1 The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Surplus monies are invested in low risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.
- 2 The second main function of the treasury management service is the funding of the Council's capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses. On occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

- 3 The Chartered Institute of Public Finance and Accountancy (CIPFA) defines treasury management as:

*“The management of the local authority's investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”*

### Introduction

#### Reporting requirements

- 4 The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals. These reports are required to be adequately scrutinised before being recommended to the Council. This role is undertaken by the Finance and Resources Advisory Committee.
- 5 Prudential and Treasury Indicators and Treasury Strategy (This report) - The first, and most important report covers:
  - the capital plans (including prudential indicators);
  - a Minimum Revenue Provision (MRP) Policy (how residual capital expenditure is charged to revenue over time);
  - the Treasury Management Strategy (how the investments and borrowings are to be organised) including treasury indicators; and



- an investment strategy (the parameters on how investments are to be managed).
- 6 A Mid Year Treasury Management Report – This will update members with the progress of the capital position, amending prudential indicators as necessary, and whether any policies require revision.
- 7 An Annual Treasury Report – This provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

### Treasury Management Strategy for 2015/16

- 8 The strategy for 2015/16 covers two main areas:

#### *Capital Issues*

- the capital plans and the prudential indicators;
- the minimum revenue provision (MRP) strategy.

#### *Treasury management Issues*

- the current treasury position;
  - treasury indicators which will limit the treasury risk and activities of the Council;
  - prospects for interest rates;
  - the borrowing strategy;
  - the investment strategy;
  - creditworthiness policy; and
  - policy on the use of external service providers.
- 9 These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the Department of Communities and Local Government (CLG) MRP Guidance, the CIPFA Treasury Management Code and the CLG Investment Guidance.

### Training

- 10 The CIPFA Code requires the responsible officer to ensure that Members with responsibility for treasury management receive adequate training in treasury management. This especially applies to members responsible for scrutiny. Training was last undertaken in 2010 and further training will be arranged as required.
- 11 The training needs of treasury management officers are reviewed periodically.

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### Treasury management consultants

- 12 The Council uses Capita Asset Services, Treasury Solutions as its external treasury management advisors.
- 13 The Council recognises that responsibility for treasury management decisions remains with the organisation at all times and will ensure that undue reliance is not placed upon our external service providers.
- 14 It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and subjected to review.

### **Capital Issues**

#### **The Capital Prudential Indicators 2015/16 – 2017/18**

- 15 The Council's capital expenditure plans are the key driver of treasury management activity. The output of the capital expenditure plans is reflected in prudential indicators, which are designed to assist Members' overview and confirm capital expenditure plans.

### Capital Expenditure

- 16 This prudential indicator is a summary of the Council's capital expenditure plans, both those agreed previously, and those forming part of this budget cycle. Members are asked to approve the capital expenditure forecasts:

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Capital Expenditure	2,114	1,207	10,266	1,048	1,035

- 17 Other long term liabilities. The above financing need excludes other long term liabilities, such as PFI and leasing arrangements which already include borrowing instruments.
- 18 The table below summarises the above capital expenditure plans and how these plans are being financed by capital or revenue resources. Any shortfall of resources results in a funding need (borrowing).

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>

Capital Expenditure	2,114	1,207	10,266	1,048	1,035
<b>Financed by:</b>					
Capital receipts	0	201	234	0	0
Capital grants	1,290	410	477	477	477
Capital reserves	185	107	5,057	57	57
Revenue	639	489	498	514	501
<b>Net financing need for the year</b>	<b>0</b>	<b>0</b>	<b>4,000</b>	<b>0</b>	<b>0</b>

The Council's Borrowing Need (the Capital Financing Requirement)

- 19 The second prudential indicator is the Council's Capital Financing Requirement (CFR). The CFR is simply the total historic outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of the Council's underlying borrowing need. Any capital expenditure above, which has not immediately been paid for, will increase the CFR.
- 20 The CFR does not increase indefinitely, as the minimum revenue position (MRP) is a statutory annual revenue charge which broadly reduces the borrowing need in line with each asset's life.
- 21 The CFR includes any other long term liabilities (e.g. finance leases). Whilst these increase the CFR, and therefore the Council's borrowing requirement, these types of scheme include a borrowing facility and so the Council is not required to separately borrow for these schemes. The Council currently has £0.1m of such schemes within the CFR.
- 22 The Council is asked to approve the CFR projections below:

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
<b>Capital Financing Requirement</b>					
Total CFR	143	122	4,101	3,880	3,659
Movement in CFR	-21	-21	3,979	-221	-221

<b>Movement in CFR represented by:</b>					
Net financing need for the year (above)			4,000		
Less MRP/VRP and other financing movements	-21	-21	-21	-221	-221
<b>Movement in CFR</b>	<b>-21</b>	<b>-21</b>	<b>3,979</b>	<b>-221</b>	<b>-221</b>

Note:- The MRP / VRP includes finance lease annual principal payments

Minimum Revenue Provision (MRP) Policy Statement

- 23 The Council is required to pay off an element of the accumulated General Fund capital spend each year (the CFR) through a revenue charge (the minimum revenue provision - MRP), although it is also allowed to undertake additional voluntary payments if required (voluntary revenue provision - VRP).
- 24 CLG Regulations have been issued which require the full Council to approve an MRP Statement in advance of each year. A variety of options are provided to councils, so long as there is a prudent provision. The Council is recommended to approve the following MRP Statement:
- 25 For capital expenditure incurred before 1 April 2008 or which in the future will be Supported Capital Expenditure, the MRP policy will be based on CFR.
- 26 These options provide for an approximate 4% reduction in the borrowing need (CFR) each year.
- 27 From 1 April 2008 for all unsupported borrowing (including PFI and finance leases), the MRP policy will be the Depreciation method – MRP will follow standard depreciation accounting procedures. This provides for a reduction in the borrowing need over approximately the asset’s life. Repayments included in annual PFI or finance leases are applied as MRP.

Core Funds and Expected Investment Balances

- 28 The application of resources (capital receipts, reserves etc.) to either finance capital expenditure or other budget decisions to support the revenue budget will have an on-going impact on investments unless resources are supplemented each year from new sources (asset sales etc.). Detailed below are estimates of the year end balances for each resource and anticipated day to day cash flow balances.

<b>Year End Resources</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Fund balances / reserves	23,350	22,019	21,674	22,066	20,367
Capital receipts	4,568	7,233	7,255	7,255	7,255
Provisions	409	409	409	409	409
Other	0	0	0	0	0
<b>Total core funds</b>	<b>28,327</b>	<b>29,661</b>	<b>29,338</b>	<b>29,730</b>	<b>28,031</b>
Working capital*	4,979	1,032	1,061	1,090	1,119
Under/over borrowing	0	0	0	0	0
<b>Expected investments</b>	<b>33,306</b>	<b>30,693</b>	<b>30,399</b>	<b>30,820</b>	<b>29,150</b>

\*Working capital balances shown are estimated year end; these may be higher mid year

Affordability Prudential Indicators

29 The previous sections cover the overall capital and control of borrowing prudential indicators, but within this framework prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans on the Council’s overall finances. The Council is asked to approve the following indicators:

Ratio of Financing Costs to Net Revenue Stream

30 This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs, net of investment income) against the net revenue stream.

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	-3.00%	-2.00%	-2.00%	-3.00%	-4.00%

The estimates of financing costs include current commitments and the proposals in the budget report.

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### Incremental Impact of Capital Investment Decisions on Council Tax.

- 31 This indicator identifies the revenue costs associated with proposed changes to the three year capital programme recommended in this budget report compared to the Council's existing approved commitments and current plans. The assumptions are based on the budget, but will invariably include some estimates, such as the level of Government support, which are not published over a three year period.

	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Actual</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
<b>Council tax band D</b>	-£0.01	£0.00	£0.04	-£0.03	-£0.04

### **Treasury Management Issues**

- 32 The capital expenditure plans set out above provide details of the service activity of the Council. The treasury management function ensures that the Council's cash is organised in accordance with the the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities. The strategy covers the relevant treasury / prudential indicators, the current and projected debt positions and the annual investment strategy.

### Current Portfolio Position

- 33 The Council's treasury portfolio position at 31 December 2014 appears in Appendix A.

### Borrowing

- 34 The above mentioned portfolio position shows that, at present, this authority does not borrow. This has been the position for a number of years. However, this may change in future and hence the strategy needs to deal with such a situation, should it arise.
- 35 Within the prudential indicators there are a number of key indicators to ensure that the Council operates its activities within well defined limits. One of these is that the Council needs to ensure that its gross debt does not, except in the short term, exceed the total of the CFR in the preceding year plus the estimates of any additional CFR for 2015/16 and the following two financial years. This allows for some flexibility for limited early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes.

Treasury Indicators: Limits to Borrowing Activity

The Operational Boundary

36 This is the limit beyond which external debt is not normally expected to exceed. In most cases, this would be a similar figure to the CFR, but may be lower or higher depending on the levels of actual debt.

<b>Operational boundary</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Debt	5,000	5,000	5,000	5,000
Other long term liabilities	0	0	0	0
<b>Total</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>

The Authorised Limit for external debt

37 A further key prudential indicator represents a control on the maximum level of borrowing. This represents a limit beyond which external debt is prohibited, and this limit needs to be set or revised by the full Council. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

38 This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The Government retains an option to control either the total of all councils' plans, or those of a specific council, although this power has not yet been exercised.

39 The Council is asked to approve the following Authorised Limit:

<b>Authorised limit</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>	<b>Estimate</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Debt	5,000	5,000	5,000	5,000
Other long term liabilities	0	0	0	0
<b>Total</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>	<b>5,000</b>

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### Prospects for Interest Rates

- 40 The Council has appointed Capita Asset Services as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. Appendix B draws together a number of current City forecasts for short term and longer fixed interest rates. Appendix C contains Capita Asset Services' latest economic background report.

### Borrowing Strategy

- 41 At present, there are no capital borrowings. However, should this change during 2015/16, the Council would look to maintain an under-borrowed position. This means that the capital borrowing need (the Capital Financing Requirement or "CFR") has not been fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow has been used as a temporary measure. This strategy is considered a prudent one as investment returns are low and counterparty risk is relatively high.

### Treasury Management Limits on Activity

- 42 There are three debt related treasury activity limits. The purpose of these are to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of any adverse movement in interest rates. However, if these are set to be too restrictive, they will impair the opportunities to reduce costs and/or improve performance. The indicators are:
- a. Upper limits on variable interest rate exposure. This identifies a maximum limit for variable interest rates based upon the debt position, net of investments.
  - b. Upper limits on fixed interest rate exposure. This is similar to the previous indicator and covers a maximum limit on fixed interest rates.
  - c. Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing, and are required for upper and lower limits.
- 43 The council is asked to approve the following treasury indicators and limits:

<b>Interest rate exposures</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>%</b>	<b>%</b>	<b>%</b>
Upper limit for variable interest rate exposure	50%	50%	50%
Upper limit for fixed interest rate exposure	100%	100%	100%



<b>Maturity structure for borrowings:</b>			
Upper limit for under 12 months	100%	100%	100%
Lower limit for under 12 months	0%	0%	0%
Upper limit for over 12 months	100%	100%	100%
Lower limit for over 12 months	0%	0%	0%

Policy on borrowing in advance of need

- 44 The Council will not borrow more than or in advance of its needs purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.
- 45 Risks associated with any borrowing in advance activity will be subject to prior appraisal and subsequent reporting through the mid-year or annual reporting mechanism.

Municipal Bonds Agency

- 46 It is likely that the Municipal Bonds Agency, currently in the process of being set up, will be offering loans to local authorities in the near future. It is also hoped that the borrowing rates will be lower than those offered by the Public Works Loan Board (PWLb). If the Council does borrow in the future it intends to make use of this new source of funding as and when appropriate.

**Annual Investment Strategy**

Investment Policy

- 47 The Council’s investment policy has regard to the Department of Communities and Local Government (CLG) Guidance on Local Government Investments (“the Guidance”) and the 2011 revised CIPFA Treasury Management in Public Services Code of Practice and Cross Sectoral Guidance Notes (“the CIPFA TM Code”). The Council’s investment priorities will be security first, liquidity second, then return.
- 48 In accordance with the above guidance, and in order to minimise the risk to investments, the Council applies minimum acceptable credit criteria in order to generate a list of highly creditworthy counterparties which also enables diversification and thus avoidance of concentration risk.
- 49 Continuing regulatory changes in the banking sector are designed to see greater stability, lower risk and the removal of expectations of Government financial support should an institution fail. This withdrawal of implied sovereign support is

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anticipated to have an effect on ratings applied to institutions. This will result in the key ratings used to monitor counterparties being the Short Term and Long Term ratings only. Viability, Financial Strength and Support Ratings previously applied will effectively become redundant. This change does not reflect deterioration in the credit environment but rather a change of method in response to regulatory changes.

- 50 As with previous practice, ratings will not be the sole determinant of the quality of an institution and that it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as “credit default swaps” and overlay that information on top of the credit ratings.
- 51 Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.
- 52 Investment instruments identified for use in the financial year are listed in Appendix D under the ‘Specified’ and ‘Non-Specified’ Investments categories. Counterparty limits will be as set below.

### Creditworthiness Policy

- 53 This Council applies the creditworthiness service provided by Capita Asset Services. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moodys and Standard and Poors. The credit ratings of counterparties are supplemented with the following overlays:
- credit watches and credit outlooks from credit rating agencies;
  - CDS spreads to give early warning of likely changes in credit ratings;
  - sovereign ratings to select counterparties from only the most creditworthy countries.
- 54 This modelling approach combines credit ratings, credit watches and credit outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the duration for investments. The Council will therefore use counterparties within the following durational bands:
- Purple 2 years
  - Blue 1 year (only applies to nationalised or semi nationalised UK Banks)
  - Orange 1 year
  - Red 6 months

- Green 100 days
  - No Colour as individually specified in the Strategy
- 55 The Capita Asset Services creditworthiness service uses a wider array of information than just primary ratings and by using a risk weighted scoring system, does not give undue preponderance to just one agency's ratings.
- 56 Typically the minimum credit ratings criteria the Council use will be a short term rating (Fitch or equivalents) of short term rating F1 and a long term rating A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.
- 57 All credit ratings will be monitored regularly. The Council is alerted to changes to ratings of all three agencies through its use of the Capita Asset Services creditworthiness service.
- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
  - in addition to the use of credit ratings the Council will be advised of information in movements in Credit Default Swap against the iTraxx benchmark and other market data on a weekly basis. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.
- 58 Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on government support for banks and the credit ratings of that supporting government.

### Country limits

- 59 The Council has determined that it will only use approved counterparties from countries that have a minimum sovereign credit rating of AA- from Fitch and where those countries have been approved by the Finance and Resources Advisory Committee. The list of countries that qualify using this credit criteria as at the date of this report are shown in Appendix E. This list will be added to, or deducted from, by officers should ratings change in accordance with this policy.

### Other Creditworthiness Issues

- 60 The Council's current investment policy further limits the one proposed by Capita Asset Services as follows:-
- a. Maximum investment period of two years.
  - b. Investments in any single institution or institutions within a group of companies are limited to 25% of the total fund, at the time the investment is

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placed, except for Lloyds Banking Group plc and Royal Bank of Scotland Group plc where the limit is 30%.

- c. Total investments in any one foreign country are limited to 15% of the total fund, but UK-based institutions to be used as first preference. The only country, other than the UK, approved for investment is Sweden.
  - d. Investments are limited to £6m per counterparty excluding call accounts and £7m including call accounts except for Lloyds Banking Group plc and Royal Bank of Scotland Group plc, where the limits are £10m for each with no distinction between fixed deposits and call accounts.
  - e. If the Council's own banker, Barclays, falls below Capita Asset Services' minimum credit rating requirements, it will nevertheless continue to be used, although balances will be minimised in both monetary size and duration.
  - f. Building Societies with assets in excess of £9bn are included in the lending list with a maximum investment limit of £2m each and a maximum duration of 100 days. If a Building Society meets Capita Asset Services' minimum credit rating requirements, the investment limit is increased to £5m with a maximum investment duration of two years.
  - g. Investments in Money Market Funds (MMFs) and Enhanced Money Market Funds (EMMFs) are limited to a combined maximum of £5m per provider.
- 61 No changes are proposed for 2015/16. EMMFs were not utilised in 2014/15 as some Members expressed concern that they carried more risk. EMMFs differ from MMFs because there tends to be a greater proportion of longer dated investments within the fund making returns more volatile. It is recommended that an investment in an EMMF is held for a minimum of 3 to 6 months so that returns are smoothed out. It is true to say that they do not have a constant net annual value (NAV) as is the case with MMFs. This means that there is a risk that the value may fall below par. However, this has not yet happened to any EMMF and their use is widespread within local authorities.

### Investment Strategy

- 62 Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).
- 63 Bank Rate is forecast to remain unchanged at 0.5% before starting to rise from quarter 2 of 2015. Bank Rate forecasts for financial year ends (March) are:
- 2015/16 1.00%
  - 2016/17 1.50%
  - 2017/18 2.50%
- 64 There are downside risks to these forecasts (i.e. start of increases in Bank Rate occurs later) if economic growth weakens. However, should the pace of growth quicken, there could be an upside risk.

65 The suggested budgeted investment earnings rates for returns on investments placed for periods up to 100 days during each financial year for the next eight years are as follows:

- 2015/16 0.90%
- 2016/17 1.50%
- 2017/18 2.00%
- 2018/19 2.50%
- 2019/20 3.00%
- 2020/21 3.00%
- 2021/22 3.25%
- 2022/23 3.25%
- Later years 3.50%

66 The Council is asked to approve the following treasury indicator limit. These limits are set with regard to the Council's liquidity requirements and to reduce the need for an early sale of an investment. They are based on the availability of funds after each year-end.

<b>Maximum principal sums invested &gt; 364 days</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Principal sums invested > 364 days	10,000	10,000	10,000

67 For its cash flow generated balances, the Council will seek to utilise its business reserve instant access and notice accounts, money market funds and short-dated deposits (overnight to 100 days) in order to benefit from the compounding of interest.

Icelandic Bank Investment

68 The Council had an investment of £1m frozen in Landsbanki Islands hf (later renamed as LBI). The investment was placed on 25 June 2007 at 6.32%, to mature on 25 June 2009.

69 The Council has sold its claim against the insolvent estate of LBI. The claim was sold through a sales process brokered by Deutsche Bank. The price at which the claim was sold was based on a reserve price set by the Council on the basis of legal advice received from Bevan Brittan, Solicitors and financial advice procured by the Local Government Association. The proceeds of the sale were paid in cash in Pounds Sterling. The sale means that the Council has recovered 95.9% of the amount that was originally deposited with LBI in 2007. The Council is now no longer a creditor of LBI.

70 After taking into account interest received prior to the insolvency, the full amount of the original investment has now been recovered.

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- 71 In addition, a small repayment in Icelandic Krona remains in an escrow account in Iceland awaiting the lifting of capital controls before it can be repatriated. The GBP equivalent is approximately £7,000. It is attracting interest at a rate of around 3% or 4%.

### End of Year Investment Report

- 72 At the end of the financial year, the Council will receive a report on its investment activity as part of the Annual Treasury Report.

### Scheme of delegation

- 73 The guidance notes accompanying the revised Code also require that a statement of the Council's scheme of delegation in relation to treasury management is produced as part of the Annual Investment Strategy. This appears at Appendix F.

### Role of the Section 151 officer

- 74 As with the scheme of delegation mentioned in the previous paragraph, a statement of the role of the Section 151 officer is also required. This appears at Appendix G.

## **Key Implications**

### Financial

- 75 The management of the Council's investment portfolio and cash-flow generated balances plays an important part in the financial planning of the authority. The security of its capital and liquidity of its investments is of paramount importance.

### Legal Implications and Risk Assessment Statement

- 76 Under Section 151 of the Local Government Act 1972, the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority, including securing effective arrangements for treasury management.
- 77 This annual investment strategy report fulfils the requirements of The Chartered Institute of Public Finance & Accountancy's Code of Practice on Treasury Management 2009.
- 78 Treasury management has two main risks :
- Fluctuations in interest rates can result in a reduction in income from investments; and
  - A counterparty to which the Council has lent money fails to repay the loan at the required time.

Consideration of risk is integral in our approach to treasury management.

- 79 The movement in previous years towards having a restricted lending list of better quality institutions but higher individual limits with those institutions has reduced

the chances of a default. But if a default did occur, the potential loss would be greater. The proposal in this report does create additional risk.

- 80 These risks are mitigated by the annual investment strategy which has been prepared on the basis of achieving the optimum return on investments commensurate with proper levels of security and liquidity. However, Members should recognise that in the current economic climate, these remain significant risks and that the strategy needs to be constantly monitored.

### Equality Assessment

- 81 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

- 82 The effect of the proposals set out in this report is to allow the Council to effectively and efficiently manage cash balances.
- 83 In line with the revised CIPFA Code of Practice on Treasury Management, the Annual Treasury Strategy must be considered by Council and this is planned for its meeting on 17 February 2015. Given the current uncertainties in the banking sector and financial markets, the Council may need to consider amending its strategy during the year.

### **Appendices:**

Appendix A – Investment portfolio at 31 December 2014

Appendix B – Prospects for interest rates

Appendix C – Economic background report

Appendix D – Specified and non-specified investments

Appendix E – Approved countries for investments

Appendix F – Treasury management scheme of delegation

Appendix G – The treasury management role of the S151 officer

### **Background Papers:**

None

**Adrian Rowbotham**  
**Chief Finance Officer**

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APPENDIX A: CURRENT PORTFOLIO POSITION

List of Investments as at:- 31-Dec-14

Reference	Name	Rating	Country	Group	Amount	Start Date	Comm Rate	End Date	Curr Rate	Terms
	Santander UK plc (Business Reserve A/C)	A	U.K.	Santander	0	01-Apr-99			0.40000%	Variable
	Santander UK plc (Money Market A/C)	A	U.K.	Santander	0	09-Oct-06			0.40000%	Variable
	Clydesdale Bank plc (Base Tracker Plus - 15 Day)	A	U.K.	NAB	0	10-Sep-10			0.30000%	Variable
	Barclays Bank plc (Business Premium A/C)	A	U.K.		2,712,000	01-Oct-11			0.35000%	Variable
	Barclays Bank plc (Flexible IBCA)	A	U.K.		2,000,000	01-Jun-14			0.45000%	Variable
	National Westminster Bank plc (Liquidity Select)	A	U.K.	RBS	1,000,000	07-Oct-11			0.25000%	Variable
	National Westminster Bank plc (95 Day Notice)	A	U.K.	RBS	0	24-May-13			0.35000%	Variable
	Svenska Handelsbanken AB (Deposit A/C)	AA-	Sweden		3,000,000	23-Jul-14			0.40000%	Variable
	Ignis Liquidity Fund (Money Market Fund)	AAA	U.K.		5,000,000	11-May-12				Variable
	Insight Liquidity Fund (Money Market Fund)	AAA	U.K.		5,000,000	11-May-12				Variable
IP1155	Bank of Scotland plc	A	U.K.	Lloyds/HBOS	1,000,000	11-Feb-14	0.95000%	10-Feb-15		1 Year
IP1156	Bank of Scotland plc	A	U.K.	Lloyds/HBOS	1,000,000	21-Feb-14	0.95000%	20-Feb-15		1 Year
IP1194	Coventry Building Society	A	U.K.		1,000,000	15-Oct-14	0.45000%	15-Jan-15		3 Months
IP1205	Coventry Building Society	A	U.K.		1,000,000	28-Nov-14	0.45000%	27-Feb-15		3 Months
IP1208	Kirklees Council		U.K.		3,000,000	15-Dec-14	0.45000%	15-Jan-15		1 Month
IP1210	Leeds Building Society	A-	U.K.		2,000,000	15-Dec-14	0.47000%	25-Mar-15		100 Days
IP1160	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	08-Apr-14	0.95000%	07-Apr-15		1 Year
IP1165	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	29-Apr-14	0.95000%	28-Apr-15		1 Year
IP1167	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	06-May-14	0.95000%	05-May-15		1 Year
IP1174	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	03-Jul-14	0.95000%	03-Jul-15		1 Year
IP1191	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	2,000,000	07-Oct-14	1.00000%	06-Oct-15		1 Year
IP1198	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	03-Nov-14	1.00000%	02-Nov-15		1 Year
IP1204	Lloyds Bank plc	A	U.K.	Lloyds/HBOS	1,000,000	28-Nov-14	1.00000%	27-Nov-15		1 Year
IP1176	Nationwide Building Society	A	U.K.		1,000,000	09-Jul-14	0.64000%	09-Jan-15		6 Months
IP1182	Nationwide Building Society	A	U.K.		1,000,000	06-Aug-14	0.64000%	06-Feb-15		6 Months
IP1185	Nationwide Building Society	A	U.K.		1,000,000	29-Aug-14	0.64000%	27-Feb-15		6 Months
IP1189	Nationwide Building Society	A	U.K.		2,000,000	23-Sep-14	0.66000%	23-Mar-15		6 Months
IP1195	Skipton Building Society	BBB-	U.K.		1,000,000	22-Oct-14	0.43000%	22-Jan-15		3 Months
IP1206	Skipton Building Society	BBB-	U.K.		1,000,000	01-Dec-14	0.43000%	02-Mar-15		3 Months
IP1212	UK Debt Management Office		U.K.		1,000,000	23-Dec-14	0.25000%	19-Jan-15		4 Weeks
IP1151	Ulster Bank Ltd	A-	U.K.	RBS	1,000,000	29-Jan-14	0.85000%	28-Jan-15		1 Year
IP1196	Yorkshire Building Society	BBB+	U.K.		1,000,000	22-Oct-14	0.40000%	22-Jan-15		3 Months
	<b>Total Invested</b>				<u><u>45,712,000</u></u>					
	<b>Other Loan</b>									
	Sevenoaks Leisure Limited				250,000	29-Apr-08	7.00000%	31-Mar-18		10 Years

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**APPENDIX B: Interest Rate Forecasts 2014 – 2018**

PWLB rates and forecast shown below have taken into account the 20 basis point certainty rate reduction effective as of the 1st November 2012.

Capita Asset Services Interest Rate View														
	Dec-14	Mar-15	Jun-15	Sep-15	Dec-15	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18
<b>Bank Rate View</b>	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%	1.50%	1.75%	2.00%	2.25%	2.50%
3 Month LIBID	0.50%	0.60%	0.80%	0.90%	1.10%	1.30%	1.40%	1.60%	1.90%	2.10%	2.10%	2.30%	2.40%	2.60%
6 Month LIBID	0.70%	0.80%	1.00%	1.10%	1.20%	1.40%	1.50%	1.80%	2.00%	2.20%	2.30%	2.50%	2.70%	2.80%
12 Month LIBID	0.90%	1.00%	1.20%	1.30%	1.40%	1.70%	1.80%	2.10%	2.20%	2.30%	2.40%	2.60%	2.80%	3.00%
5yrPW IB Rate	2.50%	2.70%	2.70%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%	3.50%	3.50%	3.50%
10yrPW IB Rate	3.20%	3.40%	3.50%	3.60%	3.70%	3.80%	3.90%	4.00%	4.10%	4.10%	4.20%	4.20%	4.30%	4.30%
25yrPW IB Rate	3.90%	4.00%	4.10%	4.30%	4.40%	4.50%	4.60%	4.70%	4.70%	4.80%	4.80%	4.90%	4.90%	5.00%
50yrPW IB Rate	3.90%	4.00%	4.10%	4.30%	4.40%	4.50%	4.60%	4.70%	4.70%	4.80%	4.80%	4.90%	4.90%	5.00%
<b>Bank Rate</b>														
Capita Asset Services	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%	1.50%	1.75%	2.00%	2.25%	2.50%
Capital Economics	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%	-	-	-	-	-
<b>5yrPW IB Rate</b>														
Capita Asset Services	2.50%	2.70%	2.70%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%	3.50%	3.50%	3.50%
Capital Economics	2.30%	2.60%	2.80%	3.00%	3.20%	3.40%	3.50%	3.60%	3.70%	-	-	-	-	-
<b>10yrPW IB Rate</b>														
Capita Asset Services	3.20%	3.40%	3.50%	3.60%	3.70%	3.80%	3.90%	4.00%	4.10%	4.10%	4.20%	4.20%	4.30%	4.30%
Capital Economics	3.05%	3.25%	3.45%	3.60%	3.80%	3.85%	3.90%	3.95%	4.05%	-	-	-	-	-
<b>25yrPW IB Rate</b>														
Capita Asset Services	3.90%	4.00%	4.10%	4.30%	4.40%	4.50%	4.60%	4.70%	4.70%	4.80%	4.80%	4.90%	4.90%	5.00%
Capital Economics	3.70%	3.95%	4.05%	4.15%	4.25%	4.35%	4.45%	4.55%	4.60%	-	-	-	-	-
<b>50yrPW IB Rate</b>														
Capita Asset Services	3.90%	4.00%	4.10%	4.30%	4.40%	4.50%	4.60%	4.70%	4.70%	4.80%	4.80%	4.90%	4.90%	5.00%
Capital Economics	3.80%	4.10%	4.20%	4.30%	4.40%	4.50%	4.60%	4.70%	4.80%	-	-	-	-	-

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### **APPENDIX C: Economic Background**

UK. Strong UK GDP quarterly growth of 0.7%, 0.8% and 0.7% in quarters 2, 3 and 4 respectively in 2013, (2013 annual rate 2.7%), and 0.7% in Q1, 0.9% in Q2 and a first estimate of 0.7% in Q3 2014 (annual rate 3.1% in Q3), means that the UK will have the strongest rate of growth of any G7 country in 2014. It also appears very likely that strong growth will continue through the second half of 2014 and into 2015 as forward surveys for the services and construction sectors are very encouraging and business investment is also strongly recovering. The manufacturing sector has also been encouraging though recent figures indicate a weakening in the future trend rate of growth. However, for this recovery to become more balanced and sustainable in the longer term, the recovery needs to move away from dependence on consumer expenditure and the housing market to exporting, and particularly of manufactured goods, both of which need to substantially improve on their recent lacklustre performance.

This overall strong growth has resulted in unemployment falling much faster through the initial threshold of 7%, set by the Monetary Policy Committee (MPC) last August, before it said it would consider any increases in Bank Rate. The MPC has, therefore, subsequently broadened its forward guidance by adopting five qualitative principles and looking at a much wider range of about eighteen indicators in order to form a view on how much slack there is in the economy and how quickly slack is being used up. The MPC is particularly concerned that the current squeeze on the disposable incomes of consumers should be reversed by wage inflation rising back above the level of inflation in order to ensure that the recovery will be sustainable. There also needs to be a major improvement in labour productivity, which has languished at dismal levels since 2008, to support increases in pay rates. Most economic forecasters are expecting growth to peak in 2014 and then to ease off a little, though still remaining strong, in 2015 and 2016. Unemployment is therefore expected to keep on its downward trend and this is likely to eventually feed through into a return to significant increases in pay rates at some point during the next three years. However, just how much those future increases in pay rates will counteract the depressive effect of increases in Bank Rate on consumer confidence, the rate of growth in consumer expenditure and the buoyancy of the housing market, are areas that will need to be kept under regular review.

Also encouraging has been the sharp fall in inflation (CPI) during 2014 after being consistently above the MPC's 2% target between December 2009 and December 2013. Inflation fell to 1.2% in September, a five year low. Forward indications are that inflation is likely to fall further in 2014 to possibly near to 1% and then to remain near to, or under, the 2% target level over the MPC's two year ahead time horizon. Overall, markets are expecting that the MPC will be cautious in raising Bank Rate as it will want to protect heavily indebted consumers from too early an increase in Bank Rate at a time when inflationary pressures are also weak. A first increase in Bank Rate is therefore expected in Q2 2015 and they expect increases after that to be at a slow pace to lower levels than prevailed before 2008 as increases in Bank Rate will have a much bigger effect on heavily indebted consumers than they did before 2008.

The return to strong growth has also helped lower forecasts for the increase in Government debt by £73bn over the next five years, as announced in the 2013 Autumn Statement, and by an additional £24bn, as announced in the March 2014 Budget - which also forecast a return to a significant budget surplus, (of £5bn), in 2018-19. However, monthly public sector deficit figures have disappointed so far in 2014/15.

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**The Eurozone (EZ).** The Eurozone is facing an increasing threat from weak or negative growth and from deflation. In September, the inflation rate fell further, to reach a low of 0.3%. However, this is an average for all EZ countries and includes some countries with negative rates of inflation. Accordingly, the European Central Bank (ECB) took some rather limited action in June to loosen monetary policy in order to promote growth. In September it took further action to cut its benchmark rate to only 0.05%, its deposit rate to -0.2% and to start a programme of purchases of corporate debt. However, it has not embarked yet on full quantitative easing (purchase of sovereign debt).

Concern in financial markets for the Eurozone subsided considerably during 2013. However, sovereign debt difficulties have not gone away and major issues could return in respect of any countries that do not dynamically address fundamental issues of low growth, international uncompetitiveness and the need for overdue reforms of the economy, (as Ireland has done). It is, therefore, possible over the next few years that levels of government debt to GDP ratios could continue to rise for some countries. This could mean that sovereign debt concerns have not disappeared but, rather, have only been postponed. The ECB's pledge in 2012 to buy unlimited amounts of bonds of countries which ask for a bailout has provided heavily indebted countries with a strong defence against market forces. This has bought them time to make progress with their economies to return to growth or to reduce the degree of recession. However, debt to GDP ratios (2013 figures) of Greece 180%, Italy 133%, Portugal 129%, Ireland 124% and Cyprus 112%, remain a cause of concern, especially as some of these countries are experiencing continuing rates of increase in debt in excess of their rate of economic growth i.e. these debt ratios are likely to continue to deteriorate. Any sharp downturn in economic growth would make these countries particularly vulnerable to a new bout of sovereign debt crisis. It should also be noted that Italy has the third biggest debt mountain in the world behind Japan and the US. Greece remains particularly vulnerable but has made good progress in reducing its annual budget deficit and in returning, at last, to marginal economic growth. Whilst a Greek exit from the Euro is now improbable in the short term, some commentators still view the inevitable end game as either being another major write off of debt or an eventual exit.

There are also particular concerns as to whether democratically elected governments will lose the support of electorates suffering under EZ imposed austerity programmes, especially in countries like Greece and Spain which have unemployment rates of over 24% and unemployment among younger people of over 50 – 60%. There are also major concerns as to whether the governments of France and Italy will effectively implement austerity programmes and undertake overdue reforms to improve national competitiveness. Any loss of market confidence in the two largest Eurozone economies after Germany would present a huge challenge to the resources of the ECB to defend their debt.

**USA.** The Federal Reserve (Fed) started to reduce its monthly asset purchases of \$85bn in December 2013 by \$10bn per month; these ended in October 2014, signalling confidence the US economic recovery would remain on track. First quarter GDP figures for the US were depressed by exceptionally bad winter weather, but growth rebounded very strongly in Q2 to 4.6% (annualised). The first estimate of Q3 showed growth of 3.5% (annualised). Annual growth during 2014 is likely to be just over 2%.

The US faces similar debt problems to those of the UK, but thanks to reasonable growth, cuts in government expenditure and tax rises, the annual government deficit has been halved

from its peak without appearing to do too much damage to growth, although the weak labour force participation rate remains a matter of key concern for the Federal Reserve when considering the amount of slack in the economy and monetary policy decisions. It is currently expected that the Fed will start increasing rates in mid 2015.

**China.** Government action in 2014 to stimulate the economy appeared to be putting the target of 7.5% growth within achievable reach but recent data has been mixed. There are also concerns that the Chinese leadership have only started to address an unbalanced economy which is heavily dependent on new investment expenditure, and for a potential bubble in the property sector to burst, as it did in Japan in the 1990s, with its consequent impact on the financial health of the banking sector. There are also concerns around the potential size, and dubious creditworthiness, of some bank lending to local government organisations and major corporates. This primarily occurred during the government promoted expansion of credit, which was aimed at protecting the overall rate of growth in the economy after the Lehmans crisis.

**Japan.** Japan is causing considerable concern as the increase in sales tax in April 2014 has suppressed consumer expenditure and growth. In Q2 growth was -1.8% q/q and -7.1% over the previous year. The Government is hoping that this is a temporary blip.

### CAPITA ASSET SERVICES FORWARD VIEW

Economic forecasting remains difficult with so many external influences weighing on the UK. Major volatility in bond yields is likely to endure as investor fears and confidence ebb and flow between favouring more risky assets i.e. equities, or the safe haven of bonds.

The overall longer run trend is for gilt yields and Public Works Loan Board (PWLB) rates to rise, due to the high volume of gilt issuance in the UK, and of bond issuance in other major western countries. Over time, an increase in investor confidence in world economic recovery is also likely to compound this effect as recovery will further encourage investors to switch from bonds to equities.

The overall balance of risks to economic recovery in the UK is currently evenly weighted. However, only time will tell just how long this period of strong economic growth will last; it also remains exposed to vulnerabilities in a number of key areas.

The interest rate forecasts in this report are based on an initial assumption that there will not be a major resurgence of the EZ debt crisis, or a break-up of the EZ, but rather that there will be a managed, albeit painful and tortuous, resolution of the debt crisis where EZ institutions and governments eventually do what is necessary - but only when all else has been tried and failed. Under this assumed scenario, growth within the EZ will be tepid for the next couple of years and some EZ countries experiencing low or negative growth, will, over that time period, see an increase in total government debt to GDP ratios. There is a significant danger that these ratios could rise to the point where markets lose confidence in the financial viability of one, or more, countries, especially if growth disappoints and / or efforts to reduce government deficits fail to deliver the necessary reductions. However, it is impossible to forecast whether any individual country will lose such confidence, or when, and so precipitate a sharp resurgence of the EZ debt crisis. While the ECB has adequate resources to manage a debt crisis in a small EZ country, if one, or more, of the large countries were to experience a

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major crisis of market confidence, this would present a serious challenge to the ECB and to EZ politicians.

Downside risks currently include:

- The situation over Ukraine poses a major threat to EZ and world growth if it was to deteriorate into economic warfare between the West and Russia where Russia resorted to using its control over gas supplies to Europe.
- Fears generated by the potential impact of Ebola around the world
- UK strong economic growth is currently mainly dependent on consumer spending and the potentially unsustainable boom in the housing market. The boost from these sources is likely to fade after 2014.
- A weak rebalancing of UK growth to exporting and business investment causing a weakening of overall economic growth beyond 2014.
- Weak growth or recession in the UK's main trading partner - the EU, inhibiting economic recovery in the UK.
- A return to weak economic growth in the US, UK and China causing major disappointment in investor and market expectations.
- A resurgence of the Eurozone sovereign debt crisis caused by ongoing deterioration in government debt to GDP ratios to the point where financial markets lose confidence in the financial viability of one or more countries and in the ability of the ECB and Eurozone governments to deal with the potential size of the crisis.
- Recapitalisation of European banks requiring considerable government financial support.
- Lack of support by populaces in Eurozone countries for austerity programmes, especially in countries with very high unemployment rates e.g. Greece and Spain, which face huge challenges in engineering economic growth to correct their budget deficits on a sustainable basis.
- Italy: the political situation has improved but it remains to be seen whether the new government is able to deliver the austerity programme required and a programme of overdue reforms. Italy has the third highest government debt mountain in the world.
- France: after being elected on an anti austerity platform, President Hollande has embraced a €50bn programme of public sector cuts over the next three years. However, there could be major obstacles in implementing this programme. Major overdue reforms of employment practices and an increase in competitiveness are also urgently required to lift the economy out of stagnation.
- Monetary policy action failing to stimulate sustainable growth in western economies, especially the Eurozone and Japan.
- Heightened political risks in the Middle East and East Asia could trigger safe haven flows back into bonds.
- There are also increasing concerns at the reluctance of western central banks to raise interest rates significantly for some years, plus the huge QE measures which remain in place (and may be added to by the ECB in the near future). This has created potentially unstable flows of liquidity searching for yield and, therefore, heightened the potential for an increase in risks in order to get higher returns. This is a return to a similar environment to the one which led to the 2008 financial crisis.

The potential for upside risks to UK gilt yields and PWLB rates, especially for longer term PWLB rates include: -



- A further surge in investor confidence that robust world economic growth is firmly expected, causing a flow of funds out of bonds into equities.
- UK inflation returning to significantly higher levels than in the wider EU and US, causing an increase in the inflation premium inherent to gilt yields.

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**APPENDIX D - SPECIFIED AND NON-SPECIFIED INVESTMENTS**

**SPECIFIED INVESTMENTS**

All such investments will be sterling denominated, with maturities up to maximum of 1 year, meeting the minimum 'high' rating criteria where applicable

**NON-SPECIFIED INVESTMENTS**

These are any investments which do not meet the specified investment criteria. A maximum of 50% will be held in aggregate in non-specified investments.

A variety of investment instruments will be used, subject to the credit quality of the institution. Depending on the type of investment made it will fall into one of the above two categories.

The criteria, time limits and monetary limits applying to institutions or investment vehicles are:

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	<b>Minimum Credit Criteria (i.e. Colour Band)</b>	<b>Max % of total investments / £ limit per institution</b>	<b>Max. maturity period</b>	<b>Specified (S) / Non-Specified (N)</b>
Debt Management Agency Deposit Facility (DMADY) – UK Government	N/A	100%	6 Months	S
UK Government gilts	UK sovereign rating AA- or better	100%	1 Year	S
UK Government treasury bills	UK sovereign rating AA- or better	100%	6 Months	S
Bonds issued by multilateral development banks	UK sovereign rating AA- or better	100%	6 Months	S
Money market funds	AAA	25% / £5m	Liquid	S
Enhanced money market funds	AAA	25% / £5m	Liquid	S
Local authorities (up to one year)	N/A	25% / £5m	1 Year	S
Local authorities (over one year)	N/A	25% / £5m	2 Years	N
Term deposits with Lloyds Bank Group / RBS Group (up to one year)	Blue	30% / £10m	1 Year	S
Term deposits with Lloyds Bank Group / RBS Group (over one year)	Blue	30% / £10m	2 Years	N
Term deposits with other banks (up to one year)	Green	25% / £6m	1 Year	S
Term deposits with other banks (over one year)	Green	25% / £6m	2 Years	N
Term deposits with building societies	No colour	25% / £2m	3 Months	N
CDs or corporate bonds with banks or building societies	Green	25% / £5m	1 Year	S
Gilt funds	UK sovereign rating AA- or better	25% / £5m	1 Year	S
Property funds	N/A	25% / £2m	Semi-liquid	N

The criteria in this appendix are intended to be the operational criteria in normal times. At times of heightened volatility, risk and concern in the financial markets, this strategy may be amended by temporary operational criteria further limiting investments to counterparties of a higher creditworthiness and/or restricted time limits.

APPENDIX E - Approved countries for investments

*Based on lowest available rating*

AAA

- Australia
- Canada
- Denmark
- Germany
- Luxembourg
- Norway
- Singapore
- Sweden
- Switzerland

AA+

- Finland
- Hong Kong
- Netherlands
- U.K.
- U.S.A.

AA

- Abu Dhabi (UAE)
- France
- Qatar

AA-

- Belgium
- Saudi Arabia

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### APPENDIX F - Treasury management scheme of delegation

#### Full Council

- receiving and reviewing reports on treasury management policies, practices and activities;
- approval of annual strategy.

#### Cabinet

- approval of/amendments to the organisation's adopted clauses, treasury management policy statement and treasury management practices;
- budget consideration and approval;
- approval of the division of responsibilities;
- receiving and reviewing regular monitoring reports and acting on recommendations;
- approving the selection of external service providers and agreeing terms of appointment.

#### Finance and Resources Advisory Committee

- reviewing the treasury management policy and procedures and making recommendations to Cabinet.

APPENDIX G - The treasury management role of the section 151 officer

The S151 (responsible) officer is responsible for:

- recommending clauses, treasury management policy/practices for approval, reviewing the same regularly, and monitoring compliance;
- submitting regular treasury management policy reports;
- submitting budgets and budget variations;
- receiving and reviewing management information reports;
- reviewing the performance of the treasury management function;
- ensuring the adequacy of treasury management resources and skills, and the effective division of responsibilities within the treasury management function;
- ensuring the adequacy of internal audit, and liaising with external audit;
- recommending the appointment of external service providers.

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**Item 6 (d) – Revenue Budget and Council Tax 2015/16**

The attached report was considered by the Cabinet on 5 February 2015, the relevant minute extract was not available before the printing of this agenda and will follow.

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**REVENUE BUDGET AND COUNCIL TAX 2015/16**

**Council – 17 February 2015**

Report of Chief Finance Officer

Status: For Decision

Also considered by: Cabinet – 5 February 2015

Key Decision: No

**Executive Summary:** The Council has an excellent track record in identifying, planning for and addressing financial challenges. In light of the challenging financial position facing all authorities four years ago, for 2011/12 the Council produced a 10-year budget together with a savings plan for the first time. This will be the fifth year this method has been used and provides the Council with a stable basis for future years.

This report sets out the proposed budget and required level of Council Tax for 2015/16. The report details changes to the draft budget since the Cabinet meeting on 15 January 2015.

The report proposes a net expenditure budget of £14.253m in 2015/16 (£14.136m in 2014/15). Subject to any further changes this would result in a Council Tax increase of 1.95% in 2015/16, with the District’s Council Tax being £192.87 for a Band D property for the year (£189.18 in 2014/15).

**Portfolio Holder** Cllr. Ramsay

**Contact Officer(s)** Adrian Rowbotham Ext. 7153  
Helen Martin Ext. 7483

**Recommendation to Cabinet:**

That the recommendations set out below be recommended to Council.

**Recommendation to Council:**

- (a) The Summary of Council Expenditure and Council Tax set out in Appendix E be approved.
- (b) Approve the 10-year budget 2015/16 to 2024/25 which is the guiding framework for the detailed approval of future years’ budgets set out in Appendix B to the report, including the growth and savings proposals set out in Appendix C-D to the report, and that where possible any variations during and between years be met from the Budget Stabilisation Reserve: and

## Agenda Item 6d

- 
- (c) The changes to reserves set out in Appendix H be approved.
- (d) Members' views are sought on the issue of Council Tax Support funding for Town and Parish Councils and one of the following options be approved:
- i. An amount of funding is passed to Town and Parish Councils for Council Tax Support in 2015/16 equivalent to the amount passed on in 2013/14 less 48% (the Council's reduction in Revenue Support Grant);
  - ii. A different amount is passed to Town and Parish Councils for Council Tax Support in 2015/16;
  - iii. No funding is passed to Town and Parish Councils for Council Tax Support in 2015/16.
- 

### **Introduction and Background**

- 1 The Council's financial strategy over the past ten years has worked towards increasing financial sustainability and it has been successful through the use of a number of strategies including:
  - implementing efficiency initiatives;
  - significantly reducing the back office function;
  - improving value for money;
  - maximising external income;
  - the movement of resources away from low priority services; and
  - an emphasis on statutory rather than non-statutory services.
- 2 Over this period the Council has focused on delivering high quality services based on Members' priorities and consultation with residents and stakeholders. In financial terms, the adoption of this strategy has to date allowed the Council to move away from its reliance on general fund reserves which has ensured that the general fund reserves have remained largely unchanged.
- 3 In setting its budget for 2011/12 onwards, the Council recognised the need to address both the short-term reduction in Government funding as well as the longer-term need to reduce its reliance on reserves. The outcome was a 10-year budget, together with a four-year savings plan, that ensured the Council's finances were placed on a stable footing but that also allowed for flexibility between budget years.
- 4 With the amount of Revenue Support Grant provided by Government continuing to reduce at a significant rate it is important that the council aims to become more self-sufficient by having a balanced economy with local solutions. These solutions include:
  - continuing savings;

- below inflation increases;
  - council tax; and
  - increased income.
- 5 Local Government generally appears to be feeling the impacts of the Government funding reductions and the recession. However, productivity and morale within this Council remain high which has a positive impact on the financial bottom line.
- 6 At the Cabinet meeting on 11 September 2014, Members considered a report setting out the Council's financial prospects for 2015/16 and beyond. That report set out the major financial pressures the Council is likely to face, together with a proposed strategy for setting a balanced and sustainable budget for 2015/16 and beyond.
- 7 As part of the budget process officers put forward their Service Overviews to the Advisory Committees in October and November, which set out a summary of current and future issues or pressures. The Advisory Committees recommended new growth and savings items which were considered at the Cabinet meeting on 11 December 2014.
- 8 The report to Cabinet on 11 December 2014 also contained updates to the Financial Prospects report. An update report was presented to Cabinet on 15 January 2015 following the announcement of the Local Government Finance Settlement.
- 9 The adoption of the 10-year budget over the last four years has resulted in a much more stable budget position than had previously been achieved.
- 10 This report includes a number of attachments:
- Appendix A – Budget timetable
  - Appendix B – 10-year budget;
  - Appendix C – Summary of the Council's agreed savings and growth items;
  - Appendix D – Summary of new growth and savings items proposed during the current budget process;
  - Appendix E – Summary of Council Expenditure and Council Tax;
  - Appendix F – Summary of service analysis in budget book format;
  - Appendix G – Analysis of pay costs;
  - Appendix H - Reserves
  - Appendix I – Risk analysis;

### **Current Budget Position**

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- 11 The Government has made no further announcements since the last Cabinet meeting on 15 January to affect the 10-year budget position.
- 12 The only changes to the budget since 15 January 2015 were the two requested by Cabinet at that meeting. These were to reduce the Council Tax increase assumption for 2016/17 – 2018/19 from 3% to 2% which resulted in a budget gap over the 10 years of £571,000 (or £57,000 per annum), and for officers to make the required saving by initially looking at back office functions noting that this may have staffing implications.
- 13 These changes result in a balanced 10-year budget.
- 14 A summary of these changes is shown below:

10-Year Budget	£m
Previous 10-year budget gap/(surplus) at 15/01/15	(2.0)
Changes:	
Council Tax 2016/17–18/19 assumption reduced from 3% to 2%	2.6
SCIA21 savings	(0.6)
Revised 10-year budget gap/(surplus)	(0.0)

### **2015/16 Budget and Council Tax**

- 15 After allowing for the growth and savings agreed and the key changes made during this budget process, the resulting net expenditure for 2015/16 is £14.253m. As shown in Appendix E this results in Council Tax income of £9.298m, meaning that the District element of the Band D charge will be £192.87.
- 16 The other preceptors are yet to announce their increases. Members will be updated at the meeting with the latest information.

### **Integration with other budget reports on the Cabinet Agenda**

- 17 Separate reports on this Agenda set out the Asset Maintenance and Capital Programme Budget proposals, and Treasury Management Strategy. The attached revenue budgets take into account the recommendations and revenue implications set out in those reports.

### **Looking Ahead**

- 18 The 10-year budget strategy and the current position explained above put this council in a strong position going forward. However, with Parliamentary and local elections due to take place on 7 May 2015, officers intend to carry out a review shortly afterwards to take account of any changes being suggested that may have an impact on the financial position of this council.

### **Adequacy of Reserves**

- 19 Ensuring the adequacy and sustainability of the Council's reserves continues to be a key part of the budget process. Individual balances have been reviewed as part of writing this report and the detailed work is set out in Appendix H. This review should ensure that all provisions and earmarked reserves are adequate for their purposes.
- 20 It is recommended that the Council hold a minimum General Fund reserve balance of 10% of its net Revenue Budget, for emergencies.

### **Council Tax Support Funding for Town and Parish Councils**

- 21 The Government introduced a change from Council Tax Benefit (CTB) to Council Tax Support (CTS) from 1 April 2013. CTB was fully reimbursed by Government but CTS is a Council Tax Discount (similar to the Single Person Discount) and local authorities now only receive the amount of Council Tax they collect.
- 22 To partly offset this, the Government gave a grant to Major Precepting Authorities (i.e. Sevenoaks District Council, Kent County Council, Fire and Police) in 2013/14 amounting to 90% of the CTB they had received in 2012/13. Town and Parish Councils were initially excluded from this but the Government later changed their minds and allocated an additional identifiable grant to billing authorities to pass on to Town and Parish Councils.
- 23 When allocating this additional grant for 2013/14, the Government pointed out that this may not continue in future years. Officers advised Town and Parish Councils that in view of the information published by Government it could not be certain that this additional funding would be paid in future years. This resulted in many Town and Parish Councils increasing their Council Tax Precept (as Town and Parish Councils do not have a referendum limit like Major Precepting Authorities) to offset the future likely loss of this funding stream.
- 24 When the Government announce the funding settlement each year they can show funding in the following three ways:
  - a. Ring-fence an amount so that it has to be spent on a specific purpose or it has to be returned.
  - b. Highlight an amount for a specific purpose using a separate formula (e.g. Homelessness in 2015/16); this does not have to be spent on the specific purpose.
  - c. Revenue Support Grant – a formula based grant that can be used for any legal purpose.
- 25 In 2013/14 the additional funding for Town and Parish Councils was shown as a (b), in 2014/15 and 2015/16 it is within (c) and no specific amount for this purpose is shown.
- 26 Governments have treated other funding in a similar way in the past, e.g. Concessionary Fares, when funding was initially separately identified but was later included within the Revenue Support Grant.

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- 27 As the additional funding for Town and Parish Councils was clearly identified in 2013/14, Sevenoaks District Council was early to commit to pay the full amount.
- 28 Officers have continued to inform Town and Parish Councils that if this additional funding could not be clearly identified in the grant settlement, it is likely that nothing would be passed on to Town and Parish Councils.
- 29 Westerham Town Council sent a pre action protocol letter to the Council on 10 March 2014 which is an initial step towards seeking a Judicial Review of the decision made by Council on 18 February 2014.
- 30 Officers obtained the advice of a leading Queens Counsel who confirmed that Sevenoaks District Council has discretion whether to pass any funding on to Town and Parish Councils. Counsel also advised that the Council should make a fresh decision whether to pass on any funding on the basis that some funding has been included regardless of the Council's view that no funding was included in the Government Grant Settlement.
- 31 A report was presented to Council on 13 May 2014 requesting that members approve one of three options for 2014/15. Members decided not to pass on any funding to Town and Parish Councils for Council Tax Support in 2014/15. The same options are included in the recommendations of this report for 2015/16.
- 32 The amount of Revenue Support Grant given by Government to Sevenoaks District Council has reduced by 32% in 2015/16 (48% since 2013/14) and will continue to reduce in future years. If a proportion of the grant is passed on to Town and Parish Councils, further savings would be required to continue to have a balanced 10-year budget.

### **Key Implications**

#### Financial

All financial implications are covered elsewhere in this report.

#### Legal Implications and Risk Assessment Statement.

There are no legal implications.

For the effective management of our resources and in order to achieve a sustainable budget it is essential that all service cost changes and risks are identified and considered.

Current and future pressures were included in the Service Overviews presented to the Advisory Committees and each Service Change Impact Assessment (SCIA) includes the likely impacts including a risk analysis.

An effective integrated policy and priority driven long-term financial and business process is required for the Council to deliver on its priorities and maintain a sustainable budget. It is also essential that continuous improvements are identified and implemented in order to take account of the changing climate within which the Council operates and to meet



the expectations of both Government and the public on the quality of service demanded from this Council.

The risks associated with the 10-year budget approach include uncertainty around the level of shortfall and the timing of key announcements such as future grant settlements. The risk will be mitigated by continuing to review assumptions and estimates and by updating Members throughout the process.

### Equality Assessment

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.

Individual equalities assessments have been completed for all Service Change Impact Assessments (SCIAs) to ensure the decision making process is fair and transparent. These were included in the Draft Budget 2015/16 report to Cabinet on 11 December 2014.

### Community Impact and Outcomes

In making any budget proposals, Members need to consider the impact on customers, service quality and staff well-being, to ensure that the budget supports the Council's aspirations for customer-focused services.

### **Conclusions**

The budget process has once again been a major financial challenge for a council that already provides value for money services to a high standard. The 10-year budget shows a balanced position over the whole period which keeps this council in a strong position going forward.

The future financial prospects for the public sector are increasingly difficult, with the added uncertainty of the pending elections. However, this budget ensures the Council is in a financially sustainable position but it will be reviewed when changes resulting from the elections are known.

### **Appendices**

Appendix A – Budget timetable

Appendix B - 10-year budget

Appendix C – Summary of the Council's agreed savings and growth items

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Appendix D – Summary of new growth and savings items proposed during the current budget process

Appendix E – Summary of Council Expenditure and Council Tax

Appendix F – Summary of service analysis in budget book format

Appendix G – Analysis of pay costs

Appendix H – Reserves

Appendix I – Risk analysis

### **Background Papers:**

Report to Council 18 February 2014 – Budget and Council Tax Setting 2014/15

Report to Cabinet 11 September 2014 – Financial Prospects and Budget Strategy 2015/16 and Beyond

Report to Strategy and Performance Advisory Committee 7 October 2014, Housing and Community Safety Advisory Committee 8 October 2014, Economic and Community Development Advisory Committee 21 October 2014, Local Planning and Environment Advisory Committee 23 October 2014, Finance and Resources Advisory Committee 11 November 2014 – Budget 2015/16: Service Reviews and Service Plan Impact Assessments (SCIAs)

Report to Cabinet 11 December 2014 – Draft Budget 2015/16.

Report to Cabinet 15 January 2015 – Draft Budget 2015/16 – Update.

**Adrian Rowbotham**  
**Chief Finance Officer**

2015/16 Budget Setting Timetable

	Date	Committee
<b>Stage 1</b>		
<b>Financial Prospects and Budget Strategy 2015/16 and Beyond</b>	2 September	Finance & Resources AC
	11 September	Cabinet
↓		
<b>Stage 2</b>		
<b>Review of Service Overviews and Service Change Impact Assessments (SCIAs)</b>	7 October	Strategy & Performance AC
	8 October	Housing & Comm. Safety AC
	21 October	Economic & Comm. Dev. AC
	23 October	Local Planning & Env. AC
	11 November	Finance & Resources AC
↓		
<b>Stage 3</b>		
<b>Budget Update</b> (incl. Service Change Impact Assessments (SCIAs), feedback from Advisory Committees)	11 December	Cabinet
↓		
<b>Stage 4</b>		
<b>Budget Update</b> (incl. Government Support information)	15 January	Cabinet
↓		
<b>Stage 5</b>		
<b>Budget Update and further review of Service Change Impact Assessments (if required)</b>	January	Advisory Committees
↓		
<b>Stage 6</b>		
<b>Budget Setting Meeting</b> (Recommendations to Council)	5 February	Cabinet
↓		
<b>Stage 7</b>		
<b>Budget Setting Meeting</b> (incl. Council Tax setting)	17 February	Council

Note: The Scrutiny Committee may 'call in' items concerning the budget setting process.

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## Ten Year Budget - Revenue

	Budget 2014/15	Plan 2015/16	Plan 2016/17	Plan 2017/18	Plan 2018/19	Plan 2019/20	Plan 2020/21	Plan 2021/22	Plan 2022/23	Plan 2023/24	Plan 2024/25
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<b>Expenditure</b>											
Net Service Expenditure c/f	13,800	14,136	14,253	14,779	15,653	16,094	16,443	17,239	17,646	18,053	18,462
Inflation	488	473	539	516	712	565	593	407	407	409	406
Superannuation Fund deficit: actuarial increase	0	0	0	520	0	0	390	0	0	0	0
Net savings (approved in previous years)	(152)	(154)	(323)	(162)	(301)	(216)	(187)	0	0	0	0
<b>New growth</b>	<b>0</b>	<b>177</b>	<b>200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>New savings</b>	<b>0</b>	<b>(379)</b>	<b>110</b>	<b>0</b>	<b>30</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Net Service Expenditure b/f</b>	<b>14,136</b>	<b>14,253</b>	<b>14,779</b>	<b>15,653</b>	<b>16,094</b>	<b>16,443</b>	<b>17,239</b>	<b>17,646</b>	<b>18,053</b>	<b>18,462</b>	<b>18,868</b>
<b>Financing Sources</b>											
Government Support											
: Revenue Support Grant	(2,225)	(1,516)	(1,355)	(1,211)	(1,081)	(964)	(859)	(764)	(679)	(602)	(533)
: Retained Business Rates	(1,898)	(1,934)	(1,973)	(2,012)	(2,052)	(2,093)	(2,135)	(2,178)	(2,222)	(2,266)	(2,311)
New Homes Bonus	(1,389)	(1,818)	(2,247)	(1,348)	(1,348)	(1,348)	(1,348)	(1,348)	(1,348)	(1,348)	(1,348)
Council Tax	(9,011)	(9,298)	(9,539)	(9,785)	(10,038)	(10,398)	(10,770)	(11,155)	(11,554)	(11,967)	(12,394)
Interest Receipts	(244)	(301)	(509)	(655)	(661)	(629)	(591)	(546)	(499)	(451)	(405)
Contributions to/(from) Reserves	(192)	(233)	(233)	(353)	(353)	(353)	(353)	(353)	(179)	(179)	(635)
<b>Total Financing</b>	<b>(14,959)</b>	<b>(15,100)</b>	<b>(15,856)</b>	<b>(15,364)</b>	<b>(15,533)</b>	<b>(15,785)</b>	<b>(16,056)</b>	<b>(16,344)</b>	<b>(16,481)</b>	<b>(16,813)</b>	<b>(17,626)</b>
<b>Budget Gap (surplus)/deficit</b>	<b>(823)</b>	<b>(847)</b>	<b>(1,077)</b>	<b>289</b>	<b>561</b>	<b>658</b>	<b>1,183</b>	<b>1,302</b>	<b>1,572</b>	<b>1,649</b>	<b>1,242</b>
Contribution to/(from) Stabilisation Reserve	823	847	1,077	(289)	(561)	(658)	(1,183)	(1,302)	(1,572)	(1,649)	(1,242)
<b>Unfunded Budget Gap (surplus)/deficit</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Remaining balance / (shortfall) in Budget

Stabilisation reserve:	6,291	7,258	8,455	8,166	7,605	6,947	5,764	4,462	2,890	1,241	(1)
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**Assumptions**

Revenue Support Grant:	-32% in 15/16, -10% later years
Retained Business Rates:	2% all years
Council Tax:	1.95% in 15/16, 2% in 16/17 - 18/19, 3% later years
Interest Receipts:	0.85% in 15/16, 1.35% in 16/17, 1.75% in 17/18 1.85% later years
Pay award:	2.2% in Jan 15, 1.5% in 16/17 - 17/18, 2% later years
Other costs:	1.3% in 15/16, 2.25% in later years
Income:	3.5% in all years

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SCIA		Description	2011/12 £000	2012/13 £000	2013/14 £000	2014/15 £000	2015/16 £000	Later Years £000	Total £000
Year	No.								
		<b>Economic and Community Development</b>							
2014/15	2	Broadband and business growth (reversal of temporary growth item)						(80)	
2014/15	20	Building Control: Shared working with Tonbridge & Malling BC					(9)		
		<b>Finance and Resources</b>							
2011/12	62,63	Staff terms and conditions - savings agreed by Council 18/10/11					(117)	(979)	
2014/15	18	Corporate Projects (reversal of temporary growth item)						(60)	
2014/15	21	Customer Services: Channel shift programme						(20)	
		<b>Housing and Community Safety</b>							
2014/15	13	Housing efficiency review - Housing Initiatives (reversal of temporary savings item)					7		
		<b>Local Planning and Environment</b>							
2014/15	15	Planning: Use CIL funds for monitoring						(50)	
2014/15	16	Planning: Efficiency review					(35)		
		<b>Total Savings</b>	(2,984)	(841)	(314)	(479)	(154)	(1,049)	(4,618)
		<b>Total Growth</b>	371	45	50	327		(140)	793
		<b>Net Savings</b>	(2,613)	(796)	(264)	(152)	(154)	(1,189)	(3,825)

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**New Growth and Savings Items**

**Appendix D**

<b>Growth</b>		Description	Year	Ongoing	Annual Impact £000	10-year Budget Impact £000
SCIA Year	No.					
<b>Economic and Community Development</b>						
none						
<b>Finance and Resources</b>						
2015/16	1	Staffing: Employers National Insurance increase from April 2016 - implications due to change in legislation	2016/17	yes	200	1,800
2015/16	2	Estates Management: loss of income following previous sale of assets	2015/16	yes	48	480
2015/17	3	Estates Management: STAG - loss of maintenance income	2015/16	yes	14	140
2015/16	4	IT: Microsoft licence price increase	2015/16	yes	45	450
2015/16	5	IT: 'COCO' compliance additional costs	2015/16	yes	32	320
2015/16	7	Treasury Management: debit and credit card fees	2015/16	yes	10	100
<b>Housing and Community Safety</b>						
none						
<b>Local Planning and Environment</b>						
2015/16	8	Parks Rural: Timberden Farm - loss of rent when sold	2015/16	yes	28	280
<b>Strategy and Performance</b>						
none						
<b>Total</b>					<b>377</b>	<b>3,570</b>

<b>Savings</b>		Description	Year	Ongoing	£000	£000
SCIA Year	No.					
<b>Economic and Community Development</b>						
none						
<b>Finance and Resources</b>						
2015/16	9	Finance: Business Rates Discretionary Relief	2015/16	yes	(106)	(1,060)
2015/16	10	Finance: External audit fee reduction	2015/16	3 years	(30)	(90)
2015/16	11	Dartford BC partnerships: revised split of costs	2015/16	no	(90)	(90)
2015/16	13	Property: additional income from Argyle Road office rent	2015/16	yes	(18)	(180)
2015/16	14	Revenues: Council Tax court costs	2015/16	yes	(25)	(250)
2015/16	21	Savings to be identified: Officers will initially look at back office functions noting that this may have staffing implications	2015/16	yes	(57)	(570)
<b>Housing and Community Safety</b>						
2015/16	15	Youth: Youth Development efficiency savings	2015/16	yes	(10)	(100)
2015/16	16	Community Safety: Project costs to be matched by ext. funding	2015/16	yes	(5)	(50)
2015/16	17	Housing Advice: Bed and breakfast reduction	2015/16	no	(10)	(10)
2015/16	19	Housing Standards: Disabled Facility Grants *				
2015/16	18	Housing Advice: Private Sector Letting scheme	2015/16	no	(10)	(10)
2015/16	20a	Environmental Health: Air Quality Monitoring	2015/16	yes	(18)	(180)
<b>Local Planning and Environment</b>						
none						
<b>Strategy and Performance</b>						
none						
<b>Total</b>					<b>(379)</b>	<b>(2,590)</b>

\*SCIA19 Housing Standards: Disabled Facility Grants £50,000 ongoing saving - this item is not included above as the impact of this saving is included in the 'Contribution to/from Reserves' line on the 10-year Budget.

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**Summary of Council Expenditure & Council Tax**

	2014/15 Budget Net Expenditure £000	2015/16 Budget Net Expenditure £000
<b>Service expenditure before Support Services and Capital Charges including trading accounts (see Appendix F)</b>	14,316	14,485
Capital Charges and Support Services charged outside the General Fund	(180)	(232)
<b>Sub Total</b>	14,136	14,253
<b>Non allocated expenditure:</b>		
Collection Fund adjustment	0	0
<b>Net Service Expenditure excluding Capital Charges</b>	<u>14,136</u>	<u>14,253</u>
Revenue Support Grant inc CTS	(2,225)	(1,516)
Retained Business Rates	(1,898)	(1,934)
New Homes Bonus	(1,389)	(1,818)
Council Tax Requirement - Sevenoaks DC	(9,010)	(9,298)
<b>Grant &amp; Council Tax income</b>	<u>(14,522)</u>	<u>(14,566)</u>
<b>Net Expenditure after Grant &amp; Council Tax, before interest</b>	<b>(387)</b>	<b>(313)</b>
Less: Interest and Investment income	(244)	(301)
<b>Amount to be met from Reserves</b>	<u>(631)</u>	<u>(614)</u>
<b>Contributions (to) / from reserves</b>		
Earmarked Reserves		
Capital	(198)	(148)
Budget Stabilisation	(1,006)	(847)
New Homes Bonus	0	(120)
Financial Plan	573	501
Planned contribution from General Fund Reserve	0	0
	<u>(631)</u>	<u>(614)</u>

	2013/14	2014/15	2015/16
Taxbase	47,053	47,629	48,209
	£	£	£
Council Tax @ Band D	185.49	189.18	192.87

**Council Tax Summary**

Band D charge

			%	%
Kent County	1,047.78	1,068.66	69.2	
Kent Fire	67.95	69.30	4.5	
Kent Police	141.47	144.28	9.3	
	1,257.20	1,282.24	83.0	0
Sevenoaks District	185.49	189.18	12.2	
Average Town/Parish	70.61	73.41	4.8	
	1,513.30	1,544.83	100.0	0

**Interest Receipts Summary**

Investment interest		268		328
Mortgage and other interest		2		0
Allocations to Provisions		-26		-27
Net Revenue contribution		244		301

**Net Service Expenditure analysed by Head of Service**

	<b>Actuals</b>	<b>Budget</b>	<b>Proposed</b>
	<b>13/14</b>	<b>14/15</b>	<b>Budget</b>
	<b>£'000</b>	<b>£'000</b>	<b>15/16</b>
			<b>£'000</b>
Communities and Business	989	997	1,054
Corporate Support	3,199	3,208	3,325
Environmental and Operational Services	2,788	2,523	2,513
Financial Services	4,312	5,022	4,997
Housing	778	722	730
Legal and Governance	548	608	634
Planning Services	1,315	1,300	1,295
<b>Total Service Expenditure</b>	<b>13,929</b>	<b>14,380</b>	<b>14,549</b>
Direct Services		-64	-64
Items outside General Fund		-180	-232
		<b>14,136</b>	<b>14,253</b>

	<b>Actuals</b>	<b>Budget</b>	<b>Proposed</b>
	<b>13/14</b>	<b>14/15</b>	<b>Budget</b>
	<b>£'000</b>	<b>£'000</b>	<b>15/16</b>
			<b>£'000</b>
Pay Costs (see Note 1)	9,306	10,095	10,887
Pay Costs Externally Funded	29	0	0
Premises and Grounds	1,866	1,639	1,557
Transport	72	62	64
Supplies & Services	2,147	2,235	2,184
Supplies & Services IT	866	700	832
Agency & Contracted	4,085	4,147	4,221
Agency & Contracted - Partnerships	3,535	3,174	2,968
Agency & Contracted - Direct Services	3,560	3,690	3,746
Transfer Payments - Benefits	28,055	27,590	29,090
Transfer Payments - Other	66	37	27
Staff Costs - Other Chief Officers	415	456	0
Support Services	114	50	50
Funds drawn to/from Reserves	696	-133	-204
Capital Charges	0	0	0
Income - Other	-31,083	-29,918	-31,442
Income - Fees and Charges	-6,124	-5,786	-5,991
Recharges	-275	-298	-281
Recharges - Partnerships	-3,399	-3,360	-3,159
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>13,929</b>	<b>14,380</b>	<b>14,549</b>
Direct Services (net)		-64	-64
Items outside General Fund		-180	-232
		<u>14,136</u>	<u>14,253</u>

**Analysis of budget changes between 14/15 and 15/16**

<b>Base Budget 2014/15</b>	14,136
Inflation	473
Planned Savings agreed previous years	-154
SCIAS 2015/16	
Growth	177
Savings	-379
Other adjustments	0
<b>Proposed Budget 2015/16</b>	<b><u>14,253</u></b>

Note 1 15/16 includes costs previously shown as Staff Costs - Other Chief Officers

**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals 13/14</b>	<b>Budget 14/15</b>	<b>Proposed Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Communities and Business</b>			
Arts Development	0	0	0
All Weather Pitch	-2	-2	-2
Big Community Fund	0	0	0
Community Safety	210	179	173
Community Development Service Provisions	-5	-5	-5
The Community Plan	63	45	49
Economic Development Property	47	149	291
Grants to Organisations	183	181	184
Health Improvements	43	45	34
Leisure Contract	273	295	227
Leisure Development	20	20	20
Local Strategic Partnership	0	0	0
Partnership - Home Office	0	0	0
Administrative Expenses - Communities & Business	8	14	14
STAG Community Arts Centre	75	0	0
Sustainability	0	0	0
Tourism	28	29	31
Choosing Health WK PCT	0	0	0
Community Sports Activation Fund	0	0	0
Falls Prevention	0	0	0
Business Flood Support Scheme	0	0	0
Repair & Renew Flood Support Scheme	0	0	0
General Grants Other Organisations	0	0	0
PCT Health Checks	0	0	0
New Ash Green	0	0	0
PCT Initiatives	0	0	0
Troubled Families Project	0	0	0
West Kent Partnership	0	0	0
West Kent Partnership Business Support	0	0	0
Youth	49	48	38
<b>Total Service Expenditure</b>	<b>989</b>	<b>997</b>	<b>1,054</b>

	<b>Actuals 13/14</b>	<b>Budget 14/15</b>	<b>Proposed Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Communities and Business</b>			
Pay Costs	475	507	764
Pay Costs Externally Funded	29	0	0
Premises and Grounds	80	73	0
Transport	6	7	7
Supplies & Services	146	128	127
Supplies & Services IT	2	0	0
Agency & Contracted	572	537	471
Staff Costs - Other Chief Officers	14	-0	0
Funds drawn to/from Reserves	148	-20	-38
Income - Other	-410	-187	-198
Income - Fees and Charges	-74	-49	-78
Recharges	0	0	0
<hr/>			
Service expenditure before re-allocation of Support Services and Capital charges	989	997	1,054
<hr/> <hr/>			

**Analysis of budget changes between 13/14 and 14/15**

<b>Base Budget 2014/15</b>	997
Inflation	31
<b>Planned Savings agreed previous years</b>	0
<b>SCIAS 2015/16</b>	
SCIA 9 (2015/16) Business Rates Discretionary Relief	-73
SCIA 15 (2015/16) Youth Development Efficiency Savings	-10
SCIA 16 (2015/16) Project Costs to match with External Funding	-5
<b>Other Adjustments between Chief Officers</b>	
Economic Development Staff (previously Corporate)	89
Economic Development (previously Corporate)	25
<b>Proposed Budget 2015/16</b>	<b>1,054</b>
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**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals</b>		<b>Proposed Budget</b>
	<b>13/14</b>	<b>Budget 14/15</b>	<b>15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Corporate Support</b>			
Asset Maintenance Argyle Road	45	59	69
Asset Maintenance Other Corporate Properties	22	30	30
Asset Maintenance Hever Road	2	6	6
Asset Maintenance IT	290	260	263
Asset Maintenance Leisure	162	165	167
Asset Maintenance Support & Salaries	99	94	92
Asset Maintenance Sewage Treatment Plants	7	8	8
Bus Station	13	14	15
Corporate Projects	0	60	0
Estates Management - Buildings	15	-66	-37
Housing Premises	-9	-8	-1
Administrative Expenses - Corporate Support	29	26	27
Administrative Expenses - Human Resources	6	14	14
Administrative Expenses - Property	2	4	4
Support - Central Offices	417	449	430
Support - Contact Centre	404	417	441
Support - Central Offices - Facilities	236	257	247
Support - General Admin	215	254	276
Support - IT	862	764	906
Support - Local Offices	53	56	56
Pay Costs (see Note 1)	3	0	0
Support - Human Resources	248	288	272
Support - Property Function	77	57	39
<b>Total Service Expenditure</b>	<b>3,199</b>	<b>3,208</b>	<b>3,325</b>

	<b>Actuals</b>		<b>Proposed Budget</b>
	<b>13/14</b>	<b>Budget 14/15</b>	<b>15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Corporate Support</b>			
Pay Costs	1,459	1,745	1,717
Premises and Grounds	1,009	924	936
Transport	19	8	6
Supplies & Services	386	375	379
Supplies & Services IT	737	587	712
Agency & Contracted	160	130	113
Agency & Contracted - Direct Services	55	10	10
Transfer Payments - Other	3	0	0
Staff Costs - Other Chief Officers	60	0	0
Support Services	39	39	39
Funds drawn to/from Reserves	-8	0	0
Capital Charges	0	0	0
Income - Other	-147	-176	-145
Income - Fees and Charges	-362	-279	-304
Recharges	-79	-86	-69
Recharges - Partnerships	-132	-68	-69
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>3,199</b>	<b>3,208</b>	<b>3,325</b>

**Analysis of budget changes between 14/15 and 15/16**

<b>Base Budget 2014/15</b>	3,208
Inflation	78
<b>Planned Savings agreed previous years</b>	
<b>SCIAS 2015/16</b>	
SCIA 2 (2015/16) Loss of Rental Income due to Disposal of Assets	48
SCIA 3 (2015/16) STAG Loss of Maintenance Income	14
SCIA 4 (2015/16) Increase in IT Microsoft Licence	45
SCIA 5 (2015/16) 'COCO' Compliance Additional Costs	32
SCIA 13 (2015/16) Additional Income for Argyle Road	-18
<b>Other Adjustments between Chief Officers</b>	
Economic Development Staff (to Communities & Business)	-89
Economic Development (to Communities & Business)	-25
Non domestic Rates	5
Internal Print Reduction	24
Software Maintenance	3
<b>Proposed Budget 2015/16</b>	<b>3,325</b>

**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals 13/14</b>	<b>Budget 14/15</b>	<b>Proposed Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Environmental and Operational Services</b>			
Asset Maintenance Car Parks	76	19	19
Asset Maintenance CCTV	11	16	16
Asset Maintenance Countryside	3	8	8
Asset Maintenance Direct Services	28	36	37
Asset Maintenance Playgrounds	3	14	14
Asset Maintenance Public Toilets	0	14	14
Building Control Discretionary Work	4	-1	-9
Building Control Partnership Members	0	0	0
Building Control Partnership Hub (SDC Costs)	0	0	0
Building Control	-85	-162	-159
Car Parks	-1,576	-1,731	-1,797
Car Parking - On Street	-372	-430	-442
CCTV	263	234	238
Civil Protection	29	33	34
Dangerous Structures	21	23	10
Dartford Environmental Hub (SDC Costs)	0	0	0
EH Commercial	274	255	260
Pay Costs (see Note 1)	34	1	1
EH Environmental Protection	383	382	368
Emergency	60	63	64
Estates Management - Grounds	94	97	98
Land Charges	-111	-93	-98
Licensing Partnership Hub (Trading)	0	0	0
Licensing Regime	15	-5	0
Markets	-189	-192	-190
Parks and Recreation Grounds	143	97	98
Parks - Rural	56	74	103
Building Control Partnership Implementation & Project Co	0	0	0
Environmental Health Partnership	0	0	0
Public Transport Support	1	0	0
Refuse Collection	2,288	2,378	2,415
Administrative Expenses - Building Control	15	9	9
Administrative Expenses - Direct Services	0	0	0
Administrative Expenses - Health	12	26	26
Administrative Expenses - Transport	7	10	10
Street Naming	5	14	15
Street Cleansing	1,207	1,240	1,255
Support - Health and Safety	14	18	18
Support - Direct Services	41	54	54
Taxis	-23	-20	-18
Public Conveniences	54	43	43
Air Quality (Ext Funded)	0	0	0
<b>Total Service Expenditure</b>	<b>2,788</b>	<b>2,523</b>	<b>2,514</b>

	<b>Actuals</b>	<b>Budget</b>	<b>Proposed</b>
	<b>13/14</b>	<b>14/15</b>	<b>Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Environmental and Operational Services</b>			
Pay Costs	2,150	2,272	2,343
Premises and Grounds	690	561	567
Transport	34	33	33
Supplies & Services	551	571	558
Supplies & Services IT	18	0	0
Agency & Contracted	488	403	373
Agency & Contracted - Partnerships	758	706	1,018
Agency & Contracted - Direct Services	3,505	3,681	3,736
Transfer Payments - Other	3	0	0
Staff Costs - Other Chief Officers	11	24	0
Support Services	11	11	11
Funds drawn to/from Reserves	1	0	0
Capital Charges	0	0	0
Income - Other	-673	-667	-623
Income - Fees and Charges	-4,344	-4,322	-4,440
Recharges	0	0	0
Recharges - Partnerships	-415	-749	-1,063
	<hr/>		
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>2,788</b>	<b>2,523</b>	<b>2,513</b>
	<hr/> <hr/>		

**Analysis of budget changes between 13/14 and 14/15**

<b>Base Budget 2014/15</b>	2,523	
Inflation	-6	
<b>Planned Savings agreed previous years</b>		
SCIA 20 (2014/15) Building Control - Joint Working TMBC	-9	
<b>SCIAS 2015/16</b>		
SCIA 8 (2015/16) Loss of Rent on Timberden Farm due to Disposal	28	
SCIA 20 (2015/16) Air Quality Monitoring	-18	
<b>Other Adjustments between Chief Officers</b>		
Non Domestic Rates	-5	
	<hr/>	
<b>Proposed Budget 2015/16</b>	<b>2,513</b>	
	<hr/> <hr/>	

**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals 13/14</b>	<b>Budget 14/15</b>	<b>Proposed Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Financial Services</b>			
Action and Development	18	7	7
Benefits Admin	951	824	794
Benefits Grants	-659	-659	-659
Consultation and Surveys	3	3	4
Corporate Grants	0	0	0
Corporate Management	726	937	929
Dartford Partnership Hub (SDC costs)	0	-0	-0
Equalities Legislation	14	18	18
External Communications	139	176	150
Housing Advances	2	2	2
Local Tax	28	179	120
Members	380	412	418
Misc. Finance	2,236	2,327	2,410
Dartford Partnership Implementation & Project Costs	-200	-30	-30
Performance Improvement	-9	6	6
Administrative Expenses - Corporate Director	8	0	0
Administrative Expenses - Community Director	4	0	0
Administrative Expenses - Chief Executive	7	35	36
Administrative Expenses - Financial Services	25	44	35
Administrative Expenses - Transformation and Strategy	3	11	6
Support - Audit Function	147	144	146
Support - Exchequer and Procurement	131	134	135
Support - Finance Function	138	209	213
Support - General Admin	119	142	145
Treasury Management	100	101	112
<b>Total Service Expenditure</b>	<b>4,312</b>	<b>5,022</b>	<b>4,997</b>

	<b>Actuals</b>	<b>Budget</b>	<b>Proposed</b>
	<b>13/14</b>	<b>14/15</b>	<b>Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Financial Services</b>			
Pay Costs	2,380	2,552	3,013
Premises and Grounds	45	48	16
Transport	6	6	6
Supplies & Services	827	894	830
Supplies & Services IT	89	101	107
Agency & Contracted	2,277	2,710	2,867
Agency & Contracted - Partnerships	2,777	2,468	1,950
Agency & Contracted - Direct Services	0	0	0
Transfer Payments - Benefits	28,055	27,590	29,090
Transfer Payments - Other	0	0	0
Staff Costs - Other Chief Officers	268	411	0
Support Services	64	0	0
Funds drawn to/from Reserves	485	-138	-180
Income - Other	-29,523	-28,568	-30,139
Income - Fees and Charges	-397	-317	-344
Recharges	-189	-192	-192
Recharges - Partnerships	-2,852	-2,543	-2,026
	<hr/>	<hr/>	<hr/>
Service expenditure before re-allocation of Support Services and Capital charges	4,312	5,022	4,997
	<hr/> <hr/>	<hr/> <hr/>	<hr/> <hr/>
<b>Analysis of budget changes between 14/15 and 15/16</b>			
<b>Base Budget 2014/15</b>			5,022
Inflation			214
<b>Planned Savings agreed previous years</b>			0
<b>SCIAs 2015/16 and Funding adjustments</b>			
SCIA 7 (2015/16) Debit and Credit Card Fees for Treasury Management			10
SCIA 9 (2015/16) Business Rates Discretionary Relief			-33
SCIA 10 (2015/16) External Audit Fees Reduction			-30
SCIA 11 (2015/16) Dartford BC Revised Split of Costs			-90
SCIA 14 (2015/16) Council Tax Court Income			-25
SCIA 21 (2015/16) Back Office Savings			-57
<b>Other Adjustments between Chief Officers</b>			
Internal Print Reduction			-14
<b>Proposed Budget 2015/16</b>			<hr/> <hr/> <b>4,997</b> <hr/> <hr/>

**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals</b>		<b>Proposed Budget</b>
	<b>13/14</b>	<b>Budget 14/15</b>	<b>15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Housing</b>			
Home Improvement Agency	0	0	0
Energy Efficiency	31	23	25
Gypsy Sites	-20	-31	-30
Homeless	106	96	79
Disabled Facilities Grant Administration	2	0	0
Housing	454	447	438
Housing Initiatives	7	6	13
Homelessness Prevention	0	0	0
Needs and Stock Surveys	13	-2	0
Housing Option - Trailblazer	3	0	0
KCC Loan Scheme	0	0	0
Private Sector Housing	148	155	178
Administrative Expenses - Housing	25	18	18
Sevenoaks Switch and Save	0	0	0
Homelessness Funding	0	0	0
Leader Programme	9	10	10
<b>Total Service Expenditure</b>	<b>778</b>	<b>722</b>	<b>730</b>

	<b>Actuals</b>		<b>Proposed Budget</b>
	<b>13/14</b>	<b>Budget 14/15</b>	<b>15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Housing</b>			
Pay Costs	673	726	757
Premises and Grounds	22	11	11
Transport	0	0	0
Supplies & Services	22	21	22
Supplies & Services IT	8	0	0
Agency & Contracted	228	153	158
Agency & Contracted - Direct Services	0	0	0
Transfer Payments - Benefits	0	0	0
Transfer Payments - Other	6	37	27
Staff Costs - Other Chief Officers	11	5	0
Funds drawn to/from Reserves	44	20	13
Income - Other	-176	-183	-188
Income - Fees and Charges	-62	-69	-70
Recharges	3	0	0
	<hr/>		
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>778</b>	<b>722</b>	<b>730</b>
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**Analysis of budget changes between 13/14 and 14/15**

<b>Base Budget 2014/15</b>	722
Inflation	21
<b>Planned Savings agreed previous years</b>	
SCIA 13 (2014/15) Efficiency Review Housing Initiatives	7
<b>SCIAS 2015/16</b>	
SCIA 17 (2015/16) Bed and Breakfast Reduction	-10
SCIA 18 (2015/16) Increase in Private Sector Letting Scheme	-10
<b>Other Adjustments between Chief Officers</b>	0
	<hr/>
<b>Proposed Budget 2015/16</b>	<b>730</b>
	<hr/> <hr/>



**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals 13/14</b>	<b>Budget 14/15</b>	<b>Proposed Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Legal and Governance</b>			
Civic Expenses	14	15	15
Democratic Services	105	117	139
Elections	71	72	73
Register of Electors	112	140	139
Administrative Expenses - Legal and Governance	53	74	65
Support - Legal Function	192	190	202
<b>Total Service Expenditure</b>	<b>548</b>	<b>608</b>	<b>634</b>

	<b>Actuals</b>	<b>Budget</b>	<b>Proposed</b>
	<b>13/14</b>	<b>14/15</b>	<b>Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Legal and Governance</b>			
Pay Costs	430	437	473
Premises and Grounds	20	20	25
Transport	6	7	11
Supplies & Services	151	179	206
Supplies & Services IT	4	10	10
Agency & Contracted	76	128	155
Staff Costs - Other Chief Officers	27	0	0
Funds drawn to/from Reserves	17	0	-60
Income - Other	-131	-137	-148
Income - Fees and Charges	-52	-38	-40
	<hr/>		
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>548</b>	<b>608</b>	<b>634</b>
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**Analysis of budget changes between 13/14 and 14/15**

<b>Base Budget 2014/15</b>	608	
Inflation	39	
<b>Planned Savings agreed previous years</b>	0	
<b>SCIAS 2015/16</b>	0	
<b>Other Adjustments between Chief Officers</b>		
Internal Print Reduction	-10	
Software Maintenance	-3	
	<hr/>	
<b>Proposed Budget 2015/16</b>	<b>634</b>	
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**Net Service Expenditure analysed by Chief Officer**

	<b>Actuals 13/14</b>	<b>Budget 14/15</b>	<b>Proposed Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Planning Services</b>			
Affordable Housing	0	0	0
Bridleways / Footpath Diversions	0	0	0
Conservation	48	46	46
Planning Policy	448	416	389
LDF Expenditure	0	0	0
Neighbourhood Plan	0	0	0
Planning - Appeals	262	194	196
Planning - CIL Administration	5	0	0
Planning - Counter	-1	0	0
Planning - Development Management	260	328	352
Planning - Enforcement	261	278	279
Fort Halstead	0	0	0
Administrative Expenses - Planning Services	32	39	34
<b>Total Service Expenditure</b>	<b>1,315</b>	<b>1,301</b>	<b>1,296</b>

	<b>Actuals</b>	<b>Budget</b>	<b>Proposed</b>
	<b>13/14</b>	<b>14/15</b>	<b>Budget 15/16</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Planning Services</b>			
Pay Costs	1,738	1,855	1,820
Premises and Grounds	0	1	1
Transport	1	0	0
Supplies & Services	64	67	63
Supplies & Services IT	8	2	2
Agency & Contracted	285	86	84
Transfer Payments - Other	6	0	0
Staff Costs - Other Chief Officers	23	17	0
Funds drawn to/from Reserves	8	5	61
Income - Other	-23	0	0
Income - Fees and Charges	-784	-713	-716
Recharges	-11	-20	-20
	<hr/>		
<b>Service expenditure before re-allocation of Support Services and Capital charges</b>	<b>1,315</b>	<b>1,300</b>	<b>1,295</b>
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**Analysis of budget changes between 13/14 and 14/15**

<b>Base Budget 2014/15</b>	1,300	
Inflation	30	
<b>Planned Savings agreed previous years</b>		
SCIA 16 (2014/15) Planning: Efficiency Review	-35	
<b>SCIAS 2015/16</b>	0	
<b>Other Adjustments between Chief Officers</b>	0	
	<hr/>	
<b>Proposed Budget 2015/16</b>	<b>1,295</b>	
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**PAY COST ESTIMATES SUMMARY 2015/2016**

<b>Line No.</b>		<b>2014/15 BUDGET</b>	<b>2015/16 BUDGET</b>	<b>2014/15 FTE</b>	<b>2015/16 FTE</b>
1	Communities and Business	389,458	618,119	8.73	13.73
2	Corporate Support	1,980,046	1,948,120	60.56	60.23
3a	Building Control	432,209	434,418	9.61	10.61
3b	Environmental Health	604,506	613,910	12.57	12.57
3c	Licensing	278,933	288,563	8.61	8.62
3d	Operational Services	562,417	583,244	13.80	13.99
3e	Operational Services (TASK)	2,745,377	2,821,290	91.97	91.02
3f	Parking & Amenity Services	420,983	428,563	12.00	12.00
4	Finance	2,504,138	2,563,854	64.72	64.72
5	Housing	586,142	602,973	12.35	12.35
6	Legal & Governance	546,616	576,674	11.92	12.31
7	Planning	1,881,704	1,839,584	46.19	45.80
		<b>12,932,529</b>	<b>13,319,312</b>	<b>353.03</b>	<b>357.95</b>
	<b>Other Salary Costs</b>				
8	Vacancy Savings	-100,000	-100,000	-	-
	<b>SUB-TOTAL</b>	<b>12,832,529</b>	<b>13,219,312</b>	<b>353.03</b>	<b>357.95</b>
9	Community Development (Ext Funded)	146,258	165,393	3.81	5.23
10	Operational Services (Ext Funded)	-	-	-	-
11	Operational Services TASK (Ext Funded)	-	-	-	-
12	Development Services (Ext Funded)	-	-	-	-
13	Housing (Ext Funded)	215,887	221,719	6.09	6.09
	<b>GRAND TOTAL</b>	<b>13,194,674</b>	<b>13,606,424</b>	<b>362.93</b>	<b>369.27</b>

**NOTES**

1) Externally funded posts (lines 9 to 13) have been excluded from earlier lines. The income will show elsewhere in the 2015/16 budget

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Statement of Reserves and Provisions

1. This appendix sets out details of the reserves and provisions held by the council. These balances have been subject to a detailed review as part of the budget process. **The items in bold show the changes that are being recommended.**
2. One of the requirements of the Financial Planning Strategy is to have flexible use of the Budget Stabilisation Reserve. The fund incorporates any annual under-spends and absorb any annual over-spends. **It is recommended that any favourable variance achieved in the 2014/15 budget is put into this reserve.**
3. The annual contribution from revenue to the Capital Reserve is currently £198,000. SCIA19 explained that the Government has increased their contribution to the total cost of Disabled Facilities Grants which results in a lower contribution being required from this Council of £50,000 per annum. Therefore the requirement to fund part of the capital programme from the Capital Reserve reduces by the same amount. **It is recommended that the annual contribution from revenue to the Capital Reserve be reduced by £50,000 to £148,000.**
4. **An On-Street Parking Reserve be established.** To comply with the requirements of the Traffic Management Act 2004 and our on-street parking agency agreement with KCC. Surpluses on the on-street parking account may only be used for permitted purposes outlined in the Act and approved by the County Council. It is prudent to set aside any surpluses above budget to offset any future deficits or to apply to permitted purposes in later years.
5. A Property Investment Reserve be established. On 22 July 2014 Council approved a Property Investment Strategy and agreed to set aside up to £5m from a review of reserves for the purposes of the proposals outlined in the strategy. £1,219,000 will be funded from Capital Receipts. **It is recommended that £3,781,000 be transferred into the Property Investment Reserve from the changes recommended below following a review of reserves.**
  - a. **General Fund Reserve £2,213,000** – this reserve acts as a working balance and it is recommended that the balance is a minimum of 10% of Net Revenue Expenditure. This transfer would leave £1,500,000 in the reserve.
  - b. **First Time Sewerage Reserve £349,000.**
  - c. **Pension Fund Valuation Adjustment Reserve £509,000.**
  - d. **Rent Deposit Guarantee £50,000.**

- e. Homelessness Prevention £97,000.
- f. Housing Benefit Subsidy £400,000.
- g. Community and Business £112,000.
- h. Others £51,000.

6. The following table set out the reserves and provisions held by the Council at 1<sup>st</sup> April 2014.



	01/04/14	Purpose (some further details are included in the Statement of Accounts 2013/14)
<b>Provisions</b>	<b>£000</b>	
Business Rates Appeals	907	The change to the Business Rates Retention scheme means that the Council has to provide for its share of the costs arising from successful appeals.
Accumulated Absences	152	Absorbs the difference that would otherwise arise on the General Fund Balance from accruing for compensated absences (e.g. annual leave) earned but not taken in the year. Opposite entry in Unusable Reserves.
Municipal Mutual Insurance	257	A solvent run-off of MMI is now unlikely which may result in Councils being liable to clawback of monies paid out.
Other	34	To cover potential restitutionary claims in respect of personal search fees of the land register.
Sub Total	<b>1,350</b>	
<b>Capital Receipts</b>		
Capital Receipts	<b>4,568</b>	Balance from previous asset sales and mortgage repayments. Can be used to fund future capital expenditure.
<b>Earmarked Reserves</b>		
Action and Development	395	To fund ad hoc and unplanned expenditure (including emergencies and flooding).
Asset Maintenance	1,000	To fund emergency works to assets.
Budget Stabilisation	5,348	To support decisions required to continue to produce a balanced budget in future years.
Capital Financing	153	Annual contributions from revenue to fund some capital projects.
Carry Forward Items	177	For specific items agreed by Cabinet, e.g. if a project has slipped between years.
Community and Business	450	External funding received for ongoing and future projects.
Corporate Project Support	200	To fund external expertise required to investigate proposed projects.
Financial Plan	4,644	Funds moved from the Asset Maintenance and Employer's Superannuation Reserves to support the 10-year budget.
First Time Sewerage	715	Transferred from a provision for potential liabilities relating to earlier sewerage installations.
Flood Support	173	To give grants to businesses that have suffered flooding and make claims under the Business Flood Support Scheme.
Homelessness Prevention	197	For preventing homelessness.
Housing Benefit Subsidy	1,082	Provides a cushion against large movements in reclaimable sums in any year.
IT Asset Maintenance	403	To fund future IT asset maintenance costs.

Local Plan/LDF	528	To help support the Local Plan and Local Development Framework.
NDR Safety Net	595	To meet current accounting regulations for deficits in the initial year of the business rates retention scheme.
New Homes Bonus	379	Due to the uncertainty of future Government funding an element of NHB is being kept separate.
Pension Fund Valuation	1,318	To contribute towards downturns in future pension fund actuarial valuations.
Rent Deposit Guarantees	102	To support the homeless etc, by providing their initial deposit and guarantee for a property.
Re-organisation	465	To fund actions taken to achieve annual budget savings.
Vehicle Insurance	284	Own vehicle damage for the commercial vehicle fleet. Contributions are made from the trading accounts.
Vehicle Renewal	304	Vehicle replacement for the commercial vehicle fleet. Contributions are made from the revenue trading accounts each year
Others (under £100,000)	725	Includes District Elections, Housing Benefit, Big Community Fund.
Sub Total	19,637	
General Fund	3,713	Acts as a working balance to meet unexpected issues during the year, for which a minimum of 10% of net service expenditure recommended. It also meets any planned deficits on the revenue account.
<b>TOTAL</b>	<b>29,268</b>	

**Definitions:**

**Provisions** – funds set aside for liabilities or losses which are known obligations, but are uncertain as to amounts or dates. Expenditure can be charged direct against the Provision without being reflected in the Revenue Account.

**Capital Receipts** – money received from the sale of assets (normally land and buildings) and the repayment of grants and advances (e.g. mortgage repayments). Such receipts can only be used to repay debt, or to finance capital investment.

**Earmarked Reserve** – amounts set aside for purposes falling outside the definition of Provisions. Expenditure should not be charged direct to reserves, but shown in the Revenue Account with the transfer to or from the reserve distinguished from service expenditure. For each reserve the purpose, usage and basis of transactions should be clearly identified.

**Unallocated Reserve** – the General Fund balance. Amounts not set-aside for a specific purpose. The only transaction should be the surplus or deficit on the General Fund each year.

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**Risk Factors 2015/16**

<b>Issue</b>	<b>£ Scale</b>	<b>Likelihood 1 (low) – 5 (high)</b>	<b>Impact 1 (low) – 5 (high)</b>	<b>Total Score</b>	<b>Potential Annual Impact and Sensitivity Analysis</b>	<b>Risk Areas</b>	<b>Controls and Actions in place</b>
Pay Costs	£13m total costs	1	4	4	1% pay increase = £130k. Budget assumptions: 1.5% pay award from 2016/17.	Largest single item of cost. Complex drivers across the organisation.	Pay settlement agreed for 2015/16. Strict monitoring of both financials and staff numbers. New salary bands introduced from 1 April 2012 which reduced the costs of annual increments. Formal sickness & overtime monitoring. Separate control on agency staff. Part of National Agreement.
Pensions Funding	£25m deficit	1	3	3	1% change in employers contribs = £150k.	Deficit on County Fund. Future actuarial results. Government review.	£520,000 included in 10-year budget in 2017/18 to contribute towards any increase at the next triennial revaluation.
Major Service Income areas					See below by income type	Income subject to local economic conditions. Some very large single-source income targets (see below).	Strict monitoring, with trend analysis.

Appendix I

Issue	£ Scale	Likelihood 1 (low) – 5 (high)	Impact 1 (low) – 5 (high)	Total Score	Potential Annual Impact and Sensitivity Analysis	Risk Areas	Controls and Actions in place
- Land Charges	£0.2m	4	1	4	20% reduction would be £33k.	Volatile activity levels in the housing market. National legal action now underway in relation to Personal Search companies recouping monies expended under the previous legislation.	A provision of £34k is held for the national legal action. Continue to monitor.
- Development Control	£0.7m	3	3	9	20% reduction would be £143k.	Volatile activity levels in the housing market and general economic conditions.	Current year income is above target. Continue to monitor.
- Building Control	£0.5m	4	3	12	20% reduction would be £90k	Volatile activity levels in the housing market and general economic conditions. Competition from commercial organisations	Current year income is below target. Continue to monitor.
- Car Parks	£2.1m	2	4	8	20% reduction would be £420k	General economic conditions; central government directives	Current year income is below target. Continue to monitor.
- On-Street Parking	£0.7m	3	3	9	20% reduction would be £143k	General economic conditions. Legislative constraints on	Current year is above target. Continue to monitor and review.

Agenda Item 6d

Appendix I

Issue	£ Scale	Likelihood 1 (low) – 5 (high)	Impact 1 (low) – 5 (high)	Total Score	Potential Annual Impact and Sensitivity Analysis	Risk Areas	Controls and Actions in place
						spending surpluses. Reverts to KCC control	
- Car Parking – Enforcement income	£0.2m	2	2	4	20% reduction would be £31k	General economic conditions; central government directives	Current year is below target. Continue to monitor and review
Partnership working and partner contributions		3	2	6	Impact on individual projects is high.	Partner actions delayed. Agreed funding not received by SDC. Partnerships ending.	Separate accounting arrangements. Active liaison with partners on service arrangements Written partnership agreements.
External Funding Awards	£0.5m	3	2	6	Up to £400k Impact on individual projects is high	Time limited.	Exit strategies in place.
Changes in service demand		3	3	9	Impacts will vary depending on service.		Service planning in place Continue to lobby Government where changes are due to new Gov't requirements.
Interest Rates	£0.244m 14/15 budget	2	4	8	£177k per 0.5%.	Large cash variance from small rate changes. Reducing availability of suitable counter parties	Use of professional advisers

Appendix I

Issue	£ Scale	Likelihood 1 (low) – 5 (high)	Impact 1 (low) – 5 (high)	Total Score	Potential Annual Impact and Sensitivity Analysis	Risk Areas	Controls and Actions in place
Investments	£45m balance at Nov 2014	1	5	5		Financial institutions going into administration.	Investment strategy regularly reviewed by FRAC.
Asset base maintenance	£1.0m	1	2	2	Annual budget is based on 30% of assessed maintenance.	Unexpected problems occurring with financial implications. Reducing budget levels.	Reserve funds set aside. 10 year maintenance planning carried out. Policy of reducing asset liabilities wherever possible.
Capital Investment resources	£4.6m balance at March 2014	2	2	4	Risks taken into account in the Capital Programme report.	Capital receipt levels modest.	External funding sought wherever possible. Capital Investment priorities in place. Property Review being pursued to secure asset sales.
Disposal of surplus assets	£1.6m budget in plan (15/16)	2	2	4	Risks taken into account in the Capital Programme and Asset Maintenance report.	Planning conflict. Resources required to bring sites forward.	Land Owner/Planning protocols in place. In-house property team. Planned Property Review disposal programme.
Government Support: Revenue Support Grant	£2.2m in 2014/15	5	4	20	£22k per 1% change.	Government continues to reduce grant. Only short term settlements provided.	10-year budget strategy gives ability to gradually adjust for changes. Adequate level of General Reserve held.

Agenda Item 6d



Appendix I

Issue	£ Scale	Likelihood 1 (low) – 5 (high)	Impact 1 (low) – 5 (high)	Total Score	Potential Annual Impact and Sensitivity Analysis	Risk Areas	Controls and Actions in place
Government Support: Retained Business Rates	£1.9m in 2014/15	4	4	16	£19k per 1% change	Government changing safety net levels. High volume of successful valuation appeals.	10-year budget strategy gives ability to gradually adjust for changes. Adequate level of General Reserve held.
Council tax capping	£9.0m CTAX income in 14/15	4	3	12	£90k per 1% capping reduction	Council tax freeze offers from Govt. Council tax increases limited to 2% Impact on council tax base from Local CTAX schemes.	Draft 10-year budget includes council tax increase assumptions for future years.
Future Service Changes by Government		4	4	16		Additional services without consequent resources, e.g. Maint. of trees on common land. Government directives on income charging e.g. Personal searches	Monitor proposals. Respond to consultation with local view.
Fuel cost increases for Direct Services	£0.5m	5	2	10	10% increase would be £50k	Changes in global oil prices.	Continue to monitor fuel usage and efficiency. Vehicle replacement programme
Changes to Audit Arrangements		2	2	4		Abolition of Audit Commission in March 2015; change of	Plan responses to new initiatives well in advance. <i>(appointment of external auditors transfers to</i>

Appendix I

Issue	£ Scale	Likelihood 1 (low) - 5 (high)	Impact 1 (low) - 5 (high)	Total Score	Potential Annual Impact and Sensitivity Analysis	Risk Areas	Controls and Actions in place
						external auditors	<i>Public Sector Audit Appointments Ltd),</i> Ensure Council organisation design can meet challenges.

Agenda Item 6d

**Item 6 (e) – Adoption of the Allocations & Development Management Plan**

The attached report was considered by the Cabinet on 5 February 2015, the relevant minute extract was not available before the printing of this agenda and will follow.

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**ADOPTION OF THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN (ADMP)**

**Full Council – 17 February 2015**

Report of	Chief Planning Officer
Status:	For Decision
Also considered by:	Local Planning and Environment Advisory Committee – 27 January 2015 Cabinet – 5 February 2015
Key Decision:	No

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**Executive Summary:**

The Allocations and Development Management Plan (ADMP) supplements the Core Strategy by identifying housing allocations, areas of employment and important areas of open space. The ADMP also sets out new development management policies, which are consistent with the National Planning Policy Framework (NPPF).

The ADMP was examined by the Planning Inspectorate in March 2014 and a consultation on the Inspector's Main Modifications was held 21 August – 2 October 2014. The Inspector's final report has now been issued. The report finds the Plan sound, subject to the incorporation of the Main Modifications previously consulted upon.

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**Portfolio Holder** Cllr. Piper

**Contact Officer(s)** Hannah Gooden Ext. 7178 Helen French Ext. 7357

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**Recommendation to Local Planning and Environment Advisory Committee**

That the recommendation to Full Council is endorsed.

**Recommendation to Cabinet**

That the recommendation to Full Council is endorsed.

**Recommendation to Full Council**

That the Allocations and Development Management Plan, incorporating the Inspector's main modifications, is adopted.

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**Reason for recommendation:**

To progress the ADMP in accordance with the Local Development Scheme.

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## Agenda Item 6e

### **Introduction and Background**

- 1 Following agreement of the draft Allocations and Development Management Plan (ADMP) by Full Council in February 2013, it was:
  - submitted for examination (November 2013)
  - examined through hearings (March 2014)
  - published for consultation on the Main Modifications (21 August – 2 October 2014) – see Appendix B & C
  - Found ‘sound’ by the Planning Inspector, subject to the incorporation of the Main Modifications (December 2014)

### **Inspector’s Report on the ADMP**

- 2 The final ADMP Inspector’s Report has now been published. It concludes that the plan provides an appropriate basis for the planning of the District, subject to the incorporation of the thirteen Main Modifications.
- 3 The Main Modifications are summarised as follows:
  - The inclusion of a landscape protection policy;
  - The allocation of the reserve housing site at Edenbridge;
  - The amendment of the boundary of the Gas Holders Site, Sevenoaks;
  - The amendment of the allocation at Warren Court, Halstead;
  - The amendment of the boundary of the BT Exchange site, Sevenoaks;
  - The introduction of flexibility into the proposals for the Powder Mills site, Leigh;
  - The inclusion of advice in para 4.6 regarding marketing requirements in relation to the change of use of employment land;
  - The deletion of the open space designation at Broom Hill, Swanley;
  - The allocation of housing (up to 450 dwellings) and employment land at Fort Halstead;
  - The inclusion of more detail regarding monitoring and review (3 modifications); and
  - The commitment to an early review of the Core Strategy.
- 4 The report concludes that the Council has complied with the Duty to Co-operate during the plan preparation and that it is positively prepared, justified, effective and consistent with national policy, and therefore meets the criteria for soundness.

- 5 The Inspector notes that the ADMP does not seek to reassess strategic issues considered by the Core Strategy, such as housing or employment targets. He concludes that the appropriate way to reconsider these issues is to undertake a review of the Core Strategy (or prepare a complete Local Plan) if the new Strategic Housing Market Assessment shows a need to do so (as is now required by one of the modifications). The Inspector has attached significant weight to the Broom Hill appeal decisions and has, through his modifications, taken what opportunities exist to address the ‘substantial shortfall’ referred to in the appeal decisions. The report states that:

This does not mean that there should be a relaxation in terms of meeting employment needs or protecting the Green Belt and AONB, rather it is a way of increasing housing supply within the Development Plan framework as it currently exists.

- 6 The Inspector’s approach, therefore, has been to consider opportunities that exist to increase the number of dwellings that can be accommodated on proposed allocations and to identify additional allocations, where residential development would not be contrary to policies on Green Belt protection and employment land retention, for example. This explains a number of the Inspector’s modifications, such as the allocation of the reserve land in Edenbridge and housing as part of an employment-led development at Fort Halstead. The Council’s existing policies on density and design of development in the Core Strategy, for example, are unaffected by the Inspector’s conclusions on the ADMP.
- 7 The Council is able to decide whether to adopt the plan with the Inspector’s change or to not adopt it. Under planning law, it is not able to make substantive changes to the ADMP, following the examination, and it is not able to reject the Inspector’s changes.

### **Next Steps**

- 8 The proposal to adopt the ADMP will be reported to Advisory Committee on 27 January, Cabinet on 5 February and Full Council on 17 February.
- 9 Assuming the Council agrees to adopt the Plan, its adoption will be advertised as specified by Regulations, it will be distributed widely, and all of those who participated in the Plan formulation process will be informed of this milestone. The Plan will also be published with an updated Proposals Map.

### **Conclusions**

- 10 This report seeks approval for the adoption of the ADMP.

### **Other Options Considered and/or Rejected**

The Council could choose not to adopt the ADMP. However, this would leave the Council without a Plan for the strategic land use allocation of sites and without up-to-date development management policies and would not represent the best use of resources.

## Agenda Item 6e

### **Key Implications**

#### Financial

None – the costs of preparing the ADMP are part of planning policy budget.

#### Legal Implications and Risk Assessment Statement

None – the Council is required to consult on the Inspector's main modifications.

#### Equality Impacts

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed through an EQIA, which has been carried out on the preparation of the ADMP and also the impacts of the main modifications have been assessed via the SA process.

### **Appendices**

Appendix A – [Inspector's Report on the ADMP](#)

Appendix B – [Inspector's letter to the Council regarding 'main modifications'](#)

Appendix C – [ADMP Main Modifications consultation document](#)

### **Background Papers**

[Inspector's Report on the ADMP](#)

[Inspector's letter to the Council regarding 'main modifications'](#)

[ADMP Main Modifications consultation document](#)

[ADMP Draft for Submission](#)

**Richard Morris**

**Chief Planning Officer**



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# Report to Sevenoaks District Council

**by David Hogger BA MSc MRTPI MCIHT**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Date: 19<sup>th</sup> December 2014**

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE SEVENOAKS DISTRICT ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN**

Document submitted for examination on 27 November 2013

Examination hearings held between 11 March and 20 March 2014

File Ref: PINS/G2245/429/6

## **Abbreviations Used in this Report**

ADMP	Allocations and Development Management Plan
AMR	Authority Monitoring Report
AONB	Area of Outstanding Natural Beauty
CD	Core Document (in the Examination)
CS	Core Strategy
ELR	Employment Land Review
LDS	Local Development Scheme
LP	Local Plan
MM	Main Modification
NPPF	National Planning Policy Framework
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SCS	Sustainable Community Strategy
SHMA	Strategic Housing Market Assessment

### **Non-Technical Summary**

This report concludes that the Sevenoaks District Allocations and Development Management Plan provides an appropriate basis for the planning of the District, providing a number of modifications are made to the plan. Sevenoaks District Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All the modifications were proposed by the Council and I have recommended their inclusion after considering the representations from other parties on these issues.

The Main Modifications can be summarised as follows:

- The inclusion of a landscape protection policy (EN5);
- The allocation of the reserve housing site at Edenbridge (H1p);
- The amendment of the boundary of the Gas Holders Site, Sevenoaks (H1c);
- The amendment of the allocation at Warren Court, Halstead (H1o);
- The amendment of the boundary of the BT Exchange site, Sevenoaks (H2a);
- The introduction of flexibility into the proposals for the Powder Mills site, Leigh (H2f);
- The inclusion of advice in para 4.6 regarding marketing requirements in relation to the change of use of employment land;
- The deletion of the open space designation at Broom Hill, Swanley;
- The allocation of housing and employment land at Fort Halstead (EMP3);
- The inclusion of more detail regarding monitoring and review; and
- The commitment to an early review of the Core Strategy.

For the avoidance of doubt I have used the same references for the Main Modifications as used by the Council.

Footnote document numbers refer to references from the Examination library, which can be found on the following link:

<http://planningconsult.sevenoaks.gov.uk/consult.ti/ADMPExamlist/consultationHome>

### Introduction

1. This report contains my assessment of the Sevenoaks District Allocations and Development Management Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate, in recognition that there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes clear that to be sound, a Local Plan should be positively prepared; justified; effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan dated November 2013.
3. My report deals with the main modifications that are needed to make the Plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the Plan unsound/not legally compliant and thus incapable of being adopted. These Main Modifications are set out in the Appendix.
4. The Main Modifications that are necessary for soundness all relate to matters that were discussed at the Examination hearings. Following these discussions, the Council prepared a schedule of proposed Main Modifications (and an addendum to the Sustainability Appraisal Report) and these documents have been subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report.

### Assessment of Duty to Co-operate (the Duty)

5. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation. It is clear that the ADMP has been prepared within the existing framework provided by the adopted Core Strategy (CS) and therefore matters of a strategic nature (which are subject to the Duty) are very limited. Nevertheless CD115<sup>1</sup> sets out the co-operation undertaken to-date and it is clear that the two large sites which are proposed for development at Leigh and Fort Halstead, which sit close to the District boundary, have been the subject of consultation with neighbouring local planning authorities and other interested parties.
6. Comments were made at the hearing session that there had been no co-operation regarding the identification of up-to-date housing needs within the housing market area. However, as I explain in the following paragraphs, research into housing needs will be a pre-requisite of the review of the CS and is not an issue to be addressed in detail in the ADMP. I conclude that no significant cross-boundary issues have been raised and I am satisfied that the evidence demonstrates that the Council has complied with the Duty.

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<sup>1</sup> Duty to Co-operate Topic Paper (CD 115)

## Assessment of Soundness

### Preamble

7. The Plan establishes in the Foreword, that it must be consistent with the CS which was adopted in February 2011. Paragraph 1.3 provides a summary of the approach advocated in the CS and paragraph 3.2 summarises the housing objectives of the CS. It is clear that the ADMP has been prepared within the framework provided by the CS and that it has not sought to reassess strategic issues such as overall housing or employment needs.
8. The CS was adopted just over a year before the NPPF was published and work on the ADMP had already commenced with a number of public consultation exercises having been undertaken. Although it may be preferable to have a single Local Plan (LP) for a District, there is nothing to prevent an LP being progressed in separate parts at different times and had the Council decided to produce a single all-encompassing Plan at this stage it would have added to the complexity of the process and caused further delay. I acknowledge that the adoption of this plan will not mean that the Council's overall planning framework will fully accord with the NPPF because there are elements in the CS which may not be fully compliant. However, it was not the purpose of this Examination to review strategic matters which are outside the scope of the submitted plan and I believe it is in the public interest for the Council's approach to allocations and development management to be made clear now. There is no robust justification for the Council to have taken a different approach at this late stage in the plan preparation process.
9. In any event the Council is aware of the need to have an up-to-date planning framework in place and the Council's Local Planning and Environment Advisory Committee and Cabinet considered a Report on the Local Development Scheme (LDS) in July 2014. The Committee and Cabinet agreed to undertake a new Strategic Housing Market Assessment (SHMA) to aid the identification of objectively assessed housing need in the District and also to further review the Local Development Scheme<sup>2</sup> (a further Report is scheduled to be taken to the Committee in January 2015). The Council has confirmed that the assessment of housing need will be carried out once the latest household projections are known, at which time co-operation with other nearby local planning authorities can also be sought. In these circumstances I consider it to be a justified approach.
10. It was argued by some representors that the review of the local plan should not be dependent on the outcome of the SHMA work. To some degree the argument is academic because the Council already acknowledges that the initial indications suggest that the District's housing target will need to be changed<sup>3</sup> and if that is the case I interpret MM13 as a commitment to undertake the necessary review. There is logic in the Council's desire to take it one step at a time, starting with evidence gathering to demonstrate that a review is required and there is no reason why this approach would significantly slow down the process. I am satisfied that the Council's current approach is reasonable and that it does not threaten the soundness of the ADMP.

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<sup>2</sup> CD 259

<sup>3</sup> Council's response to consultation on MM13 (HDC 67)

11. The Council proposes to refer to its commitment to commence the review process (starting with an up-date of the SHMA) in chapter 1 of the ADMP and I agree that it is important that the Council's commitment is made clear and therefore **MM13** is recommended.
12. Although it is against this background that I have considered the ADMP I have attached significant weight to the conclusions of the Inspector for four recent appeal decisions at Broom Hill, Swanley<sup>4</sup>. He confirmed that it is common ground 'that the need for housing as assessed will not nearly be met by the adopted housing targets arrived at in the CS, which is greatly reduced from the need actually identified because of the constraint represented by the district's Green Belt' and he went on to state that 'the substantial difference between that assessed (i.e. housing need) and that included in the CS will not be made up in other nearby areas'.
13. There are therefore two competing considerations in this regard – the 'very substantial'<sup>5</sup> shortfall in terms of identifying land to meet objectively assessed housing need; and the fact that the function of the document before me is not to re-assess that need but to allocate land to accommodate the need already identified in the CS.
14. Taking into account:
  - the advice in the NPPF that the supply of housing land should be boosted and that there is a presumption in favour of sustainable development;
  - the Council's commitment to review the CS;
  - the significant constraints to development in the District, for example the Green Belt and the AONB; and
  - the need to balance housing and employment needs;

then I consider that the most pragmatic way forward at this stage is to ensure that any appropriate opportunity to enable the delivery of sustainable housing is taken, in order (at least in part) to address the substantial shortfall referred to in the aforementioned appeal decisions. This does not mean that there should be a relaxation in terms of meeting employment needs or protecting the Green Belt and AONB, rather it is a way of increasing housing supply within the Development Plan framework as it currently exists. In that way this plan will boost housing supply in the District and will provide choice and flexibility in the housing market, whilst ensuring that there is no significant threat to the character and appearance of the District. In these circumstances the most reasonable opportunity available to boost the supply of housing may lie in the allocation of the reserve housing site at Edenbridge (CS policy LO 6) and this opportunity is further discussed under Issue 2.

15. Although not a core element of the discussion, the issue of the 5 year housing land supply was referred to at the hearing sessions and in a small number of written representations. The Council has concluded that the 5 year supply can

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<sup>4</sup> Appeals 2197478, 2197479, 2195874 and 2195875

<sup>5</sup> Paragraph 15 of appeal decision

be met<sup>6</sup> but this is based on the housing figures in the adopted CS and therefore the supply will have to be re-assessed as part of the LP review referred to above. In any event the allocation of housing at Edenbridge and the proposed residential development at Broom Hill, Swanley, are likely to boost supply in the shorter term.

16. Concerns were raised regarding the inadequacy of the public consultation undertaken. However, I am satisfied that the Council's approach has been in accordance with the adopted Statement of Community Involvement (SCI) and that no party has been unduly disadvantaged<sup>7</sup>.

### **Main Issues**

17. Taking into account all the representations, written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends.

### **Issue 1 – The Protection of the Landscape**

18. Concerns were expressed regarding the lack of protection for the District's landscape and in particular the Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB). Paragraph 109 of the NPPF advises that valued landscapes should be protected and enhanced and paragraph 115 confirms that great weight should be attached to conserving landscape and scenic beauty in AONBs.
19. Policy LO8 of the Core Strategy (CS), entitled 'The Countryside and the Rural Economy', does provide a level of protection for the landscape of the area, including AONBs, but it does not meet the advice in paragraph 113 of the NPPF regarding criteria based policies. It is therefore recommended that in order for the Plan to be consistent with national policy, a new policy 'EN5 Landscape', together with appropriate supporting text, is included in the ADMP (**MM1**). The proposed policy would also confirm that areas of tranquillity should be respected, in accordance with NPPF paragraph 123.

### **Issue 2 – Whether or not the Residential Development Allocations are Sound**

#### ***Enterprise Way, Edenbridge***

20. The ADMP, in paragraph 3.2, refers to the need for its policies to be consistent with the adopted CS policies and in paragraph 3.9 it is stated that 'the Council can meet its Core Strategy housing target without the need to release land in the Green Belt'. In order to provide flexibility policy LO 6 of the CS identifies land at Enterprise Way, Edenbridge as a reserve site for housing. This site has already been subject to public consultation and debate as part of the CS process.

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<sup>6</sup> CD108 and CD113

<sup>7</sup> See Council's response to Inspector's Question 2 (HDC 02)

21. As referred to in the Preamble above, it is clear that the housing targets in the CS were not formulated in line with current NPPF advice and it has been confirmed by the Council that the need for housing in the District (as identified in the 2008 SHMA) will not be met by the adopted housing figures in the CS<sup>8</sup>. The NPPF advises that, in principle, full objectively assessed needs for housing should be met and the objective should be to significantly boost the supply of housing. On the evidence available I consider that the Council has not taken a sufficiently pro-active approach to considering ways, within the parameters provided by the CS and the ADMP, to meeting current housing need.
22. I refer in the Preamble to considering whether or not there are any opportunities available within the existing planning context for the supply of housing to be increased. One such opportunity is the re-consideration of the CS Reserve Housing Site at Edenbridge<sup>9</sup> which is not in the Green Belt or the AONB.
23. The Council originally stated that it would be reconsidering the status of the Edenbridge site as part of the Authority Monitoring Report (AMR) at the end of 2014. However, having considered the matter further the Council concluded that 'since both options (i.e. allocate now or release the site following the review of the AMR) would result in the release of the reserve land it seems reasonable that the site should be allocated in the ADMP rather than delaying the allocation until the publication of the AMR in December 2014'<sup>10</sup> and I agree.
24. Concerns were raised by local residents with regard to access, flood risk, infrastructure provision and increased pressure on local services. However, no substantive evidence was presented to demonstrate that those concerns could not be satisfactorily addressed. The Council concludes that access could be satisfactorily provided via St Johns Way and Enterprise Way and it is clear that residential development within the area at risk of flooding would not be supported. In any event a Transport Assessment and a Flood Risk Assessment would be required to accompany any planning application and similarly the developer would be expected to contribute towards any justified improvements in terms of infrastructure and local services. I note that there was no objection to the proposal from either the Highway Authority or the Environment Agency. Following consultation on the MMs, the Council is proposing a minor amendment to MM6 in order to clarify that the development should provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water, and this is appropriate.
25. Bearing in mind the objective of boosting significantly the supply of housing (but also having regard to the need to attach significant weight to the protection of the Green Belt and AONB within the District), and having read and heard the evidence on this matter, I conclude that there is sufficient justification to release this reserve site and formally allocate it in the ADMP. This is the pragmatic way forward. The release of the reserve site at Edenbridge (which is not subject to any significant constraints that cannot be adequately addressed) is justified, would be consistent with national policy and

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<sup>8</sup> Council's Statement on Matter 1 (para 1.6.1) (HDC 35)

<sup>9</sup> CS policy LO 6

<sup>10</sup> Core document HDC48



would result in a Plan that has been positively prepared. Therefore it is recommended that 'Land west of Enterprise Way, Edenbridge' be added to the list of housing allocations under policy H1 and that explanatory supporting text be included in the Plan (**MM6**).

### ***Sevenoaks Gasholder Station (H1c)***

26. It has been confirmed by the landowner that the property at 107 Cramptons Road (which is within the same ownership but adjacent to the identified site) may become available for re-development. In order to ensure that the potential of the site is optimised<sup>11</sup> it is appropriate that all the land within the one ownership is identified. To that end it is recommended that the boundary of site H1(c) is extended to include No 107, reflecting the most appropriate strategy for the site (**MM2**).

### ***Warren Court, Halstead (H1o)***

27. The site is currently in the Green Belt with part of it having been allocated as an employment site in the adopted Local Plan (saved policy EP1(I)). The Council proposes, through the ADMP, to remove the site from the Green Belt and allocate it for residential development. The Council considers that exceptional circumstances exist because part of the site is allocated for employment use; the existing commercial development is of a poor visual quality; and the proposed development would not have an adverse impact on the openness and visual amenity of the Green Belt, and I agree. It can therefore be concluded that the Council's overall approach to this site is appropriate and sound. No substantive evidence was submitted to demonstrate that the loss of the employment land would have any significant economic consequences.
28. A significant woodland buffer is proposed on part of the site, between the potential development area and the adjacent Deerleap Wood, which I am told is ancient woodland. Although it is important that the impact of any new development on the Green Belt setting of the site is minimised and thus the provision of a buffer would be appropriate, the justification for such a significant area of new woodland is not robust. Consequently it is recommended that the woodland buffer notation is removed from the plan that accompanies the development guidance for the site but that the text continues to refer to the provision of an appropriate buffer. Consequential changes to the net area and the approximate net capacity are also required and consequently recommended (**MM3**). Detailed consideration of the elements of any redevelopment proposal, including the buffer, can be addressed at the planning application stage. This change ensures that the most appropriate strategy for the site is being pursued and that the ADMP is sound in this respect.

### ***Other Housing Allocations***

29. Concerns were expressed regarding the deliverability of residential development at School House and Johnsons, Oak Lane, Sevenoaks (H1d and H1e) but the evidence provided by the Council demonstrates that there is no significant impediment to their implementation. Similarly the loss of open

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<sup>11</sup> NPPF paragraph 58

space was raised in relation to a small number of sites but the Council has provided evidence to demonstrate that in all cases the open space is surplus to requirements or will be replaced elsewhere<sup>12</sup> and thus the requirements of NPPF paragraph 74 are met. No evidence was submitted that would indicate that any of the other Housing Allocations could not be delivered and I am satisfied that with the proposed MMs, policy H1 is sound.

### ***Gypsies and Travellers***

30. The Council is currently preparing the 'Gypsy and Traveller Development Plan Document' and the consultation draft on site options was published in May, with adoption scheduled by the end of next year. Until that time CS policy SP 6 which sets out the criteria against which any such proposal would be assessed, provides sufficient guidance. In these circumstances there is no reason for the ADMP to include policies related to gypsies, travellers and travelling showpeople.

### **Issue 3 – Whether or not the Mixed Use Development Allocations are Sound**

#### ***BT Exchange, South Park, Sevenoaks (H2a)***

31. The land owner of the Sevenoaks Delivery Office (Royal Mail), which is adjacent to the allocated site, has requested that the Delivery Office be re-included within this site allocation (it was included in earlier versions of the Plan). This request is supported by the Council primarily because it would enable a comprehensive redevelopment scheme for the larger area to be achieved. I agree that this is the most appropriate strategy and therefore recommend that policy H2a and the associated development guidance be amended accordingly (**MM4**). It is noted that following consultation on the MMs the Council is proposing a minor amendment to MM4 in order to clarify that the retained Post Office counter facility should provide the same range of services as currently exist and this is an appropriate aspiration.

#### ***United House, Goldsel Road, Swanley (H2b)***

32. Although the site is occupied by business uses, it is allocated for residential, business and open space uses. CS policy SP 8 seeks to support the sustainable development of the District's economy and specifically refers to the retention, intensification and regeneration of existing business areas. Reference is made in the policy to new provision for business uses in Swanley town centre (which lies very close to the site). The policy goes on to seek the retention of business uses unless there are exceptional circumstances.
33. Against this background the main issues to be addressed (as identified in the Statement of Common Ground<sup>13</sup>) are firstly whether or not the proposed office space is justified and secondly whether or not the identification of two areas of open space, one to the north-west and one to the north-east of the main site, is appropriate.
34. In order to strengthen and update existing evidence an Employment Land

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<sup>12</sup> HDC 03

<sup>13</sup> HDC 32

Review<sup>14</sup> (ELR) was commissioned by the Council which concludes that most of the site should be redeveloped for housing with office space provided on the existing car park close to Goldsel Road.

35. I have attached weight to the Market Review<sup>15</sup> undertaken by Michael Rogers for the United House Group in August 2012. It states that the main office development of any significance within the town centre is White Oak Square which was developed in the 1980's. In August 2012 two units had been on the market since February 2011. However, no substantive evidence was submitted regarding the design, layout or quality of the floorspace on offer. Also referred to is Media House but this is described as being of basic quality and in very dated condition. There is insufficient indication that there is no demand for purpose built up-to-date office accommodation, particularly bearing in mind the economy has continued to improve since 2012.
36. In the conclusion to the Market Review it is not clear if any consideration had been given to the provision of office accommodation on only a relatively small part of this site, as is being proposed by the Council. The reference is to the 'redevelopment of the United House site for offices and warehousing' and while this may be an unviable proposition, there is insufficient evidence to enable a conclusion to be drawn that the provision of about 2,000 sqm of offices on the western car park area would not be viable. Indeed the land owner, in response to my question 4.12, confirms that there is no substantive evidence that the use of part of the site for employment purposes would not be viable or sustainable<sup>16</sup>.
37. Having taken into account:
- the advice in the NPPF that significant weight should be attached to supporting sustainable economic growth;
  - the fact that the policies of the adopted CS reflect that advice;
  - all the employment evidence submitted (including the ELR and the Market Review);and
  - my assessment of the situation having visited the site and its surroundings;

I am satisfied that the Council's approach is sound and that the allocation of office floorspace on the western car park area is justified.

38. In terms of open space the Council has calculated<sup>17</sup> that 0.7 ha would be required in order to meet the relevant standards and it has identified land to the north-west of the proposed residential development to fulfil this need. I saw that the quality of the adjoining built environment is not high – large factory buildings very close to the proposed boundary. NPPF paragraph 56 confirms that great importance should be attached to the design of the built

<sup>14</sup> CD 222

<sup>15</sup> CD 618

<sup>16</sup> United House Group – response to Issues and Questions Matter 4 (HDR United House (Planning Potential) 01

<sup>17</sup> HDC 38 Matter 4

environment. High quality design should be achieved and new development should be visually attractive with appropriate landscaping and public spaces. A good standard of amenity for future residents should be sought and guidance should be provided on layout in relation to neighbouring buildings. Taking into account the relationship between the site and the adjacent factory it can be concluded that the location and delineation of the proposed open space/buffer, as identified in Appendix 5 of the ADMP, is justified and necessary in order to ensure that occupiers of the proposed development would enjoy satisfactory living conditions, including in terms of open space provision and outlook.

39. With regard to nuisance I was told that the adjacent factory is a significant source of noise. However, the Council does not specifically refer to the matter in the Development Guidance, although there is a reference to the need to protect the operational requirements of the adjacent employment site. I am satisfied that the impacts of noise can be addressed through the provision of appropriate mitigation measures such as enhanced glazing and unit design and layout – matters to be addressed at the planning application stage.
40. Turning to the north-east corner of the site I saw that, due primarily to changes in level and its proximity to neighbouring dwellings its development potential is likely to be limited. There is also the risk of surface water flooding. The Council's guidance states that this area 'is likely to remain as open space'. This is a reasonable conclusion for the Council to reach but should a proposal be submitted for an alternative use which is justified and which can satisfactorily be accommodated on this constrained area in all respects, then there is an element of flexibility in the guidance which would not prevent the consideration of such an alternative.
41. In terms of density the Council has based the calculations on a net density of 75 dwellings per hectare which is the figure for Swanley Town Centre as set out in CS policy SP 7. Although not within the defined town centre the site is very close to the boundary and is also within walking distance of the railway station. On this basis the Council's approach to density can be justified.

### ***Powder Mills (former GSK site) Leigh (H2f)***

42. The boundary of the site has been drawn to follow the secure employment area formerly occupied by GSK and does not include other small parcels of land (including two dwellings and a small parking area) that are in the same ownership. The site is listed in the CS as a Major Developed Site (in the Green Belt)<sup>18</sup> but national policy has changed since that designation was made and it is appropriate for the Council to have reconsidered the policy and the area to which it would apply. Following my consideration of the representations that were submitted, I identified the route of the boundary as an issue of importance to the soundness of the ADMP (i.e. is it justified?).
43. Just because the land is in the same ownership does not justify its inclusion within what I consider to be a clear site boundary on the ground which relates to the former use of the site. I was told that the dwellings were used by visitors to the site and/or placement students and on that basis I do not

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<sup>18</sup> Para 4.5.16

consider them to be an integral part of the employment function of the land, primarily because they are a different use and could reasonably have been located elsewhere. The policies and advice in chapter 7 of the ADMP on the Green Belt would apply to these smaller parcels of land and there is no robust justification for making an exception to those policies in this case. Having taken into account the written submissions, the discussion at the hearing session, my visits to the site and the responses to the proposed MMs (and bearing in mind the location of the site within the Green Belt), I conclude that the Council's approach is justified and in all other respects sound. It has been suggested that I asked the Council to reconsider the delineation of the boundary at the hearing session but neither the Council nor I have any record of such a request.

44. The Development Guide requires the retention of 'Building 12' on the site for employment use. Although of interesting construction the building is not listed, it appears to require significant maintenance and having seen inside, it is clear that substantial work would be required to make it suitable for other business uses. The provision of some employment floorspace on the site is justified but it is not reasonable to require that 'Building 12' must be retained. In order to ensure that this element of the ADMP is justified and effective it is therefore recommended that the reference to retaining 'Building 12' is loosened by the inclusion of the alternative of providing the equivalent floorspace elsewhere on the site (**MM5**). Other requirements for the site as set out in the Development Guide are appropriate and justified.

#### ***Other Mixed Use Development Allocations***

45. No evidence was submitted that would indicate that any of the other Mixed Use Development Allocations could not be delivered and I am satisfied that with the proposed MMs, policy H2 is sound.

#### **Issue 4 – Whether or not the Employment Allocations are Sound**

##### ***Relationship between the ADMP and CS policy SP 8***

46. CS policy SP 8 advises that 'sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period'. The submitted ADMP does not provide any further advice on how the Council would interpret this part of the CS policy. Therefore it would not be sufficiently clear to a decision maker how to react to such a proposal<sup>19</sup>. It is therefore recommended that additional explanatory text be included in the Economy and Employment chapter to summarise the evidence that may be expected to accompany a proposal for an allocated employment site to be redeveloped for other uses (**MM7**).

##### ***Permitted Change of Use***

47. The change of use of a building from B1a (office) to C3 (dwelling) is allowed (for a temporary period up to 30 May 2016) subject to consideration of specific land designations and prior notification to the local planning authority. The only exceptions that I was made aware of are the former BT building,

<sup>19</sup> NPPF paragraph 154

Sevenoaks; a number of premises in London Road, Sevenoaks; and The Crown, London Road, Westerham. A number of land owners have indicated that they intend to take advantage of this situation, including in relation to Horizon House, Swanley and Tubs Hill House, Sevenoaks. Although I have taken this into account I do not consider that it justifies a more comprehensive relaxation of the Council's policies, regarding the protection of employment floorspace, which are intended to cover the period up to 2026.

### ***Horizon House, Swanley***

48. The representor states that because of the condition of Horizon House, the only viable way to deliver modern office space is through a comprehensive mixed use redevelopment of the site, especially as office growth 'will be flat' over the lifetime of the ADMP.
49. I have attached weight to the Condition Assessment undertaken on behalf of the owner and I have seen no evidence to dispute the total figure of £3,940,000 required to regenerate the building in the long-term (£2,890,000 in the short-term). However, no substantive evidence was submitted to demonstrate that such figures would render the refurbishment not viable. That may well be the case but I have seen no evidence to confirm it. In any event CS policy SP 8, which primarily seeks the retention, intensification and regeneration of existing business uses (for example in Swanley town centre), would allow for a mixed use redevelopment (as an exception) subject to a number of provisos, including where such a proposal would be sustainable. There is therefore sufficient flexibility in the policy and on the evidence submitted I consider that the Council's approach is sound.

### ***Other Land for Business Use***

50. No evidence was submitted that would indicate that any of the proposals for the other identified Employment Sites (policy EMP1) should be changed or that their boundaries should be amended. For a number of sites (for example London Road and Lime Tree Walk, Sevenoaks) it was suggested that a mixed use development should be proposed by the Council and that the long-term protection of employment land should be avoided. However, no substantive evidence was provided to demonstrate that the allocation of these sites for employment use was not sound and in the case of London Road, this is one of three sites on which the Council has secured an exemption from the permitted development rights that would, in principle, allow a change of use from office to residential. The exemption was granted because the loss of the site would result in substantial adverse economic consequences.
51. I consider that CS policy SP 8 already provides sufficient flexibility by allowing a change of use on such sites if exceptional circumstances prevail. I am satisfied that with the proposed MMs, policy EMP1 (Land for Business) is sound.

### ***Broom Hill, Swanley***

52. Policy EMP4 allocates land at Broom Hill for employment development. The accompanying plan in Appendix 4 to the ADMP identifies land to the west of the allocated site as being 'maintained as open space'. Recent appeal decisions, however, have resulted in permission being granted for the

development of that land<sup>20</sup>. Consequently it is recommended that the safeguarding of the land for open space be deleted from the plan in Appendix 4 as referred to above (**MM9**).

### **Issue 5 – Whether or not the Proposals for the Major Developed Employment Site at Fort Halstead are Sound**

53. Fort Halstead is a major developed employment site within the Green Belt and the Kent Downs AONB. CS policy SP 8 supports the retention, intensification and regeneration of the site, subject to Green Belt policy. The boundary of the site is drawn relatively tightly around the developed area and excludes the scheduled Fort, the bunkers to the west and the entrance at Star Hill.
54. The first matter to address is whether or not there is sufficient justification to include an element of residential development within the proposal, as set out in policy EMP3. The CS, in the section on major developed sites<sup>21</sup>, refers to former PPGs to which no weight can be attached. However, paragraph 4.5.21 of the CS acknowledges that the requirements of the occupiers of Fort Halstead may change and that the implications of a decline in occupancy will be considered in light of the existing policy framework. That framework has changed and it is therefore reasonable to consider the issues in relation to current policies and NPPF paragraph 89 supports the complete redevelopment of previously developed sites in the Green Belt, whether redundant or in continuing use provided any proposal would not have a greater impact on the openness of the Green Belt and the purpose of including land within it. There is no requirement in the sixth bullet point of paragraph 89 for any such redevelopment to be for the same use as the existing/former use of the site. The important factor is the effect of any redevelopment on the visual qualities of the area.
55. This leads me to the consideration of the impact of the site's redevelopment on the Kent Downs AONB and the Green Belt. I attach great weight to conserving the landscape and scenic beauty of the AONB and retaining the openness of the Green Belt but CS policy SP 8 (and implicitly paragraph 89 of the NPPF) supports the retention, intensification and regeneration of a Major Developed Site such as this, subject to the retention of visual quality. The issue therefore becomes one of ensuring that the impact of any redevelopment would not be greater than already exists. This objective is encapsulated within policy EMP3 and can be further achieved through the development management process and more specifically through the requirements that will be set out in the proposed Development Brief for the site.
56. The use of the site only for employment purposes may be the ideal way forward but the Council's recently commissioned Viability Review<sup>22</sup> supports the conclusion that there is unlikely to be demand for the business floorspace that would be forthcoming if the whole site was redeveloped for that use. It also confirms that re-development only for business use is unlikely to be financially viable and that any scheme would need to include more profitable uses to make it viable. Other evidence, including in relation to the sustainability credentials of the site, indicates that the future use of the land

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<sup>20</sup> Appeals 2197478, 2197479, 2195874 and 2195875

<sup>21</sup> Page 55 of CS

<sup>22</sup> CD 613

solely for employment purposes would not be viable. No substantive evidence to the contrary was submitted and the Statement of Common Ground confirms that the Council accepts that this is the case<sup>23</sup>. That said, the Council's position at the hearings was that policy EMP3 should not include a housing figure in order that flexibility would be retained to identify the appropriate level of residential development nearer to the point that the Defence Science and Technology Laboratory plans to vacate the site in 2018.

57. Policy EMP3 refers to widening the mix of uses on the site 'such as including an element of residential development' and bearing in mind the viability evidence relating to this site and the wider issue of housing need (referred to in paragraph 12 above), I consider this is a pragmatic opportunity to contribute to significantly boosting the supply of housing in the District.
58. Bearing in mind the existing policy framework in relation to this site, my conclusion on the first matter is therefore that the allocation of part of the site for residential development is justified in principle but that more detail is required, particularly with regard to dwelling numbers, in order that a decision maker would have a clear indication of how to re-act to a development proposal on the site. Only through the provision of additional detail can it be demonstrated that this element of the ADMP would be justified, effective and consistent with national policy.
59. The second matter to consider, therefore, is the quantity of residential development that would be appropriate. In this regard the Council has undertaken further work on policy EMP3<sup>24</sup> as a result of concerns that I expressed about the submitted policy (including a Viability Review and the preparation of a supplement to the SA). It has concluded that the site could satisfactorily accommodate up to 450 dwellings, provided it forms part of an employment-led mixed use scheme. There was some criticism regarding the robustness of the Viability Review, including the fact that inadequate consideration has been given to allocating a lower housing figure and I agree that not all the information upon which the Review is based has been made publically available, on the basis that it is considered to be commercially sensitive. I cannot therefore afford it full weight. However, to some degree that is immaterial because the NPPF makes it clear that the objective should be to boost significantly the supply of housing, whilst also supporting the redevelopment of brownfield land. The presumption is in favour of sustainable development which includes the need to conserve and enhance the natural environment and in particular conserving the landscape and scenic beauty of the AONB and the openness of the Green Belt and I am satisfied that those objectives would be achieved. Although a figure lower than 450 dwellings was not specifically tested, it is clear that even the 450 figure poses some risks in terms of viability and therefore the risks associated with an even lower housing figure would be greater. In any event the Council has retained an appropriate level of flexibility by including the words '**up to 450**' dwellings (my emphasis) in the amended policy.
60. In terms of visual impact (and having walked around the whole site) I am satisfied that the relevant components of policy EMP3 will ensure that the

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<sup>23</sup> CD HDC 53

<sup>24</sup> CDs HDC66a to HDC66e



development would not compromise the objectives of the AONB or Green Belt. They include the requirement to conserve and enhance the AONB and to ensure that any development would have no greater impact on the openness of the Green Belt than already exists. In terms of protecting the living conditions of existing nearby residents, the policies in the ADMP provide sufficient safeguards.

61. One of the Council's objectives is to secure the retention of QinetiQ (one of the current occupiers of the site), who the Council consider to be a valued employer in the District and who have expressed the desire to remain on the site if it is redeveloped. This is an appropriate aspiration for the Council, to which some weight can be attached. I am also satisfied that although the policy includes flexibility with regard to the exact areas intended for each land use, it nevertheless remains based on the employment-led objectives for the site and continues to seek the provision of 1,200 jobs.
62. Issues relating to the provision of infrastructure (for example transport) have been raised but the policy makes it clear what is expected and there is no reason to doubt that the requirements will be up-dated and strengthened at the time the Planning Brief is prepared and/or during the planning application process. Meanwhile sufficient guidance is provided in the policy. No objections were received from agencies involved in the provision of infrastructure.
63. Other issues raised include the wording of the first sentence of the policy ('will' versus 'may'); the relationship between the proposal and policy LO7 of the CS (development in rural settlements); and the protection of ancient woodland. However, I am satisfied that the level of flexibility is appropriate; the relationship between the policies of the CS and the ADMP is satisfactory bearing in mind changes in circumstances since the CS was adopted; and that sufficient protection would be afforded to the ecological and landscape contributions made by the downland and woodland.
64. On the second matter it can be concluded that the Council has achieved the correct balance. A viable and largely sustainable proposal is being promoted which regenerates a substantial brownfield site without significant detriment to the surrounding countryside, AONB or Green Belt. No substantive or persuasive evidence to the contrary was submitted and I am satisfied that the Council's approach is proportionate and justified and that there are no flaws of such significance that invalidate the overall assessment.
65. In conclusion on Issue 5, I am satisfied that with the changes being proposed by the Council, it would be clear to a decision maker how to react to a development proposal at Fort Halstead. Consequently **MM8** is recommended.

**Issue 6 – Whether or not the Green Belt Policies and Boundary are Sound**

66. The Green Belt policies (GB1 to GB9) set out the criteria for a range of development types and uses (for example extensions, basements and the re-use of a building) and they are broadly justified and sound.
67. In terms of the Green Belt boundary the CS states that there is no need to amend the boundary but that the case for any small scale adjustments would

be considered through the ADMP<sup>25</sup>. Consequently the opportunity was given to Town and Parish Councils and land owners/agents to identify any anomalies in the existing boundary. Consideration was given by the Council to the 5 purposes of the Green Belt and to openness – one of the essential characteristics of Green Belts<sup>26</sup>. As a consequence of the Council's deliberations, three minor amendments to the boundary are proposed in the ADMP (policy GB10). Having visited those sites I agree that the Council has correctly interpreted national policy.

68. Objections were submitted relating to a small number of other Green Belt sites in the District which I also visited. Land at **Deer Leap Stud Farm** (as identified on the plan submitted with the representation) includes an open field which contributes towards safeguarding the countryside from encroachment. The site is currently not well defined along its north-west boundary and could not accurately be described as small-scale. There are no exceptional circumstances to justify removing this site from the Green Belt, or indeed a smaller site just encompassing existing buildings, as was suggested at the Hearing.
69. The site at **The Bungalow, West Kingsdown** appears to be part of the caravan site and includes a derelict single storey building. The proposed western boundary would run through an area of trees/scrub and although I understand that this is the route of the AONB boundary, there is no requirement for boundaries of different designations to follow the same line. This land assists in safeguarding the countryside from encroachment and there are no exceptional circumstances to justify a change in the boundary at this location.
70. **Bartram Farm, Sevenoaks** does include a number of buildings, including a dwelling and business uses but there are also areas of land that are open. The appearance of the site provides an area of transition between the built-up area of Sevenoaks and the countryside to the north. Any significant intensification of development on this land would not assist in checking the unrestricted sprawl of the large built-up area and the retention of the site within the Green Belt contributes to preventing Sevenoaks and Otford from merging and safeguards the countryside from encroachment. The site cannot be described as small-scale and no exceptional circumstances exist to warrant a change in the Green Belt boundary at Bartram Farm.
71. The site at **Main Road, Knockholt** is open in character and includes no buildings. Although it may not be widely visible from the public domain the site nevertheless assists in safeguarding the countryside from encroachment and a change in the boundary would not be justified by exceptional circumstances.
72. Land at **Park Lane, Kemsing** includes a number of trees and scrub but there are no buildings on the site and it is intrinsically open in nature. My attention was drawn to some relatively new development to the east of the site but I was told by the Council that no parallel could be drawn with the site before me because the developed site is not within the Green Belt. I also saw the

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<sup>25</sup> Para 4.1.17

<sup>26</sup> NPPF paragraphs 79 and 80

proximity of the motorway but that is not an exceptional circumstance and there is no justification for removing the land from the Green Belt, especially as the site assists in safeguarding the countryside from encroachment.

73. The entrance to **Greatness Cemetery** (Sevenoaks) makes a significant contribution to the character of the street scene in this part of the settlement. It was argued that if the cemetery had not been located here it is likely that the existing residential frontage development would have continued across the site. This may be the case but I must base my conclusions on the situation as it is today and I consider that the generally open nature of the area helps to check the unrestricted sprawl of Sevenoaks, helps to preserve the setting of the town and assists in safeguarding the countryside from encroachment. There are no exceptional circumstances that would justify the removal of this land from the Green Belt.
74. The area sought for removal from the Green Belt at **Sundridge Place** is extensive in size, open in character and relatively detached from the main settlement. The area assists in safeguarding the countryside from encroachment and there is no justification for removing the land from the Green Belt.
75. The site at the **Former Egerton Nursery, Hextable** is not small scale and although there are a number of structures on the land it is generally open in character. The site contributes to preventing Hextable and Swanley from merging and also assists in safeguarding the countryside from encroachment. The prospect of including a new doctor's surgery on the site was raised but insufficient evidence was submitted to demonstrate that such provision could successfully be achieved or that this site would be the most appropriate location for such a facility. On the basis of the information before me I conclude that there are currently no exceptional circumstances that would justify releasing this site from the Green Belt.

### **Issue 7 – Whether or not the Other Development Management Policies are Sound**

76. The ADMP includes a range of management policies, for example on issues related to design, the town and local centres, green infrastructure, leisure and tourism, community facilities and travel and transport. I consider that they all satisfactorily meet the relevant advice in the NPPF and are sound. Concerns were expressed regarding infrastructure provision, for example in relation to waste water disposal and education but I am satisfied that there are no significant impediments to development which cannot be satisfactorily overcome.

### **Issue 8 – Whether or not the Council's Approach to Monitoring and Review is Sound**

77. To be found sound the ADMP must be effective and to be effective it must be deliverable. In order to measure deliverability a robust monitoring framework is required. The Council rely on the Authority Monitoring Report to undertake the necessary assessment of the effectiveness of the policies in the CS. However, there is no reference to monitoring the ADMP or to any targets that the Council is hoping to achieve. It is therefore recommended that the

performance indicators are strengthened and that specific Targets are introduced (**MM10**, **MM11** and **MM12**). In this way the Plan will be effective.

## Assessment of Legal Compliance

78. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. I conclude that the Plan meets them all.

<b>LEGAL REQUIREMENTS</b>	
Local Development Scheme (LDS)	The Sevenoaks District Allocations and Development Management Plan is identified within the approved LDS <sup>27</sup> (Jan 2012) and in the draft LDS <sup>28</sup> (Dec 2013) which sets out an expected adoption date of August 2014. The Plan's content and timing are broadly compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI was adopted in February 2006 and consultation has been compliant with the requirements therein, including the consultation on the post-submission proposed 'main modification' changes (MM)
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	HRA has been carried out and is adequate.
National Policy	The Allocations and Development Management Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Allocations and Development Management Plan complies with the Act and the Regulations.

## Overall Conclusion and Recommendation

79. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the Act. These deficiencies have been explored in the main issues set out above.

80. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that

<sup>27</sup> CD 241

<sup>28</sup> CD 241a

with the recommended main modifications set out in the Appendix the Sevenoaks District Allocations and Development Management Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*David Hogger*

Inspector

This report is accompanied by the Appendix containing the Main Modifications

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## SEVENOAKS ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN: MAIN MODIFICATIONS

### INSPECTOR'S PRELIMINARY FINDINGS

This note is without prejudice to any final Report that I may prepare but based on the evidence that I have read and heard I consider there are a small number of shortcomings in the document, relating to soundness, which the Council should address through the agreement of Main Modifications (MMs). They all relate to issues that were discussed at the Hearings and are summarised in the table below:

		Modification	Soundness reason
MM1	New policy	New policy EN5 - Landscape (see HDC49)	Consistent with national policy
MM2	Policy H1(c)	Change Gasholders Site boundary (para 4.2.4 of Council's Statement on Matter 4)	Justified
MM3	Policy H1(o)	Warren Court buffer and amended housing area/figures (see HDC58)	Justified
MM4	Policy H2(a)	Include Sevenoaks Delivery Office within boundary of H2(a) and up-date guidance (see para 4.27.1 of Council's Statement on Matter 4)	Justified
MM5	Policy H2(f)	Powder Mills - introduction of flexibility regarding the retention of Building 12 (see HDC62)	Justified and effective
MM6	See CS policy LO 6	Release of land at Edenbridge (see para 4.13.14 of Council's Statement on Matter 4 and HDC48)	Positively prepared, justified and effective
MM7	Paragraph 4.6	Clarification regarding the relationship between ADMP and CS policy SP8 (see HDC 52a)	Justified
MM8	Policy EMP3	Clarify policy on Fort Halstead	Positively prepared, justified and effective
MM9	Policy EMP4	Removal of open space designation at Broom Hill, Swanley (see HDC34)	Justified
MM10	Implementation and Monitoring	Performance indicators (see para 11.1.2 of Council's Statement on Matter 11)	Effective
MM11	Implementation	Proposed targets (see para 11.1.5 of	Effective

	and Monitoring	Council’s Statement on Matter 11)	
MM12	Implementation and Monitoring	CS targets added (see para 11.2.3 of Council’s Statement on Matter 11)	Effective

The Council is currently undertaking further work with regards to MM8 and as soon as that work is completed arrangements will be made to publish the detailed MMs on the Examination web site.

On this basis I am therefore inviting the Council to make a formal request under section 20(7C) of the Planning and Compulsory Purchase Act 2004 (as amended) for me to recommend Modifications to the plan that would make it sound.

Following consultation on the MMs the Council should send me a copy of the submissions received; a brief response to those submissions and a short commentary on any implications of the MMs in terms of the sustainability appraisal.

*David Hogger*

Inspector

24<sup>th</sup> April 2014



# Allocations and Development Management Plan

## Main Modifications Consultation

August 2014



Local Plan





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## About the Main Modifications to the Allocations and Development Management Plan

### Proposed Main Modifications

The Allocations and Development Management Plan was submitted to the Secretary of State for examination by the Planning Inspectorate in November 2013.

Public hearings were held at the Council Offices in March 2014.

Following the public hearings, the Inspector wrote to the Council setting out proposed 'main modifications' to the ADMP that he considers need to be made to make the Plan sound following the public hearings.

All proposed modifications have been subject to Sustainability Appraisal and the findings presented in the Addendum to the ADMP Sustainability Appraisal Report.

These modifications are now subject to a 6 week consultation period.

Following the consultation, submitted comments will be sent to the Inspector along with a brief response to the submissions and a short commentary on any implications of the Modifications in terms of the sustainability appraisal.

The consultation runs from 9am on 21st August to 5pm 2nd October 2014.

### How to view the consultation documents

The consultation documents including supporting documents are available to view on the Council's consultation portal at [planningconsult.sevenoaks.gov.uk](http://planningconsult.sevenoaks.gov.uk).

Hard copies of the documents can be viewed at the Sevenoaks District Council offices and public libraries throughout the district (see [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for opening hours) during the consultation period.

The Council will also be holding public drop-in sessions, the details of which are available on the consultation portal.

### How to comment

You can make comments using several methods:

- By entering your comments through the online portal at [planningconsult.sevenoaks.gov.uk](http://planningconsult.sevenoaks.gov.uk)
- By completing and returning the consultation form found on the consultation portal to: [planning.policy@sevenoaks.gov.uk](mailto:planning.policy@sevenoaks.gov.uk) or Planning Policy, Sevenoaks District Council, Argyle Road, Sevenoaks, TN13 1HG

Comments should be received no later than 5pm on 2nd October 2014.

## Summary of Main Modifications

The table below sets out a summary of the main modifications recommended by the Inspector. Details of each Modification can be found in Section 3 and in the examination documents referred to below (for example HDC 49)

Table 1: Sevenoaks Allocations and Development Management Plan Main Modifications

<b>Ref</b>		<b>Modification</b>	<b>Soundness reason</b>
MM1	New policy	New policy EN5 - Landscape (see HDC49)	Consistent with national policy
MM2	Policy H1(c)	Change Gasholders Site boundary (para 4.2.4 of Council's Statement on Matter 4)	Justified
MM3	Policy H1(o)	Warren Court buffer and amended housing area/figures (see HDC58)	Justified
MM4	Policy H2(a)	Include Sevenoaks Delivery Office within boundary of H2(a) and up-date guidance (see para 4.27.1 of Council's Statement on Matter 4)	Justified
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MM9	Policy EMP4	Removal of open space designation at Broom Hill, Swanley (see HDC34)	Justified
MM10	Implementation and Monitoring	Performance indicators (see para 11.1.2 of Council's Statement on Matter 11)	Effective
MM11	Implementation and Monitoring	Proposed targets (see para 11.1.5 of Council's Statement on Matter 11)	Effective
MM12	Implementation and Monitoring	CS targets added (see para 11.2.3 of Council's Statement on Matter 11)	Effective
MM13	Paragraph 1.3	Commitment to review Core Strategy	Consistent with national policy

## Main Modification Details

The modifications below are expressed in the conventional form of ~~striketrough~~ for deletions and underlining for additions of text. Changes to the maps are also included.

The page numbers and paragraph numbering refer to the submission ADMP which can be found as a supporting document to this consultation on the consultation portal [planningconsult.sevenoaks.gov.uk](http://planningconsult.sevenoaks.gov.uk) .

MM1 New Policy EN5 (Landscape)

Ref	Page	Policy/ Paragraph	Main Modification
MM1	P.23	New Policy EN5 (Landscape)	<p><u>Landscape</u> The extensive area of landscape outside the towns and villages contributes significantly to the character of the District. The NPPF outlines the importance of protecting and enhancing valued landscapes and Policy LO8 of the Core Strategy ensures that the distinctive features that contribute to the special character of the landscape will be protected and, where possible, enhanced.</p> <p>61% of the District is located within the Kent Downs or High Weald Areas of Outstanding Natural Beauty (AONB). The NPPF gives great weight to conserving and enhancing landscape and scenic beauty of Areas of Outstanding Natural Beauty, and their setting, giving them the highest status of protection. The distinctive character of the AONBs plays an important part in defining the overall character of Sevenoaks District. Proposals in AONBs will be assessed against Core Strategy Policy LO8, ADMP Policy EN5 and other relevant policies. The AONB Management Plans and associated guidance set out a range of measures to conserve and enhance the distinctive features of each AONB. Any proposal within the AONB must take into account the guidance set out in the appropriate AONB Management Plan and any relevant more specific AONB guidance for example the Kent Downs AONB Landscape Design Handbook (2006), Kent Downs AONB Farmstead Guidance (2012) and Managing Land for Horses (2011).</p> <p>The character of the AONBs and the remainder of the countryside within the District is defined in the adopted Sevenoaks Countryside Assessment SPD. The SPD identifies a number of different character areas and will be used to assess the impact of proposals on landscape character. Tranquillity forms part of the character of certain parts of the landscape within the district as identified by the SPD. Proposals should respect the local landscape character and the specific features identified in the SPD. In addition, proposals should also enhance the character of the countryside by helping secure the landscape actions within the SPD where this would be feasible in relation to the proposal.</p> <div style="border: 1px solid black; background-color: #e6e6fa; padding: 5px; margin-top: 10px;"> <p><u>New Policy EN5: Landscape</u></p> <p>The Kent Downs and High Weald Areas of Outstanding Natural Beauty and their settings will be given the highest status of protection in relation to landscape and scenic beauty. Proposals within the AONB will be permitted where the form, scale, materials and design would conserve and enhance the character of the landscape and have regard</p> </div>

		<p><u>to the relevant Management Plan and associated guidance.</u></p> <p><u>Proposals that affect the landscape throughout the District will be permitted where they would</u></p> <p><u>a) conserve the character of the landscape, including areas of tranquillity, and</u></p> <p><u>b) where feasible help secure enhancements in accordance with landscape actions in accordance with the Sevenoaks Countryside Assessment SPD.</u></p> <p><u>Delivery Mechanisms:</u></p> <p><u>The Kent Downs and High Weald Management Plans</u></p> <p><u>The Kent Downs AONB Landscape Design Handbook (2006), Kent Downs AONB Farmstead Guidance (2012) and Managing Land for Horses (2011) and associated guidance</u></p> <p><u>The Sevenoaks Countryside Assessment SPD</u></p> <p><u>Parish Plans</u></p> <p><u>The Residential Extensions SPD</u></p>
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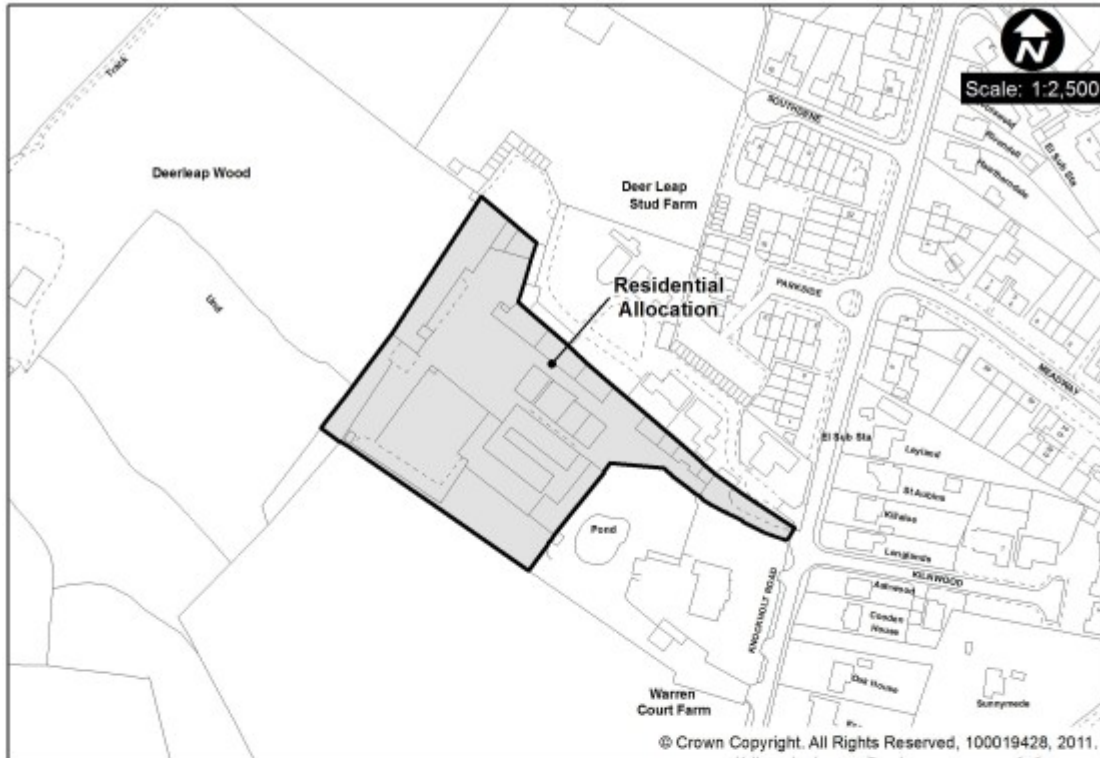
## MM2 Policy H1(c) Sevenoaks Gasholder Station, Cramptons Road

Ref	Page	Policy/Paragraph	Main Modification
MM2	Appendix 3	H1(c) Sevenoaks Gasholder Station, Cramptons Road	Gross Area (Ha): <del>0.88</del> <u>0.98</u> Net Area (Ha): <del>0.88</del> <u>0.98</u> Approximate Net Capacity: <del>35</del> <u>39</u> <i>See Map Below</i> (for note only: 107 Cramptons Road is now included in the site boundary)



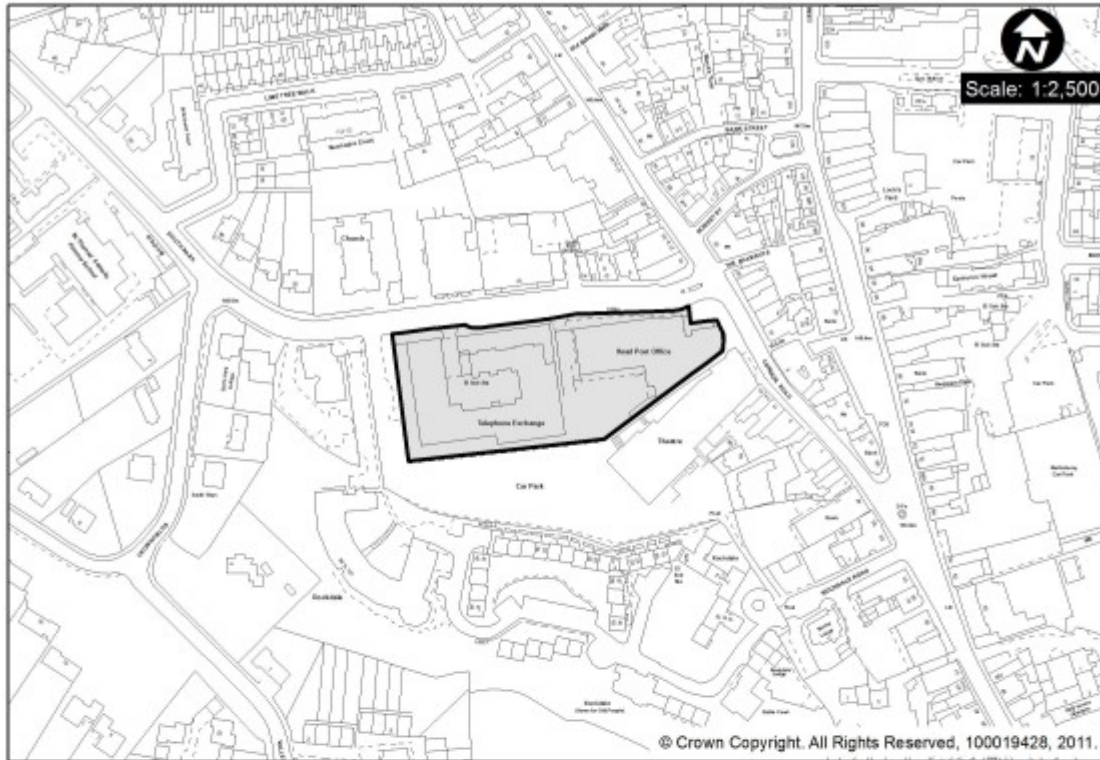
## MM3 Policy H1(o) Warren Court, Halstead

Ref	Page	Policy/ Paragraph	Main Modification
MM3	Appendix 3	H1(o) Warren Court, Halstead	<p>Landscape</p> <p>A buffer of woodland is required to protect and extend Deerleap wood to the rear of the site <del>as shown on the accompanying map.</del></p> <p>Gross Areas (Ha): 1.1</p> <p>Net Area (Ha): <del>0.69</del> <u>1.0</u> (to reflect narrow access route)</p> <p>Approximate Net Capacity: <del>15</del> <u>25</u></p> <p>(for note only: the hashed area of woodland buffer has been deleted from the plan)</p>



MM4 Policy H2(a) BT Exchange, South Park, Sevenoaks

Ref	Page	Policy/ Paragraph	Main Modification
MM4	Appendix 5	Policy H2(a) BT Exchange, South Park, Sevenoaks	<p>Site Address: <u>Delivery &amp; Post Office / BT Exchange, South Park, Sevenoaks</u></p> <p>Current Use: <u>Post Office / Delivery Office / Telephone Exchange</u></p> <p>Gross Area (Ha): <del>0.36</del> <u>0.6</u></p> <p>Net Area (Ha): <del>0.36</del> <u>0.6</u></p> <p>Approximate Net Housing Capacity: <del>25</del> <u>42</u></p> <p>Design and Layout</p> <p><u>If one element of the site is available for redevelopment in advance of the other, the development should be designed in such a way so as not to preclude the future integration of development, or the operation of the existing functions.</u></p> <p><u>The retention of the Post Office counter facility in a prominent location in the town centre will be required.</u></p> <p>(for note only: the post/delivery office area has been included in the site allocation)</p>



MM5 Policy H2(f) Glaxo Smith Kline, Powder Mills, Leigh

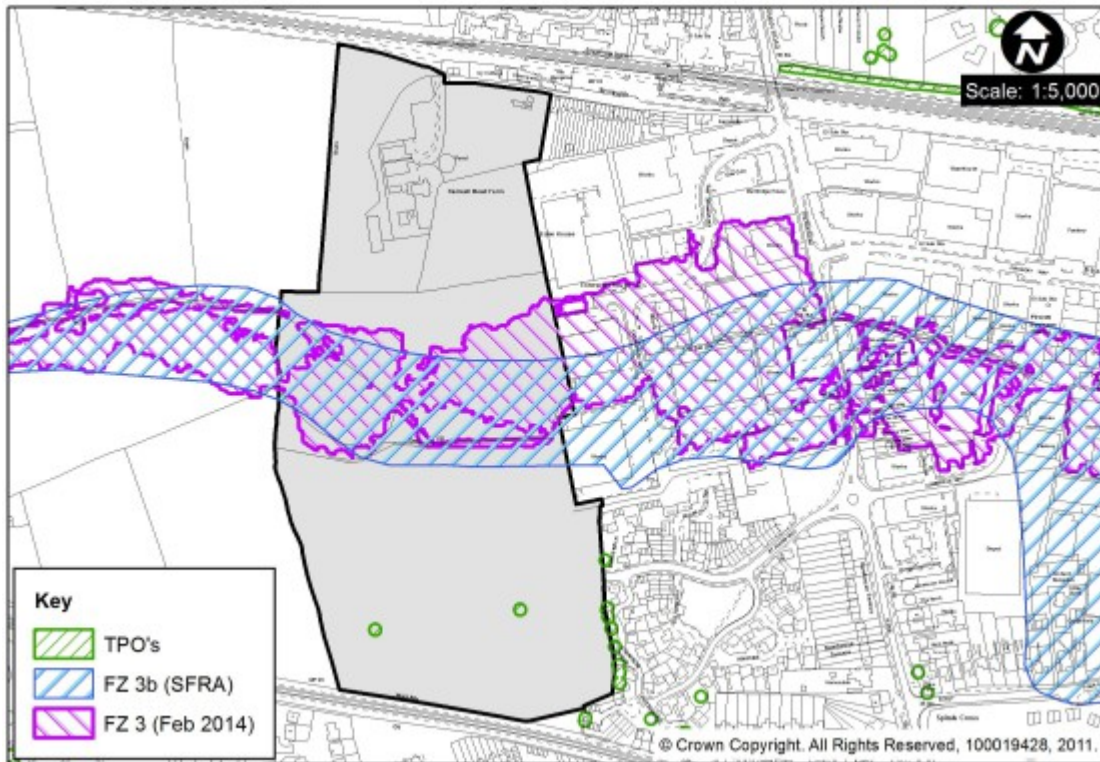
Ref	Page	Policy/Paragraph	Main Modification
MM5	Appendix 5	Policy H2(f) Glaxo Smith Kline, Powder Mills, Leigh	<p>Site Address: Glaxo Smith Kline, Powder Mills, Leigh</p> <p>Development Guide:</p> <p>Design and Layout</p> <p><u>The site is allocated for residential-led mixed use development, including an element of employment space. 'Building 12' shown on the accompanying map should be retained for employment use, or equivalent B1 floorspace (1582sqm) should be provided within the site,</u> with the remainder of the site laid out as residential development in a mix of unit types. Any proposal for residential development that does not include the retention of 'Building 12' <u>or equivalent B1 floorspace</u> would need to justify the loss of employment in line with Policy SP8 of the Sevenoaks Core Strategy.</p> <p>Infrastructure  <u>Unless it is confirmed that the proposed foul flow will be no greater than the existing contributing flows from existing premises, the development must provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water. The development should also ensure future access to the existing sewerage infrastructure, if required, for maintenance and upgrading purposes</u></p>

## MM6 Policy H1 (p) Land West of Enterprise Way, Edenbridge

Ref	Page	Policy/ Paragraph	Main Modification
MM6	P.28	Reserve Land Paragraph 3.10	<p>3.10 In order to ensure that housing supply remains flexible the Core Strategy (through L06) identifies land at Enterprise Way Edenbridge as a reserve site for housing. The policy states that the site cannot be brought before 2015 and should only be developed in the plan period if the Council cannot identify an adequate five year housing supply would be brought forward for development after 2015 only if required to maintain a five year supply of housing land in the District.</p> <p><u>However, following publication of the NPPF, it is considered that there is a need to bring forward the reserve site now to boost the supply of housing in the District where this would not conflict with strategic objectives (such as protection of the Green Belt and AONB) and the site is included in the residential development allocations in Policy H1. The site has scope for a mix of different types of affordable and market housing. This could include accommodation contributing to housing supply for those with particular needs including a care home facility.</u></p>
MM6 cont.	Appendix 3	Policy H1 (p) Land West of Enterprise Way, Edenbridge	(See following site allocation development guidance)



### H1(p) Land West of Enterprise Way, Edenbridge



<b>Site Address:</b>	Land west of St Johns Way and Enterprise Way, Edenbridge	<b>Settlement:</b>	Edenbridge
<b>Ward:</b>	Edenbridge North and East	<b>Proposed Allocation:</b>	Residential and Open Space
<b>Current Use / PP</b>	Greenfield and residential		
<b>Development Guidance:</b>			
<b>Design and Layout</b>			
<p>The site is dissected by an area of flood zone 3a and 3b as shown on the accompanying map. No residential development should be located within this area and sustainable drainage systems (SUDS) will be required as part of any scheme, together with a flood risk assessment. This river corridor should form a feature of the site, and should be managed and enhanced for biodiversity and recreation, in addition to its primary purpose as functional flood plain. Residential development should be located north and south of the constrained flood area.</p> <p>The development will need to be designed to minimise its impact on the Green Belt/ open farmland to the west and scheme design, including building heights and density, should reflect the edge of settlement location of this site. The relationship of the development to the railway lines to the north and south and to the residential and industrial estate to the east will need to be carefully addressed. Proposals should not prejudice the operation of the existing industrial estate, or compromise the amenity of existing and future residents.</p> <p>The size and context of the site make it suitable for a range of housing types, sizes and tenures, including affordable housing in accordance with Council policy. This site is also considered suitable for housing designed for older people (including those with special needs), as it is close to a range of services that would provide for the needs of future occupants.</p>			
<b>Landscape</b>			
<p>The TPO trees within and adjacent to the site should be preserved and form an integral part of the scheme. Landscaping and planting should be integrated into the development and will be required to screen the site from the adjacent countryside, and to provide a buffer between the railway lines, industrial estate, existing residential and the development site. These buffers will also provide biodiversity corridors which will enhance the green infrastructure network and make connections beyond the site. The river corridor should also include biodiversity enhancements. Site biodiversity surveys will be required to ensure any biodiversity concerns are adequately mitigated.</p> <p>Provision of public open space will be required to support the development. The type and layout of open space will be a matter for consultation with the local community, but could include amenity greenspace, children's playspace and allotments, as outlined in the Council's Open Space Study.</p>			
<b>Access</b>			
<p>The primary access to the site should be from St John's Way, with secondary access from Enterprise Way. The existence of the flood zone in centre of the site reinforces the need for multiple accesses.</p> <p>A Transport Assessment will be required to support any future application for the development of the site. Walking / cycling routes into Edenbridge town centre and to Edenbridge / Edenbridge Town station should be improved.</p>			
<b>Infrastructure</b>			
<p>Contributions to CIL will be required. This should facilitate contributions to mitigate impacts of the development on infrastructure, including education.</p>			

Delivery - Principal site owner promoting site for development. The site could come forward in phases, provided no one phase of development would prejudice the development of the area as a whole.			
<b>Gross Area (Ha):</b>	11.8	<b>Net Area (Ha):</b>	9.2(2.6ha flood zone)
<b>Approximate Density (DPH):</b>	30	<b>Approximate Net Capacity:</b>	276
<b>Estimated Development Period:</b>	0-5 years (2012-2016) and 6-10 years (2017-2021)	<b>Source / Evidence Base:</b>	Core Strategy Reserve Land

## MM7 Employment Allocations Paragraph 4.6

Ref	Page	Policy/ Paragraph	Main Modification
MM7	P.37	Employment Allocations Paragraph 4.6	<p>Employment Allocations</p> <p>4.6 Core Strategy Policy SP8 is the overarching strategic policy that provides for the retention and creation of employment and business facilities and opportunities throughout the District. <u>It is founded on an evidence base that identifies that employment land supply and demands are broadly in balance over the Core Strategy period (to 2026) (URS Long Term Employment Space Projections, 2011).</u></p> <p><u>Core Strategy Policy SP8 allows for allocated employment sites to be redeveloped for other uses if it can be demonstrated that there is 'no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period'. The Council will expect an applicant seeking a release under Policy SP8 to provide information to show that the site has been unsuccessfully marketed, for use of the existing buildings or partial or comprehensive redevelopment, for a period of at least one year, at a time when the site is available or will be available shortly. The Council will expect marketing to have been proactively carried out for uses potentially suitable for the site and at the appropriate price. In addition, the Council will expect the applicant to demonstrate that forecast changes in market conditions will not result in take up of all or part of the site. In considering this forecasting assessment, the Council will, where relevant and amongst other potentially relevant site-specific issues, have regard to the extent to which the evidence from the applicant suggests that:</u></p> <ul style="list-style-type: none"> <li>• <u>there is insufficient forecast demand for the specific land uses currently on the site;</u></li> <li>• <u>the location and accessibility of the site prevents it from being attractive for business uses, including any specific types of provision (including business start up units or serviced offices) that may be most appropriate for the location;</u></li> <li>• <u>the quality of existing buildings and infrastructure requires refurbishment or redevelopment which evidence suggests would not be viable, if necessary;</u> <u>and</u></li> <li>• <u>the redevelopment for alternative uses would provide non-business use (Use Class B) jobs.</u></li> </ul> <p>‡ <u>Core Strategy Policy SP8 promotes a flexible approach to the use of land for business and employment purposes and as such it is the role of this document to formally identify the sites to which Policy SP8 of the Core Strategy applies.</u></p>

MM8 Fort Halstead Policy EMP3

Ref	Page	Policy/ Paragraph	Main Modification
MM8	P.41-43	Fort Halstead Policy EMP3	<p><b>Fort Halstead</b></p> <p>4.13 Fort Halstead is a previously developed site within the Green Belt and the Kent Downs AONB that was originally a Ministry of Defence research establishment and is still occupied by defence related industries. It remains a major employer in the District.</p> <p>4.14 Proposals for a major residential-led mixed use redevelopment of the site were considered and rejected through the Core Strategy process. However the Core Strategy states (para 4.5.21) that the main requirements of the current occupiers of Fort Halstead, QinetiQ and the Defence Science and Technology Laboratory (DSTL), may vary during the Plan period. It adds that the implications of a future decline in occupancy of the site will be considered within the policy framework of the Core Strategy and relevant national planning policy</p> <p>4.15 Since the adoption of the Core Strategy, DSTL, the largest employer, has announced its intention to withdraw from the site by <del>2016</del>2017/8. The Council is working with DSTL, QinetiQ and the site owners to assess and mitigate the impact on the local economy of the planned withdrawal. It will also be working with the owners and other interested parties to develop achievable proposals for the future use and redevelopment of the site. <u>The landowners have stated their intention to bring forward a planning application to redevelop the site for a mix of uses including commercial and residential.</u></p> <p>4.16 Any proposals will be tested against the policy framework provided by the Core Strategy and relevant national policy. The Green Belt status of the site constrains the scale of development that can acceptably be accommodated, while its AONB status provides a further constraint on future development. However, there is substantial development on the site at present, as set out in the CLUED granted by SE/03/02897/LDCEX, and it remains an important employment site subject to Core Strategy Policy SP8 on the protection and regeneration of such sites. The Council will therefore expect future redevelopment to be employment-led, though it recognises that in view of the size of the site and the specialist nature of some of the buildings that there may be some scope for widening the mix of uses if required to support the employment-led regeneration, subject to policy considerations. The size of the site makes it feasible to accommodate a range of housing types and tenures. Policy considerations include the requirement for the resultant development to comply with sustainability principles, including conserving and enhancing the Kent Downs AONB, and sustainable transport proposals for accessing the site. The District Council will expect redevelopment</p>

proposals to provide for approximately 1200 jobs which were provided on site prior to the announced withdrawal of DSTL. The departure of DSTL creates an opportunity to redevelop the site to meet modern business needs. Any redevelopment should meet the following broad objectives:

1. It should be employment-led and should maintain the site's role as an important employment site in the District. Provision should be made for a range of employment uses sufficient to provide for approximately 1,200 jobs, equivalent to the level of employment on site prior to the announced withdrawal of DSTL. There should be flexibility to accommodate types of business with different space needs. Employment-uses should include provision for the retention of Qinetiq in premises to meet their needs and opportunities to attract and accommodate similarly high skilled jobs should be fully explored and planned for. Although not an essential requirement there would be some benefit in including a hotel which could complement other development on the site and assist in improving hotel provision in the District.

2. It should be deliverable. The Council recognizes that delivery of employment-led redevelopment is dependent on the development being viable. It has reviewed the viability of options for redevelopment in the light of the landowner's emerging proposals. This review shows that redevelopment for employment use alone would not be viable and therefore unlikely to come forward in a period that would enable the jobs lost by the departure of DSTL to be replaced in a timely manner. However, with the inclusion of residential development alongside the employment uses, there is the prospect of making the whole development viable. There is substantial development on the site at present, and a CLUED has been granted by the Council (SE/03/02897/LDCEX). The existing employment density of the site is relatively low which means there is scope to replace the existing jobs in a redevelopment on only part of the site creating space for significant residential development as part of a comprehensive development while still keeping within the existing developed area. Evidence produced on behalf of the landowner and reviewed by the Council shows that a development providing replacement employment provision and incorporating approximately 450 dwellings could potentially be accommodated within the existing built confines and without adverse impact on the AONB or an increase in development in the Green Belt. Such a development represents a useful addition to the Council's housing land supply and should enable a range of housing types and tenures to be included.

3. It should be comprehensive. Fort Halstead is a large site and the departure of DSTL could effectively render the whole site redundant unless redevelopment is undertaken. Redevelopment needs to be comprehensive and integrated to ensure a high quality outcome for the whole site and secure a viable future for QinetiQ on the site. A development agreement and phasing plan will be needed to ensure that the development is delivered as a whole in a timely way and in a way that is truly employment-led.

4. It should comply with sustainable development principles. This should include provision of appropriate community facilities on site proportionate to the scale of the development, sustainable transport proposals for accessing the site, sustainable construction methods and provision of green infrastructure and measures to conserve and enhance the Kent Downs AONB in which the site is situated.

5. It should result in no increased impact on the openness of the Green Belt and AONB within which the site lies. This means that development should be contained within the Major Employment Site boundary. In addition the overall quantity of development on the site should not increase (with the CLUED used as a reference point) and the height of buildings should also be contained to avoid any increased visual impact on the surrounding area. Existing woodland around the site incorporates ancient woodland that should be protected in its own right but in addition needs to be retained to ensure the developed site remains well-screened. As far as possible, the overall development should contribute positively to the AONB.

4.17 At this stage it is considered premature to set out a detailed proposal for future redevelopment and Policy EMP3 instead sets out broad sets out requirements for future development and the principles that will apply when redevelopment proposals are being considered. The delivery mechanism to the policy proposes the preparation of a development brief for the site to provide a more specific agreed planning framework.

4.18 The Core Strategy states (para 4.5.20) that the defined boundary of the site from the Saved Local Plan will be reviewed to more fully reflect the developed area in business use. This review has been carried out and the new boundary is shown in Appendix 6

#### **Policy EMP3 - Redevelopment of Fort Halstead**

Fort Halstead, as defined in Appendix 6, is allocated as a Major Employment Site in the Green Belt.

Redevelopment proposals will be expected to achieve a range of employment uses appropriate to an employment site such as research and development serviced offices and workshops or land-based employment, and generate at least the number of jobs that the site accommodated immediately prior to the announced withdrawal of DSTL from the site. Redevelopment may also include a hotel. Land based employment, such as the management of the woodland and downland will also be supported, subject to the criteria below.

Residential development of up to 450 units may also be permitted provided it forms part of a mixed used scheme that delivers an employment-led development and is designed and sited in a way that is consistent with the

provision of a range of employment uses appropriate to an employment site. It must also comply with other aspects of the policy.

The inclusion of appropriate community facilities and infrastructure to support the sustainable development of the site consistent with the policy will be required.

Redevelopment of the site will maintain or reduce the amount of built development on the site and be fully contained within the Major Employment Site Boundary. It should have no greater impact on the openness of the Green Belt. The height of the buildings must take into account the need to conserve and enhance the natural beauty of the countryside in this location.

Redevelopment proposals, ~~including those to widen the mix of uses on site, such as including an element of residential development and a hotel,~~ would be expected to:

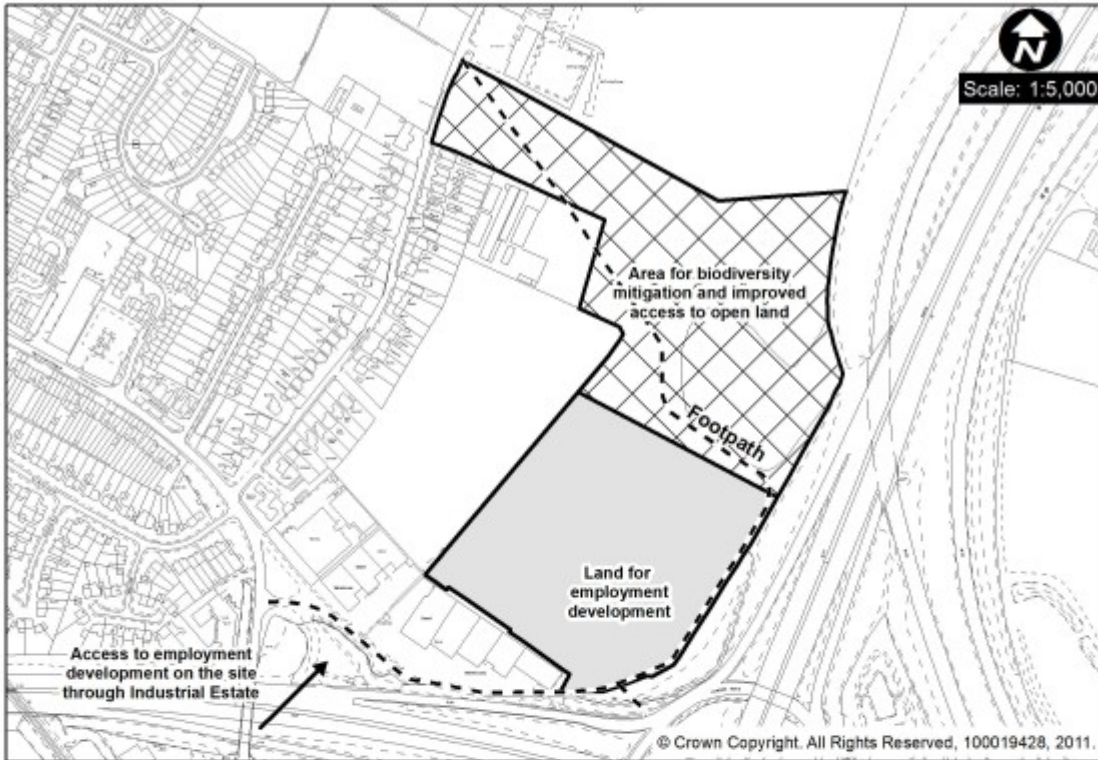
- Be sustainable in respect of the location, uses and quantum of development and be accompanied by a Travel Plan incorporating binding measures to reduce dependency of future occupants on car use;
- Provide accessibility to jobs, shops and services by public transport, cycling or walking, including proposals for onsite provision proportionate to the proposed development;
- Make a positive contribution to the achievement of aims and objectives of the Kent Downs AONB Management Plan and conserve and enhance the natural beauty and tranquillity of the Kent Downs Area of Outstanding Natural Beauty;
- Confirm, by way of a Transport Assessment, that the development would not have an unacceptable adverse impact on the local and strategic road networks;
- Protect and integrate the Scheduled Ancient Monument and listed buildings into the development with improved access and setting;
- Integrate existing dwellings located in close proximity to the boundary of the Major Employment Site into the new development;
- Incorporate principles of sustainable design and construction to minimise energy consumption in its construction and operation;
- Improve the provision and connectivity of green infrastructure, including the protection, enhancement and management of biodiversity and the provision of improvements to the Public Right of Way network.
- Provide for a comprehensive development and include a phasing plan, including phasing of infrastructure



			<p data-bbox="592 208 1385 275">provision, showing how each phase of the development will contribute to the implementation of the policy.</p> <p data-bbox="592 349 879 387">Delivery Mechanism:</p> <p data-bbox="592 414 1350 539">A Planning Brief will be prepared to guide the redevelopment of Fort Halstead, in consultation with, amongst others, the site owners, local parish councils, the Kent Downs AONB Unit and infrastructure providers</p>
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## MM9 EMP4 Land at Broom Hill, Swanley

Ref	Page	Policy/ Paragraph	Main Modification
MM9	P.44	Broom Hill Paragraph 4.30	The 'Employment Land Review' (2007) and the 'Employment Land Review Update' (2011) are based on the development of 4.1ha of the total 8.1ha allocated for employment use at Broom Hill. <del>This provides the opportunity to consider a mix of uses on the site. Planning permission was recently granted for residential development on the western half of the site for up to 61 dwellings, partly on the basis that employment requirements could be met on the eastern half.</del> The Council consider that the site is suitable for a mix of employment proposed allocation remains suitable for employment development, as well as providing opportunities for improved open space provision on the site and land in the Green Belt to the north.
		Appendix 4	EMP4 Land at Broom Hill, Swanley (Note: annotation 'land to be maintained as open space' deleted on the western edge of the site)
		Appendix 9	Delete designation 2053 (Land at Broom Hill) for natural and semi natural open space on the map of Swanley. Delete corresponding entry in the schedule (listed as 2063).



## MM10&amp;MM11 Implementation and Monitoring: Performance Indicators and Targets

Ref	Page	Policy/ Paragraph	Main Modification	
MM10 & MM11	Various	Implementation and Monitoring Performance Indicators and Targets	<b>Performance indicator</b>	<b>Proposed Target</b>
			<b>Environment p. 26</b>	
			Number of applications for demolitions in Conservation Areas	No demolitions should be granted contrary to advice from the Conservation Officer and/or English Heritage.
			<b>Housing p. 36</b>	
			Progress on delivering new housing on Housing Allocation sites	Housing allocations completed in line with the phasing set out in the development guidance in Appendix 3 of the ADMP
			Progress on delivering new housing on mixed use allocation sites	All mixed use allocation sites completed in line with the phasing set out in the development guidance in Appendix 5 of the ADMP
			Additional completed units from residential subdivision	No additional completed units granted contrary to policy or overturned at appeal following a refusal
			Number of completed housing sites with a net loss of units	No more than 5% of completed housing sites to have net loss during the plan period.*
			<b>Economy and Employment p. 45</b>	
			Maintenance of Employment Allocations and Major Developed Employment Sites in the Green Belt	No loss of Employment Allocations and Major Developed Employment Sites in the green belt
			Progress on Broom Hill development	Development completed within the Plan period.
			Change in Employment floor space in non allocated sites	No annual net loss of employment floor space across the District
			<b>Town and Local Centres p. 55</b>	
			Percentage of A1 frontage within Primary Frontages	At least 70% A1 frontage within Primary Frontage of Sevenoaks Town Centre

of Sevenoaks Town Centre	
Percentage of A1 frontage within Primary Retail Frontage of Edenbridge Town Centre	At least 45% A1 frontage within Primary frontage of Edenbridge Town Centre
<b>Green Infrastructure and Open Space p. 65</b>	
Development of school playing fields	No development of school playing fields contrary to policy or overturned at appeal
<b>The Green Belt p. 83</b>	
Proportion of additional employment floor space in Urban Confines	90% of newly built employment (B use classes), excluding replacement buildings, to be within the Urban Confines during the plan period**
Proportion of completed housing in Urban Confines	80% housing units to be built within Urban Confines***
Proportion of residential Green Belt applications overturned at appeal for: Extensions, Basements, Outbuildings, Replacement dwellings	No refused proposals for extensions, basements, outbuildings or replacement dwellings overturned at appeal
Net additional caravan/mobile home units for agricultural and forestry workers in the Green Belt	No refused proposals for additional caravan/mobile home units for agricultural and forestry workers in the Green Belt overturned at appeal
<b>Leisure and Tourism p. 87</b>	
Additional Hotel and Tourist Accommodation Units in Urban Confines and Green Belt	No net loss of hotel and tourist accommodation in the District
Additional Tourist attractions and facilities	No net loss of tourist attractions and facilities in the District
Number of equestrian related applications	No refused equestrian related development overturned at appeal

		<table border="1"> <tr> <td><i>overturned at appeal</i></td> <td></td> </tr> <tr> <td><i>Development at Brands Hatch</i></td> <td><i>No refused proposals for development at Brands Hatch overturned at appeal</i></td> </tr> <tr> <td colspan="2"><b>Community Facilities p.89</b></td> </tr> <tr> <td><i>Development of redundant school buildings</i></td> <td><i>No development of redundant school buildings where the applicant was not able to show that alternative community uses were not previously considered.</i></td> </tr> <tr> <td colspan="2"><b>Travel and Transport p. 94</b></td> </tr> <tr> <td><i>Number of developments which include publicly accessible electric vehicle charging points</i></td> <td><i>A net increase in electric vehicle charging points over the plan period</i></td> </tr> <tr> <td><i>Number of developments which depart from Vehicle Parking Guidance Note</i></td> <td><i>No developments permitted which depart from Vehicle Parking Guidance Note</i></td> </tr> </table>	<i>overturned at appeal</i>		<i>Development at Brands Hatch</i>	<i>No refused proposals for development at Brands Hatch overturned at appeal</i>	<b>Community Facilities p.89</b>		<i>Development of redundant school buildings</i>	<i>No development of redundant school buildings where the applicant was not able to show that alternative community uses were not previously considered.</i>	<b>Travel and Transport p. 94</b>		<i>Number of developments which include publicly accessible electric vehicle charging points</i>	<i>A net increase in electric vehicle charging points over the plan period</i>	<i>Number of developments which depart from Vehicle Parking Guidance Note</i>	<i>No developments permitted which depart from Vehicle Parking Guidance Note</i>
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<i>Number of developments which depart from Vehicle Parking Guidance Note</i>	<i>No developments permitted which depart from Vehicle Parking Guidance Note</i>															
		<p><u>* Since 2006, 548 housing sites have been completed of which 7 (2.8%) had an overall net loss of units.</u></p> <p><u>** Since 2006, 1.4% of additional newly built (excluding replacements) employment (B use classes) floorspace built within the District was within the Green Belt.</u></p> <p><u>***Since 2006, 80% of net housing was built within the Urban Confines. Of the remaining 20%, 17% completed housing units were considered appropriate development within the Green Belt including rural exception sites, conversions of existing buildings and redevelopment of sites where there is no greater harm to the openness of the green belt.</u></p>														

MM12 Implementation and Monitoring: Core Strategy Performance Indicators and Targets

Ref	Page	Policy/ Paragraph	Main Modification	
MM12	Various	Implementation and Monitoring Core Strategy Performance Indicators and Targets	<b>Core Strategy Performance Indicator</b>	<b>Target</b>
			<b>Chapter 1. Sustainable Communities and Development Principles p.14</b>	
			Proportion of completed housing in main settlements of Sevenoaks, Swanley and Edenbridge	68% of the housing supply in predicted to be within Sevenoaks Urban Area and Swanley. 74% of the housing supply is predicted to be within Sevenoaks Urban Area, Swanley and Edenbridge.
			Change in Employment floor space in the Main Settlements	The overall stock of employment land to be maintained
			Proportion of additional employment floor space in Urban Confines	The overall stock of employment land to be maintained
			Proportion of completed housing in Urban Confines	No new dwellings were allowed on appeal by the Planning Inspectorate within the Green Belt
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements
			<b>Chapter 2. Environment p. 26</b>	
			Performance of new housing against Building for Life criteria	Two thirds of new housing development to be rated good or better against the Building for Life criteria and no development to be rated poor.
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements
			Change in the number of Heritage Assets	No loss of listed buildings, historic parks and gardens, scheduled monuments or sites of archaeological interest.
			Change in Conservation Area extents	No reduction in the extent of Conservation areas due to insensitive development
			<b>Chapter 5. Town and Local Centres p.55</b>	

			Change in Retail floorspace in the main settlements	Approximately 4000sqm net additional floorspace to be provided in Sevenoaks Town Centre by 2026.
			Swanley Regeneration Scheme	A town centre regeneration scheme, consistent with the Core Strategy, to be approved within five years and completed within ten years of the Core Strategy adoption.
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements
<b>Chapter 6. Green Infrastructure and Open Space p.65</b>				
			Protection of Open Space Allocations	To maintain the Open Space allocations
<b>Chapter 9. Community Facilities p.89</b>				
			Changes in Settlement Hierarchy services and facilities score for individual settlements	No loss of services and facilities that serve the local community within rural settlements



## MM13 Commitment to review Core Strategy

Ref	Page	Policy/ Paragraph	Main Modification
MM13	Page 11	Paragraph 1.3 Core Strategy	<p>Core Strategy</p> <p>1.3 The Core Strategy promotes sustainable development. It is the over-arching planning document that sets out the Council's vision, strategic objectives and broad policies for the amount and location where future development should be sustainably located in the District over the period 2006 -2026, as well as a number of generic policies concerning, for example, design quality, sustainable development and infrastructure provision.</p> <p><u>Subject to the findings of an up-to-date Strategic Housing Market Assessment, which the Council will commence in 2014, the Council commits to undertake an early review of the Core Strategy, in part or in whole, within the next five years, in accordance with the National Planning Practice Guidance, in order to ensure that it has an up-to-date suite of policies and proposals in place to deliver sustainable growth in accordance with the NPPF.</u></p> <p>A summary of the approach included in the Core Strategy is set out below.....</p>

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**Item 7 (a) – Monitoring Officer’s Annual Report**

The attached report was considered by the Standards Committee, relevant minute extract below:

Standards Committee – 22 January 2015 (Minute 4)

The Monitoring Officer presented her tenth Annual Report, which provided an overview of the work of the Monitoring Officer; the work of the Standards Committee; and other governance arrangements monitored by other committees within the Council. Members were notified that ethical standards at the Council were high, there had been no cases of maladministration and although there had been 18 complaints made to the Local Government Ombudsman over the year, this figure was low compared with other local authorities. No compensation payments had been made this year in relation to local settlements.

The Committee reviewed the summary of the six complaints against Members within the report. All complaints were to do with Parish Councils and no complaints had gone forward for investigation. The Monitoring Officer reported that since publication of the agenda one complaint concerning a Parish Councillor had been received.

In response to a question, the Monitoring Officer reported that the new system that had been implemented was much improved on the previous regime and as a result of this there had been a reduction in the number of frivolous complaints received. However, the high number of Town and Parish Councils within our District compared with other authorities meant that there was a higher risk of complaints being received.

The Monitoring Officer reported that plans were in place to provide training for Members following the election in May 2015. The Clerks of Parish/Town Councils would also be invited to attend the training, as this could benefit achieving a reduction in the number of complaints received.

The Committee thanked the Monitoring Officer for all her work.

Resolved: That

(a) the Monitoring Officer’s Annual Report be noted; and

**(b) Council be recommended to note the Monitoring Officer’s Annual Report.**

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## **MONITORING OFFICER'S ANNUAL REPORT**

### **Council – 17 February 2015**

Report of	Monitoring Officer
Status:	For consideration and decision
Also considered by:	Standards Committee – 22 January 2015
Key Decision:	No

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**This report supports the Key Aim of** effective management of Council resources.

**Contact Officer(s)** Mrs Christine Nuttall – Chief Officer Legal and Governance

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**Recommendation to the Standards Committee:** That the Monitoring Officer's Annual Report be noted.

**Recommendation to Full Council:** That the Monitoring Officer's Annual Report be noted.

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**Reason for recommendation:** This report sets out the work of the Monitoring Officer, Standards Committee and other governance arrangements monitored by other committees within the Council thus providing Members and the public with valuable information which should promote Member and Public confidence in the high ethical standards set by the Council.

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### **Introduction and Background**

- 1 This is the tenth Annual Report of the Monitoring Officer as attached as an appendix to this report.
- 2 The purpose of the Monitoring Officer's Report is to provide an overview of the work of the Monitoring Officer, the work of the Standards Committee and the general governance arrangements within the Council in the past year and to provide an opportunity to review and learn from experience.
- 3 The information contained within this Report will also provide Members of the Standards Committee, with an overview of the workings of the Council thus providing them with valuable information to facilitate the carrying out of their functions.

### **Substance of Report**

- 4 The Monitoring Officer's Report sets out the Monitoring Officer's statutory responsibilities, summarises how these duties have been discharged during 2014

## Agenda Item 7a

in accordance with the Council's Constitution, legislative requirements and draws attention to those issues that will require attention in the next calendar year.

### **Key Implications**

#### Financial

- 5 The Monitoring Officer's Report has not identified any financial implications for this Council over and above normal requirements.

#### Legal Implications and Risk Assessment Statement.

- 6 The Monitoring Officer's Report has not uncovered any illegality.

#### Equality Assessment

- 7 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

- 8 The Monitoring Officer's report sets out the elements of good governance and demonstrates that robust procedures are in place to raise ethical standards, identify problems and ensure that Members, Officers and the Public are aware of appropriate channels to raise concerns.

### **Appendices**

Appendix – Monitoring Officer's Report

### **Background Papers:**

Information supplied by various officers and sections of the Council

**Mrs Christine Nuttall**  
**Chief Officer for Legal and Governance**

**REPORT OF THE  
MONITORING OFFICER  
2014**

**Introduction**

This is the tenth Annual Report of the Monitoring Officer for the period January 2014 to December 2014. The purpose of the report is not only to provide an overview of the work of the Monitoring Officer in the past year, but also to provide an opportunity to review and learn from experience. This report therefore sets out the Monitoring Officer’s statutory responsibilities and summarises how these duties have been discharged from the last Monitoring Officer’s Report for the period January 2013 to December 2013. The Report also highlights the work of the Standards Committee.

**1. Recommendations**

That the Standards Committee comments on and notes the Monitoring Officer’s Annual Report.

That the Full Council notes the Monitoring Officer’s Annual Report.

**2. The Role of the Monitoring Officer**

The role of the Monitoring Officer derives from the Local Government and Housing Act 1989. The Act requires local authorities to appoint a Monitoring Officer.

The Monitoring Officer has a broad role in ensuring the lawfulness and fairness of Council decision making, ensuring compliance with Codes and Protocols and promoting good governance and high ethical standards.

A Summary of the Monitoring Officer’s Functions is as follows:

<u>Description</u>	<u>Source</u>
Report on contraventions or likely contraventions of any enactment or rule of law	Local Government and Housing Act 1989
Report on any maladministration or injustice where the Ombudsman has carried out an investigation	Local Government and Housing Act 1989
Appoint a Deputy	Local Government and Housing Act 1989
Establish and maintain the Register of Members’ interests.	The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 The Localism Act 2011 The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Report on sufficiency of resources.	Local Government and Housing Act 1989
Maintain the Constitution	The Constitution



<u>Description</u>	<u>Source</u>
Promote and maintain high standards of conduct.	The Localism Act 2011
Grant Dispensations	The Localism Act 2011 and delegation from Council
Consulting with, supporting and advising the Head of Paid Service and s.151 Officer on issues of lawfulness and probity.	The Constitution
Appointing an Investigating Officer in relation to Member Complaints	The Localism Act 2011 and the Constitution
Advising the Standards Hearings Sub Committee in relation to allegations of breaches of the Code of Conduct and advising when matters are determined following an investigation	The Localism Act 2011 and the Constitution
Advise on whether executive decisions are within the Budget & Policy Framework.	The Constitution
Provide advice on vires issues, maladministration, financial impropriety, probity, Budget and Policy Framework issues to all members.	The Constitution and s.5 of Local Government and Housing Act 1989
Legal Advice and Support to the authority	The Constitution
Considering whether certain Information is exempt from disclosure under the Freedom of Information Act.	Freedom of Information Act 2000

### **3. The Constitution**

The Constitution sets out how the Council operates and how decisions are made. It sets out the procedures which are followed to ensure that these decisions are efficient, transparent and that those who make the decisions are accountable to local people. The Monitoring Officer is responsible for ensuring that the Constitution operates efficiently, is properly maintained and is adhered to.

#### **3.1 Constitutional Review and Revision**

This Council continues to update its Constitution as and when necessary and reports to the Governance Committee of the Council in this respect.

On the 23<sup>rd</sup> April 2013 Council approved a proposed new governance structure following Members concerns with the previous structure in the following areas:

Perception of remoteness/inaccessibility of portfolios; feeling of disengagement from influence and decision-making; lack of training and development (succession planning for future Cabinet members); and the need to streamline the system to match the resource available.

The approval was subject to detailed mechanisms being brought back to the Annual Council in May 2013 to enable implementation of the structure with a review of the new governance arrangements being undertaken and reported back to Full Council by April 2014. In addition, options requiring more detailed consideration, such as the Committee System or a Hybrid Model requiring Secretary of State approval, were to be investigated during the next municipal year. The new governance structure was accordingly approved at Annual Council on the 14<sup>th</sup> May 2013.

The Governance Committee reviewed the new governance structure in 2014 with two Member Surveys being carried out during the year. The first survey had a response rate of 55% and the second 69%. The results from the surveys provided a range of information which helped with the review of the effectiveness of the new arrangements. Changes resulted whereby Membership of the Scrutiny Committee is now fixed with Members of the Committee being independent of the Cabinet Advisory Committees. Membership of the Advisory Committees increased to 12 Members and Members are now able to sit on more than 1 Cabinet Advisory Committee which facilitates greater Member involvement. The new Structure is now embedded and working well and promoted in a national publication entitled "Rethinking governance" produced by the Local Government Association.

Investigation into future Governance arrangements in general has taken place this year to allow the newly elected administration in 2015 to consider future governance with further research planned to take place next year via the Governance Committee for reporting to Annual Council in 2015.

### **3.2 Fitness for Purpose**

The Constitution sets out in clear terms how the Council operates and how decisions are made. Some of these processes are required by law, while others are a matter for the Council to choose. The purpose of the Constitution is to:

- ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions;
- support the active involvement of local people in local authority decision making;
- help Members represent local people more effectively;
- enable decisions to be taken efficiently and effectively; and
- hold decision makers to public account.

### **3.3 Managing the Constitution**

Any significant changes to the Council's decision making arrangements and Committee structure need to be approved by full Council. The Council will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect. The Governance Committee ensures that this takes place.

#### **4. Lawfulness and Maladministration**

The Monitoring Officer is the Council's lead adviser on issues of lawfulness and the Council's powers and in consultation with the Head of Paid Service/s.151 Officer and the Chief Finance Officer, advises on compliance with the Budget and Policy Framework. Part of this role involves monitoring Committee reports, agendas and decisions to ensure compliance with legislation and the Constitution. The Monitoring Officer ensures that agendas, reports and minutes of all Council meetings are made publicly available unless there is a reason for exemption under the Local Government Act 1972. In addition Portfolio Holder decisions are also made publicly available subject to the same caveat as are all planning and licensing decisions made by Officers including other Officer delegated decisions as required by the new legislation entitled "The Openness of Local Government Bodies Regulations 2014". All such decisions can be viewed by members of the public through the Council's website: [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk).

If the Monitoring Officer considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration she must report to the full Council or where appropriate the Cabinet after first consulting with the Head of Paid Service/s.151 Officer. Any proposal or decision that is subject to such a report cannot be implemented until the report has been considered.

The sound governance arrangements operated by the Council ensure that the power to report potentially unlawful decision making is rarely used and the Monitoring Officer has not had to issue such a report throughout 2014

#### **4.1 Reports from the Local Government Ombudsman**

The annual letter from the Local Government Ombudsman sets out a summary of the complaints and enquiries received by Sevenoaks District Council for the year 2013/14.

In 2013/14 the Local Government Ombudsman received 18 complaints about our local authority with five of the complaints being in the category Benefits and Tax. One was within the category, Environmental services, public protection & regulation. Two complaints came within the Housing category and 10 were Planning and development complaints.

Eight of the complaints were closed after initial enquiries and three were not upheld. One complaint was deemed incomplete and invalid and the rest were referred back for local resolution.

No compensation payments were made by Sevenoaks District Council in relation to the complaints that went to the Local Government Ombudsman and there was no finding of maladministration.

### **5. Report of the Chief Surveillance Commissioner**

On the 19<sup>th</sup> June 2013 the Council was inspected by the Office of the Surveillance Commissioner (OSC). These inspections are carried out on a 3 yearly basis with the next inspection due to take place in June 2016

The Regulations of Investigatory Powers Act 2000 (RIPA) introduced a statutory framework for those carrying out a surveillance as part of an investigation. The Protection of Freedoms Act 2012 (2012 Act) amended RIPA to provide additional controls. The internal authorisation process is now followed by external authorisation from a Justice of the Peace.

In practice the District Council seeks to carry out surveillance activity by overt means whereby it is not necessary to engage the provisions of RIPA.

On the 10<sup>th</sup> September 2013 the Audit Committee considered a report recommending the adoption of a revised surveillance policy and the approval of reporting arrangements to Elected Members following the Commissioner's inspection.

Training on RIPA for officers of this Council took place on the 11<sup>th</sup> November 2013 with an emphasis on allowing delegates to do their job whilst respecting the law. Delegates worked through a number of real life case studies and exercises in order to discuss issues that commonly arise.

Council on the 1<sup>st</sup> October 2013 noted the Chief Surveillance Commissioner's report and adopted a revised Surveillance Policy. During 2014 there has been no instance of covert monitoring requiring the need for a RIPA authorisation.

### **6. Good Governance**

The Monitoring Officer has a pro-active role in promoting good practice, good procedures and good governance. This involves networking, collaboration and joined-up working practices and decision making as well as ensuring standing orders, codes of practice, procedures are kept under review and up to date. Collaborative working entails regular weekly meetings with the Chief Executive/s.151 officer, Chief Officers/Senior Management Team as well as working in partnership with other departments to develop and disseminate policies and procedures. There is also the work undertaken in partnership with other authorities.

In 2014 the Council stepped up its efforts to bring further economic growth to the District.

After months of planning, and negotiation, the Council secured a new Marks & Spencer department store for Sevenoaks town. Construction began on the 2,700 square metre retail development in May 2013, and the new store opened its doors in October 2014. The store is expected to attract new shoppers to Sevenoaks benefitting existing traders while securing the town's retail future.

In partnership with the county and neighbouring councils, Sevenoaks District Council successfully bid for £5.5 million of interest free loan funding for local businesses. The money will be used to support fast growing companies to safeguard or create 1,200 jobs in the area. Many local businesses have applied to take advantage of this funding. Those who were successful will be using the loan to expand and create new jobs.

### Appendix

During the year the Council has run many business support and networking events for local businesses and these have been very well attended. In addition, the Council has consulted on and approved a new Economic Development Strategy which set out a strategic direction for business growth, skills and jobs for the future.

New anti-social behaviour legislation has now been introduced which provides tools to enable us to deal with anti-social behaviour. Working with our community safety partners we have seen reductions in crime.

The Council has been taking part in the new Health and Wellbeing Boards designed to focus on local needs and increase input from democratically elected Members.

Our voluntary sector continues to make an important contribution to the lives of the most vulnerable people in our communities. The District Council has maintained its grant funding for local voluntary activity.

The Council went under the microscope in December 2013 when it volunteered for a Peer Review by the Local Government Association (LGA). The review involved a number of officers and Councillors from other councils and together with sector experts, including the Department for Communities and Local Government's Finance Director, looking at how well it performs and testing its plans for the future.

Their feedback was extremely positive. The LGA team said they were impressed with the Council's financial management, culture, high levels of customer satisfaction and the pride staff take in their work, helping it achieve one of the best reputations in local government. They also praised the way the Council works with the community and partner organisations to deliver its vision to improve the quality of life in the District.

### **7. The Ethical Framework and Work of the Standards Committee**

The New Standards Committee which was introduced on the 24<sup>th</sup> July 2012 comprises 7 Members in accordance with the political balance rules.

The new rules allow for the appointment of Independent Persons who have a statutory role under the Localism Act 2011 to assist any Member who has been accused of breaching the Code of Conduct. Sevenoaks District Council has appointed two Independent Persons who are not Members of the Standards Committee although they are given details of the Committee's meeting date in order that they may attend.

The Independent Persons also assist the Monitoring Officer in considering complaints and will also be consulted by the Monitoring Officer following investigations to help decide what action to take.

The Standards Committee has a key role in facilitating and promoting the Ethical Framework and in promoting and maintaining high standards of conduct within the Authority. The terms of reference of the committee are set out within Part 3 of the Constitution entitled "Standards Committee".

Examples of the Standards Committee's work during 2014 are as follows:

- Receive the Annual Monitoring Officer's Report

- Looking at Openness and transparency in relation to Personal Interests
- Reviewing the arrangements for the Standards Regime

#### **7.1 Maintaining a Register of Member Interests**

The codes of conduct of relevant authorities must include provision for the registration and disclosure of “disclosable pecuniary interests”, as defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members with disclosable pecuniary interests in the business of their authorities are prohibited from participating in such business unless they have a dispensation. The Localism Act 2011 has introduced criminal offences relating to failure to register disclosable pecuniary interests. Members convicted of such offences are liable to a scale 5 fine and may also be disqualified from being a councillor for up to five years.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members at this Council through training have been made aware that even if a Member’s interest does not amount to a disclosable pecuniary interest, if their interest in a matter would lead them to predetermine a decision, it would not be appropriate for that member to participate in the decision, if they did so the decision could be vulnerable to challenge.

The prohibitions on councillors participating in any discussion or vote on an item of Council business in which they have a disclosable pecuniary interest ensures that Councillors cannot put their private financial interests before the public interest. However, where a Councillor has a disclosable pecuniary interest but stand to make no personal financial gain by participating in a discussion or vote on Council business related to that interest, they can apply for a dispensation, under section 33 of the Localism Act 2011. The grounds for granting a dispensation will depend on the circumstances.

#### **7.2 Code of Conduct for Employees**

The Code is based on an original draft published by the IDeA and has been updated since being implemented in 2006. The Code forms part of the employers’ terms and conditions of employment. The Code is well publicised on the Council’s internal intranet and is introduced to employees through the induction process.

Under the Code employees must declare any non-financial or financial interests that they or members of their family have which they consider could conflict with the Council’s interests. Chief Officers and the Chief Executive declarations of non-financial or financial interests are declared to the Monitoring Officer.

All relationships of a business or private nature with external contractors, or potential contractors should be made known to the employees’ Managers and Chief Officers.

All hospitality received and given should be appropriate, necessary and must, wherever possible, have the prior sanction of the relevant Chief Officer and must be recorded in the Hospitality book kept by the Chief Executive’s Secretary. There is a Protocol on Corruption, Gifts and Hospitality contained within the Staff Code of Conduct.

### **7.3 Whistle Blowing**

Sevenoaks Council is committed to having effective whistleblowing arrangements, in order to safeguard individuals who have genuine cause for raising concerns in the work place and to promote good governance and safeguard the public interest. The Council's Whistle Blowing Policy sets out how to raise concerns within the organisation and is designed to give statutory protection to employees who "blow the whistle" on their employer's malpractice. In addition, the Council aims to mitigate the risk of inappropriate behaviour by those undertaking work on behalf of the Council and the Council refers to this Policy in contracts with suppliers and service providers, in the Procurement Guide and in its partnership arrangements.

The Council takes seriously and will investigate all reports of improper activities. The Policy aims to ensure that when concerns are raised, the Council will address the concerns and protect the person raising the concern.

The Council is committed to the highest possible standards of openness, probity and accountability and in line with this commitment the Council is currently updating its Whistleblowing Policy to incorporate the requirements of the new Statutory Code of Practice recommended by the Whistleblowing Commission with proposed amendments planned to be considered by the Audit Committee on the 13<sup>th</sup> January 2015. It is recommended that the new Whistleblowing Policy will be subject to annual review by the Audit Committee with the review taking into consideration the views of users of the Policy and any relevant professional or regulatory changes.

The new Code of Practice is intended to make whistleblowing more effective within organisations and provides practical guidance to employers, workers and their representatives and sets out recommendations for raising, handling, training and reviewing whistleblowing in the work place.

The Council's existing Whistleblowing Policy substantially meets the code requirements and is largely consistent with good practice. However, where appropriate, amendments have been made to close any gaps identified under the new code.

In the last calendar year no concerns have been raised under the Council's current Whistle Blowing Policy.

### **7.4 Human Resources**

Human resources plays a vital role in developing the organisation through the development of its people and in planning and delivering the changes required by the Council.

Human resources adds value to the organisation by ensuring that we take account of, and plan for, future changes in the wider environment which are likely to have a major impact. It is recognised that both Members and Officers are integral to achieving these aims, through working together in an open, honest and co-operative way.

All the Council's Human Resources policies are available on "Insite" or direct from the Human Resources Team on request and new employees to the organisation are made aware of the numerous policies that exist.

### **7.5 New Standards**

The Localism Act 2011 and subordinate legislation made extensive changes to the Standards regime which had previously applied under the Local Government Act 2000 and subordinate legislation. The changes are to achieve high standards of conduct and to put in place an appropriate regime.

Under the new regime Councils have been obliged to adopt a Code of Conduct for their Members and Co-opted Members as part of their duty to promote and maintain high standards of conduct. These include provisions relating to the registration and disclosure of interests although, unlike the arrangements under the previous legislation, authorities were no longer required to adopt codes based on a national model. However, most authorities have chosen to adopt codes which reflect models suggested by various recognised organisations. Sevenoaks District Council chose the text published by the Department for Communities and Local Government (DCLG).

Town and Parish Councils will have adopted their own Codes although they must be based on the seven Nolan principles laid down in the Localism Act 2011. The District Council encouraged Town and Parishes to adopt the Sevenoaks District Council Code, although it is known that some have adopted the National Association of Local Council's model.

Councils in England are no longer required to have the statutory Standards committee which was established under the provisions of the Local Government Act 2000 and the Standards Committee (England) Regulations 2008. However, the majority of Councils did choose to retain such a committee including Sevenoaks District Council. The new standards committee is an ordinary committee of the council which means that it is politically balanced and subject to the usual requirements relating to access to information.

Under the Localism Act 2011 authorities are not obliged to include provisions in their arrangements for members to be able to appeal against findings that they have breached the code of conduct of their authorities. This Council decided not to include appeal provisions in their arrangements although for procedural irregularity a complaint can always be made to the Ombudsman.

The Localism Act 2011 makes no provision for sanctions against Members who are found to have breached the codes of conduct of their authorities. However, authorities are able to censure members, to publicise breaches of their codes of conduct, to report to their Councils and to recommend that members are removed from positions on committees and outside bodies. This Council decided to include provisions for the Monitoring Officer to be instructed to arrange training for the Member and/or conciliation if appropriate which is a useful practical measure for improving member conduct.

### **7.6 Complaints against Members**

The current Standard Regime, set up under the Localism Act 2011, was implemented by this Council in July 2012.

Allegations of Member Misconduct received under this regime, up to December 2012, numbered 15. All of these related to Parish/Town Council Members and no complaints



**Appendix**

related to District Council Members. 11 of these complaints related to one Parish Council. None of these complaints went to formal investigation.

Three complaints were received between January and December 2013. Two of these related to Parish/Town Council Members and one to a District Councillor. None of the complaints went to formal investigation. One of the Parish/Town Council complaints was subject to Informal Resolution with the help of the Independent Person.

Six complaints have been received between January and December 2014

	<b>Subject Member</b>	<b>Complainant</b>	<b>Received</b>	<b>Assessed</b>	<b>Result</b>
14/01	Parish/Town	Officer of the Council	March 14	May 14	Attempted informal resolution
14/02	Parish/Town	Officer of the Council	May 14	Withdrawn	
14/03	Parish/Town	Member of the Public	July 14	September 14	No Further Action
14/04	Parish/Town	Councillor	August 14	Withdrawn	
14/05	Parish/Town	Member of the Public	September 14	October 14	No Further Action
14/06	Parish/Town	Councillor	October 14	November 14	No Further Action

The second and fourth complaints in the table above would not have progressed beyond the Initial Intake Stage due to being outside the time limit and the complainants were offered the choice to withdraw the complaints.

As the first complaint in the table above was made by an Officer of the Council concerned it was felt that Informal Resolution should be attempted to try and ensure relations at the Council did not deteriorate further.

The third complaint involved a Council that had seen a number of complaints in previous years relating to a particular local issue and the complainant had previously been a Councillor who had been the subject of a complaint when serving at that Council.

The fifth complaint involved a neighbour dispute relating to a planning issue. The Independent Person spent some time with the Subject Member which helped to calm the situation.

The sixth complaint was made by a Councillor who had previously been involved in a complaint as a Subject Member.

At the time of writing this report there are no outstanding complaints at any stage in the process.

The number of complaints has increased in 2014, but in reality there were only 4 that passed the initial intake test. There are no lessons to be learnt from operating the procedures this year requiring amendment to any of our procedures. It did prove extremely useful to have the Independent Person involved in mediation/conciliation work and must thank the Independent Persons for all their hard work through the year.

#### **8. Equalities and the Public Sector Equality Duty under the Equality Act 2010**

As a community leader, service provider and employer Sevenoaks District Council recognises that everyone has a contribution to make to our society and a right to access services without being discriminated against or disadvantaged.

Sevenoaks District Council is part of the West Kent Equality Partnership which also includes Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council.

The Partnership sets out its aims and commitments for 2012-16 and reviews its progress against its aims and commitments. An annual report for Sevenoaks District Council was considered by the Strategy and Performance Advisory Committee on 7<sup>th</sup> October 2014 and can be accessed via the following link:

<http://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=290&MId=1823&Ver=4>

#### **9. Support to Councillors, Cabinet, Scrutiny and Committee Meetings**

The distribution and publication of committee reports, agendas and decisions is central to meeting the requirements of a key deliverable. It is the Monitoring Officer's responsibility to oversee the process and ensure that these documents comply with statutory and constitutional requirements.

This includes:

- Distributing and publishing all agendas within five clear working days of the meeting taking place and ensuring that all agendas are compliant with the access to information rules and exempt information is marked up accordingly.
- Advertising public meetings five clear days before the meeting date.
- Ensuring that papers are made available to the public.
- Drafting minutes for publication within nine working days.

## Appendix

- Publishing a record of all decisions including key decisions taken by Cabinet within 48 hours (2 working days) of the meeting.
- Ensuring that petitions are handled in accordance with the Council’s Constitution including e-petitioning.
- Ensuring that meetings are accessible.
- Complying with the requirements of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.
- The Openness of Local Government Bodies Regulations 2014.

### **10. Statutory Meeting Analysis**

One of the explicit aims of the Council has been to try and streamline the decision making process to allow Council to focus on service delivery.

Between the 1<sup>st</sup> January 2014 and 31<sup>st</sup> December 2014 the following were serviced:

Full Council Meetings (including 1 annual meeting)	5
Cabinet	11
Audit Committee	4
Development Control Committee	18
Economic & Community Development Advisory Committee	4
Finance & Resources Advisory Committee	6
Governance Committee	4
Health Liaison Board	5
Housing & Community Safety Advisory Committee	4
Licensing Committee	4
Licensing Sub Committee Hearings	7
Local Planning & Environmental Advisory Committee	4

Scrutiny Committee	5
Sevenoaks District Strategic Board	1
Sevenoaks Joint Transportation Board	4
Standards Committee	1
Strategy & Performance Advisory Committee	5

The Sevenoaks District Strategic Board has now been dissolved with the dissolution noted by Council on the 4<sup>th</sup> November 2014

The volume of meetings represents a substantial commitment of both Councillors' and Officers' time and resources. It is of great importance that meetings constitute an effective use of time and resources; that they add value to corporate effectiveness and help in meeting the aims and objectives of the Constitution and the Community Plan and Corporate Plan.

### **11. Notice of Key Decisions which replaces the Forward Plan**

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 replaced the 2000 Executive Access to Information Regulations. The new regulations only apply to executive decisions. Previously there was a requirement to publish a rolling forward plan at least 14 days before the start of each month that set out details of all the key decisions which the authority anticipated making within the next four months. This has now been replaced by a requirement to publish a 28 clear days' notice of any intended key decision. This notice is available for inspection and is also published on the authority's website. If an urgent decision is required and it is impracticable to give the full notice, the key decision can still be taken if the authority gives at least five days' clear notice to the Scrutiny Committee of the authority which can then call in the decision to check that it was genuinely urgent. Where a key decision is so urgent there is not even time to give five clear days' notice, the authority can still take the decision if the Chairman of the Scrutiny Committee has agreed that the key decision is urgent and cannot reasonably be deferred.

This new requirement is being observed by the authority and by publishing the Notice of Key Decisions the public will be able to find out the expected timing of key decisions.

#### **11.1 Call-In requests**

There were no call-in requests within 2014.

#### **11.2 Scrutiny Function**

The Council is required by Law to discharge certain scrutiny functions. These functions are an essential component of local democracy. A Scrutiny Committee is a powerful committee which principally holds the Executive to account for its decisions. Policy development used to take place within the Select Committees and this now takes place

within the Cabinet Advisory Committees, this being part of the changes made by the Governance restructure.

#### **11.3 The Transparency Code**

The Council is now under a duty to publish a range of data under the Local Government Transparency Code 2014 and associated Regulations.

It is the Government's stated desire to place more power into citizens' hands to increase democratic accountability and make it easier for local people to contribute to the local decision making process and help shape public services. The Code has been issued to meet this desire. The Government has set out that "Transparency is the foundation of local accountability and the key that gives people the tools and information they need to enable them to play a bigger role in society. The availability of data can also open new markets for local business, the voluntary and community sectors and social enterprises to run services or manage public assets".

The Council is committed carrying forward the new Transparency Code in 2015.

#### **11.4 The Recording of Council Meetings**

In March 2014 the Governance Committee of this Council considered a report recommending to Full Council that their meetings be recorded on a trial basis and if successful Full Council would ratify the roll out of recording all meetings of Full Council, Development Control Committee and Licensing Hearings. Following the successful recording of Full Council, as a pilot study, Full Council approved the earlier recommendation in November 2014. This approval coincided with the new Openness of Local Government Bodies Regulations 2014 allowing people the right to film, blog, tweet or use any other type of social media to report any public meetings of their local government bodies, including, committees, sub-committees and joint committees. In order to facilitate the public's new powers a Protocol on Recording Meetings was approved by Council to make sure that recording especially filming takes place safely and without obstructions to the meeting. Council also gave Officers the discretion with the Chairman's approval to record such other public meetings of Council, the Cabinet and their committees, sub-committees or joint committees as was seen fit.

#### **11.5 Member Training and Development**

The Council is now preparing plans for Members' Induction following the 2015 Elections. A presentation on this was given to the Strategy and Performance Advisory Committee on the 2<sup>nd</sup> December 2014 giving an outline on the plans for induction and how the process would work. A key part of the plan will be to involve existing Members more, particularly those who joined the Council in 2011 and who can input their experiences and ideas for improvement.

Members elected in 2015 will be given an Induction Pack and information sessions for prospective Members will be given which will highlight the positive aspects of being a Member as well as setting out the demands the work entails.

The Council is planning to have increased information for prospective Members on the Council's website.

Training will be a crucially important part of the Induction process especially concentrating on basic matters such as, how to help a local resident, how to contact Kent County Council, advice on writing e-mails to constituents and resources available such as the Local Government Association.

A coach tour of the District is planned for new Members. If any Members have any further ideas in relation to the Induction Process they are asked to contact the Council's Monitoring Officer.

### **12 Conclusion**

The Monitoring Officer's role in conjunction with the Standards Committee encompasses both proactive and reactive elements. The proactive role centres on raising standards, encouraging ethical behaviour, increasing awareness and utilisation of the elements of good governance and ensuring that robust procedures are in place.

The reactive role focuses on taking appropriate action to deal with issues and potential problems as they arise. The Monitoring Officer together with the Standards Committee's effectiveness in this role is in turn dependent on effective systems and procedures being in place to identify problems and ensure that Members, Officers and Public are aware of appropriate channels to raise concerns.

Christine Nuttall  
Monitoring Officer

**Item 7 (b) – Gambling Act 2005 and Local Government (Miscellaneous Provisions) Act 1982: Licence Fees 2015/2016**

The attached report was considered by the Licensing Committee on 2 February 2015, the relevant minute extract was not available before the printing of this agenda and will follow.

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**GAMBLING ACT 2005 AND LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982: LICENCE FEES 2015/2016**

**Council – 17 February 2015**

Report of the: Chief Officer Environmental and Operational Services

Status: For Decision

Also considered by: Licensing Committee – 2 February 2015

Key Decision: No

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**This report supports the Key Aim of** Safe Communities to aid in the reduction of crime within the District.

**Portfolio Holder** Cllr. Ms Lowe (Housing and Community Safety)

**Contact Officer(s)** Claire Perry Ext: 7325 / 07970 731616

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**Recommendation to the Licensing Committee:** That Full Council is recommended to approve the appropriate fee levels as set out in appendix A.

**Recommendation to Council:** That subject to the comments of the Licensing Committee, the fees set out in appendix A are approved.

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**Reason for recommendation:** to ensure that the Council complies with its statutory duty and ensure that the Gambling licensing service remains self-financing, in accordance with the Council's Service and Budget Plan. The Gambling Act fees were first set at the Licensing Committee on 30 May 2007, (with the same fee model being used to work out the proposed fee for the forthcoming year using a 3.5% inflation factor in accordance with the Council's Budget Plan with rounding to "5" and "0" for the respective fee).

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**Introduction and background to Gambling Fees**

1. The Gambling Act 2005 Section 212 gives the Secretary of State power to make regulations prescribing the fees payable to the Licensing Authority. It also gives the power to devolve to Licensing Authorities in England and Wales the freedom to set fees for premises licence applications, subject to any constraints the Secretary of State may prescribe which includes a maximum fee level. The government has decided that for England and Wales, Licensing Authorities will determine their own fees for gambling premises licences but that the Secretary of State will prescribe the maximum fee payable for each category of licence.
2. The maximum levels have been included in Appendix A in brackets for comparison purposes. The previous years fees are printed in italics for your information. Those cells that are shaded in the body of the table are where we have reached the maximum fee level that may be set.

## Agenda Item 7b

3. There is an initial fee to cover the cost of application and an annual “maintenance” fee.
4. Licensing Authorities have been asked to set fees to ensure full cost recovery and that the fee levels represent fairness and value for money for the gambling industry. All Licensing Authorities must set their fees upon a cost recovery basis only and will be required to review their fee levels on an annual basis to ensure this.
5. Fees must be set for all types of premises licences and Temporary Use Notices (TUN’s).

### **Premises type**

- Casinos
  - Bingo
  - Betting (off-course)
  - Tracks (on-course betting)
  - Adult Gaming Centres
  - Family Entertainment Centres
6. Fees must be set by each Licensing Authority for the following:
    - Application for a (new) premises licence
    - Application to vary a premises licence
    - Application to transfer the licence
    - Application for re-instatement of the premises licence
    - Application for a provisional statement
    - Application for a premises licence for a premises which already has a provisional statement
    - Fee to accompany a request for a copy of the premises licence
    - Fee to accompany a notification of change of circumstances (only relevant change is that of address)
    - Fee to accompany a temporary use notice
  7. The District currently has seven betting premises that will be affected by the proposed fee increases. There are no other gambling premises currently operating in the District. The betting premises are:

- a. William Hill – Swanley
- b. Betfred – Swanley
- c. Ladbrokes – Swanley
- d. Coral – Sevenoaks
- e. Coral – Sevenoaks
- f. Coral – Sevenoaks
- g. Coral - Edenbridge

### **Sexual Entertainment Venue Fees**

8. The fees have been calculated by examining the ‘time’ it takes to carry out the various tasks and who in the authority is likely to carry them out. The hourly rates of staff are fed in to a spread sheet (originally produced by LACORS to calculate the Gambling Act fees) to calculate costs for each type of activity. For each application the processes involved are identified and the costs of each process are calculated and entered in to the spread sheet, which produces an average cost for each type of application and an annual fee.
9. The type of tasks involved in premises application for example, include, assistance to applicant, the checking of an application for completeness when received, checking all required documents are attached, processing the application fee, check, process, bank and reconcile payments, entering the information into our computer system (including scanning), contacting the applicant to clarify application or chase missing information if required, assess representations for relevance, undertake informal mediation, undertaking site visits where necessary. Once processed determining the licence or arranging a hearing, holding a hearing, notification of the decision, prepare and issue the licence, update the records/register, appeal preparation and holding an appeal hearing.
10. The costs associated with appeals and hearings have been estimated and an estimation has been made as to the likelihood of these events occurring is entered into the final calculations. The risk of appeals and hearings occurring has been based on the experience of our partners within the Licensing Partnership.
11. The result of the calculations is that it is recommended a fee of £3,000 is set for an initial application, a transfer or a renewal application. This Authority has not been increased since 2010. The existing fee is £2,960.

### **Other Options Considered and/or Rejected**

12. If the Licensing Committee were minded not to approve these fees the Council would not be able to meet the Council’s Service and Budget Plan or ensure the licensing of Gambling and Sexual Entertainment Venue premises was self-financing.

### **Key Implications**

#### Financial

The cost of licence fees takes into account the need to maintain a ‘self financing’ position for the service. The proposals contained in this report will achieve this.

## Agenda Item 7b

The current number of premises that will be subject to Gambling Act 2005 fees is seven betting shops, whose annual fees will generate £3,780. There are no Sexual Entertainment Venues within the District.

### Legal, Human Rights etc.

Should parts of industry believe the authority's fees are at a level which is greater than the costs of the statutory functions then it would be open to them to undertake a judicial review proceeding. Should this arise, the authority would need to evidence how it arrived at the fee levels to demonstrate that they have been calculated on a cost recovery basis only.

### Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Appendices**

Appendix A – Gambling Act Fees

### **Background Papers:**

None

**Mr Richard Wilson**

**Chief Officer Environmental and Operational Services**

## Appendix A

**SEVENOAKS DISTRICT COUNCIL'S  
GAMBLING ACT 2005 - FEES  
1 April 2015 – 31 March 2016**

Premises Type	New Application			Annual Fee		
	£			£		
Existing Casinos	n/a			n/a		
New Small Casino	<b>7510</b>	(8,000)	7260	<b>4170</b>	(5000)	4025
New Large Casino	<b>8630</b>	(10,000)	8340	<b>6730</b>	(10000)	6500
Bingo Club	<b>2750</b>	(3500)	2660	<b>770</b>	(1000)	745
Betting Premises (excluding Tracks)	<b>2750</b>	(3000)	2660	<b>540</b>	(600)	520
Tracks	<b>1670</b>	(2500)	1615	<b>770</b>	(1000)	745
Family Entertainment Centres	<b>1670</b>	(2000)	1615	<b>630</b>	(750)	610
Adult Gaming Centre	<b>1670</b>	(2000)	1615	<b>770</b>	(750)	745
Temporary Use Notice	<b>220</b>	(500)	210	N/A		

	Application to Vary	Application to Transfer	Application for Re-Instatement	Application for Provisional Statement	Licence Application (provisional Statement holders)	Copy Licence	Notification of Change
	£	£	£	£	£	£	£
Existing Casinos	n/a	n/a	n/a	n/a	n/a	n/a	n/a
New Small Casino	3570	1580	1580	7570	2700	12	28
	(4000)	(1800)	(1800)	(8000)	(3000)	(25)	(50)
	3450	1530	1530	7310	2610	11	27
New Large Casino	4100	2010	2010	8655	3965	12	28
	(5000)	(2150)	(2150)	(10000)	(5000)	(25)	(50)
	4100	1940	1940	8360	3830	11	27
Bingo Club	1605	1200	1200	2755	1200	12	28
	(1750)	(1200)	(1200)	(3500)	(1200)	(25)	(50)
	1550	1200	1200	2660	1200	11	27
Betting Premises (excluding tracks)	1500	1200	1200	1645	1200	12	28
	(1500)	(1200)	(1200)	(3000)	(1200)	(25)	(50)
	1480	1200	1200	1590	1200	11	27
Tracks	1250	950	950	1670	950	12	28
	(1250)	(950)	(950)	(2500)	(950)	(25)	(50)
	1250	950	950	1615	950	11	27
Family Entertainment Centres	1000	950	950	1635	950	12	28
	(1000)	(950)	(950)	(2000)	(950)	(25)	(50)
	1000	950	950	1580	950	11	27
Adult Gaming Centre	1000	1200	1200	1670	1200	12	28
	(1000)	(1200)	(1200)	(2000)	(1200)	(25)	(50)
	1000	1200	1200	1615	1200	11	27

Agenda Item 7b  
**Appendix A**

**SEVENOAKS DISTRICT COUNCIL'S  
 GAMBLING ACT 2005 - FEES  
 1 April 2015 - 31 March 2016**

<b>Temporary Use Notice</b>	n/a	n/a	n/a	n/a	n/a	<b>12</b> (25) <i>11</i>	<b>28</b> (50) <i>27</i>
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The proposed new fees as shown in bold type in the table above. For ease of reference the maximum fees identified by DCMS that could be charged are shown in brackets and last year's fees are in italics. Those cells that are shaded in the body of the table are where we have reached the maximum level of fee that can be set.

**Item 7 (b) – Licensing - Draft Statement of Licensing Act 2003 Policy**

The attached report was considered by the Licensing Committee on 2 February 2015, the relevant minute extract was not available before the printing of this agenda and will follow.

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**LICENSING – DRAFT STATEMENT OF LICENSING ACT 2003 POLICY**

**Council – 17 February**

Report of Chief Officer Environmental & Operational Services – Mr Richard Wilson

Status: For Decision

Also considered by: Licensing Committee – 2 February 2015

Key Decision: No

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**Executive Summary:**

The Licensing Act 2003 requires that the Council publish a ‘Statement of Licensing Policy’ that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council’s current Policy Statement took effect from 7 January 2011 and at that time the legislation required the Statement of Licensing Policy to be published every three years. Section 122 of the Police Reform and Social Responsibility Act 2011 changed this from every 3 years to every 5 years.

This Policy Statement will be presented to Full Council on the 17 February 2015, and will take effect from 18 February 2015 remaining in force for a period of five years. It can be subject to regular review by the Council.

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**This report supports the Key Aim of Safer Communities**

**Portfolio Holder** Cllr. Mrs Lowe (Housing and Community Safety)

**Contact Officer(s)** Leeann Leeds Ext.7270

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**Recommendation to Licensing Committee:** recommend the approval of the Statement of Licensing Policy including amendments identified in Appendix B for adoption by full Council.

**Recommendation to Council:** that subject to the comments of the Licensing Committee, the Statement of Licensing Policy be approved.

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**Reason for recommendation:**

To enable the Council to make decisions for licensing premises applications with an up to date Statement of Licensing Policy.

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## Agenda Item 7c

### **Introduction and Background**

1. Sevenoaks District Council is a Licensing Authority under the Licensing Act 2003 and is responsible for granting Premises Licences, Club Premises Certificates, Temporary Event Notices and Personal Licences in the District in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late night refreshment.
2. The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
  - the prevention of crime and disorder;
  - public safety;
  - the prevention of public nuisance;
  - the protection of children from harm.
3. This 'Statement of Licensing Policy' has been prepared in accordance with the provisions of the 2003 Act and having regard to the Guidance issued under Section 182 of the Act (as revised). The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters whilst respecting the differing needs of individual communities throughout the County.
4. The current 'Statement of Licensing Policy', which came into force on 7 January 2011 has been reviewed early due to a range of legislative changes within the Act.
5. The draft 'Statement of Licensing Policy' is detailed in full in Appendix A.

### **Responses to the consultation**

6. The draft 'Statement of Licensing Policy' was sent to various recipients including breweries, responsible authorities, parish councils and District Councillors. Four responses to the draft 'Statement of Licensing Policy' have been received these are detailed in full in Appendix B

### **Key Implications**

#### Financial

7. The failure of the Authority to review, consult and publish the Statement of Licensing Policy every five years may result in a judicial review being brought against the Council.

#### Legal Implications and Risk Assessment Statement.

8. Should parts of the industry believe the authority's 'Statement of Licensing Policy' is not sound it would be open to them to undertake judicial review proceedings.

9. This policy has been written in consultation with legal services to ensure we are compliant with the Licensing Act 2003
10. Sevenoaks District Council as the licensing authority must use this 'Statement of Licensing Policy' in the day-to-day operation of processing and granting of all licences and notices under the Licensing Act 2003.

### Equality Assessment

11. The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

12. Sevenoaks District Council as the licensing authority must use this 'Statement of Licensing Policy' in the day-to-day operation of processing and granting of all licences and notices under the Licensing Act 2003.
13. Any changes or amendments between 18 February 2015 and 17 February 2020 will be subject to further consultation and approval by Full Council.

**Appendices** Appendix A – Draft 'Statement of Licensing Policy'

Appendix B – Feedback from Draft 'Statement of Licensing Policy' consultation

**Background** Section 182 Guidance -

**Papers:** [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/209526/1167-A\\_Licensing\\_Act\\_2003\\_2\\_.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/209526/1167-A_Licensing_Act_2003_2_.pdf).

**Mr Richard Wilson**  
**Chief Officer Environmental & Operational Services**

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# STATEMENT OF LICENSING POLICY

Add in date from until

**Licensing Act 2003**

**ALL applications will be considered on their merits, as well as against the relevant policy and statutory framework**

## Agenda Item 7c

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**STATEMENT OF LICENSING POLICY**

**INTRODUCTION**

This is the Statement of Licensing Policy as determined by the council in respect of its licensing functions, with regard to the Licensing Act 2003. This document sets out the position and view of the Licensing Authority in respect of matters in connection with the discharge of its licensing function.



This Statement of Licensing Policy commences on the \*\*\* and continues for a five year period. During the five year period the Policy will be kept under review and the authority will make such revisions to it at such times as it considers appropriate. Further licensing statements will be published every five years thereafter or earlier as necessary.

All references to the ‘Guidance’ refer to the latest version of the Home Office Guidance to Licensing Authorities issued under section 182 of the Licensing Act 2003.

The 2003 Act requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

- **the prevention of crime and disorder;**
- **public safety;**
- **the prevention of public nuisance;**
- **the protection of children from harm.**

The aims of this Statement of Licensing Policy, in line with the four licensing objectives, are to:

- minimise nuisance and disturbance to the public through the licensing process;
- help build a fair and prosperous society that properly balances the rights of people and their communities;
- integrate its aims and objectives with other initiatives, policies plus strategies that will:

- (1) reduce crime and disorder;
- (2) encourage tourism;
- (3) encourage an early evening and night time economy which is viable, sustainable and socially responsible;
- (4) reduce alcohol misuse;
- (5) encourage employment;
- (6) encourage the self sufficiency of local communities;



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- (7) reduce the burden of unnecessary regulation on business;
- (8) encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally.

The Council will endeavour to work with other Local Authorities to ensure that a consistent approach is taken in licensing matters, whilst respecting the differing needs of individual communities throughout the local authority area.

This policy covers a wide variety of premises and activities carried on within them. For this reason, this policy cannot detail all the factors that influence the achievement of the licensing objectives nor can this policy detail all the control measures that may be appropriate. However, there will be zero tolerance of dealing in or using controlled drugs (as defined by the Misuse of Drugs Act 1971) on licensed premises.

### **1 CONSULTATION**

1.1 The Statement of Licensing Policy will be kept under review and where any significant amendments are considered necessary these will only be made after consultations have taken place in accordance with Section 5 of the Act. Amendments required due to a change in legislation that do not impact on the aims and objectives of the Policy or the promotion of the Licensing Objectives will be made with the approval of the Licensing Manager in order for the policy to remain legislatively current.

1.2 Proper weight, in accordance with the Guidance, has been given to the views of all those consulted. Those consulted in the preparation of this Policy included:

- the Chief Officer of Police for Kent
- the Superintendent of Police for Sevenoaks District Council area
- one or more persons who appear to the authority to represent the interests of persons carrying on licensed businesses in the council area
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act
- any other bodies the council deemed appropriate
- members of the public who requested to be consulted and have responded previously.

1.3 In accordance with the guidance the following persons have also been consulted on this revised statement:

- all ward members
- all parish councils
- all bordering local authorities
- Kent Police Licensing Team
- all responsible authorities under the Licensing Act 2003
- British Beer & Pub Association



## THE POLICY

### 2 BACKGROUND

#### 2.1 When administering licensing matters the council as the Licensing Authority will have regard to and promote the four Licensing Objectives set out in section 4 of Part 2 of the Licensing Act 2003.

*The four licensing objectives are the:*

- ***Prevention of Crime and Disorder***
- ***Prevention of Public Nuisance***
- ***Public Safety***
- ***Protection of Children from Harm***

The Licensing Authority gives equal weight to each of these objectives.

2.2 The 2003 Act requires Licensing Authorities to publish a 'Statement of Licensing Policy' (the Policy) that sets out the approach the Licensing Authority will take when administering applications and other processes under the Licensing Act 2003 to ensure the promotion of the licensing objectives.

2.3 This Statement of Licensing Policy has been prepared in accordance with the provisions of the 2003 Act having regard to the revised guidance issued under section 182 of the Act (revised), the Police Reform and Social Responsibility Act 2012 and the Live Music Act 2012.

2.4 The 2003 Act further requires the Licensing Authority to monitor, review and where appropriate, amend its Statement of Licensing Policy. Where significant changes or a review of this Policy is undertaken, the Licensing Authority will consult with those parties listed at paragraphs 1.2 and 1.3 above and others prior to amending the Policy and also in preparing each statement of Licensing Policy in the future. Minor amendments reflecting legislative changes will be undertaken by officers to maintain accuracy.

2.5 Sevenoaks District Council is the Licensing Authority pursuant to the Licensing Act 2003 (the Act) and is responsible for considering a range of licence applications and amendments to licences for a number of activities detailed below. The purpose of licensing is to regulate the carrying on of licensable activities on licensed premises, at qualifying clubs and under temporary event notices. The activities as defined by the Act include:

- Sale and/or supply of alcohol
- The provision of regulated entertainment which includes:
  - the performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - boxing or wrestling entertainment
  - a performance of live music (subject to some exemptions)
  - playing of recorded music
- Provision of late night refreshment

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2.6 The types of premises likely to be included within the licensing regime include:

- Pubs and night clubs
- Off licences (includes supermarkets/shops selling alcohol)
- Restaurants serving alcohol
- Restaurants serving hot food and drink after 11pm
- Private members clubs/social clubs
- Hotels/guest houses selling alcohol
- Cinemas/theatres
- Community premises and village halls
- Providers of temporary events involving licensable activities

and any other premises at which licensable activities are to be provided.

2.7 The Policy will apply across a range of applications which include the following:

- New Premises Licences and Club Premises Certificates
- Variations to Premises Licences and Club Premises Certificates
- Provisional Statements for proposed premises yet to be built
- Transfer of Premises Licences
- Disapplication of mandatory condition in respect of alcohol sales at village halls and community premises
- Variations of licences to change the Designated Premises Supervisor
- Reviews of Premises Licences and Club Premises Certificates
- Personal Licences
- Temporary Events Notices

2.8 The Licensing Authority also regulates other activities at licensed premises which include sexual entertainment events and gambling

### 3 LICENSING AUTHORITY GENERAL POLICY CONSIDERATIONS

- 3.1 The Licensing Authority encourages the development of premises which are not alcohol-led and which are aimed at different sectors of the population, including age and gender. Premises that promote the arts, a food offer, or other cultural activities are particularly encouraged.
- 3.2 Where premises such as pubs are alcohol-based, they are encouraged to consider diversifying their provisions so as to encourage a mixed customer-base and wider attractions, including community uses, soft refreshments, snacks and live entertainment. Diversification is important in the promotion of the licensing objectives as well as ensuring a sustainable economic future for premises.
- 3.3 The Licensing Authority recognises the need to promote and encourage live and recorded music, dancing, theatre and other forms of entertainment for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be carefully balanced with the wider benefits.
- 3.4 Pre application advice is available from licensing officers upon request and where appropriate. The Licensing Authority expects that applicants will have in advance researched and understood the relevant Law in relation to their application and their particular business plans as well as this Policy. It is not for licensing officers to determine the business needs and capabilities of an applicant but advice can be offered in relation to the licensing objectives. In addition guidance notes are available on the licensing pages of Council's website – [www.sevenoaks.gov.uk/business/licence-and-permits](http://www.sevenoaks.gov.uk/business/licence-and-permits)
- 3.5 Licensing officers will also provide advice to other parties on the licensing process where needed in relation to objecting to or supporting applications that may affect them.
- 3.6 *Supermarkets and other 'off' licensed premises selling alcohol.* The Licensing Authority will generally consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises throughout opening times. However where there are reasons for restricting or amending hours, for example, where premises become the focus of disorder and disturbance, such restrictions or amendments will be considered where relevant representations have been made.
- 3.7 All 'off' licensed premises must comply with the Licensing Act 2003 Mandatory Conditions Order in relation to age related sales. The Licensing Authority also expects such premises to implement additional measures to prevent and deter proxy sales on behalf of under 18's.
- 3.8 Licensees should also carefully consider alcohol sales to customers who have or appear to have alcohol related health issues, and whether those customers are already appear under the influence of alcohol when attempting to make purchases.
- 3.9 The Licensing Authority expects adequate checks to be made and all reasonable steps taken to ensure alcohol delivered by way of online shopping services (as provided by most large supermarket chains) is not delivered to minors to prevent a risk of underage consumption.
- 3.10 Where self-pay till points are made available in stores selling alcohol, provision must be included for alcohol sales to be identified and approved prior to completion of the purchase.

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- 3.11 *Designated Premises Supervisor (DPS) at alcohol licensed premises.* Whilst this role has a limited definition under the Licensing Act 2003, it is expected that this person nominated on a licence will have overall responsibility for the day to day management and control of the licensed premises and in particular be responsible for the safe receipt, storage and sale of alcohol.
- 3.12 The Licensing Authority would expect the DPS to be onsite at the licensed premises for the majority of time when alcohol is being sold subject to working hours' legislation and absence for sickness and holidays. The Licensing Authority expects the DPS to provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing.
- 3.13 The Licensing Authority expects that a DPS should have responsibility for only one licensed premises at a time to ensure good management of the premises and the licensable activities. Where the same person is a nominated DPS on more than one premises licence and representations are made, the Licensing Authority will wish to satisfy itself that the premises in question can properly be managed by that person whilst responsibly promoting the licensing objectives.
- 3.14 *Live Music.* It is acknowledged the implementation of the Live Music Act in 2012 has resulted in a lighter touch regulation of live music up to 11pm on alcohol licensed premises, and this is seen as a positive approach for premises wishing to provide live music. However, the Licensing Authority does not see this as an opportunity for licensees to provide live music events that cause nuisance and disturbance to local residents or businesses.
- 3.15 The Licensing Authority expects that where unregulated live music is proposed at licensed premises, all due care and consideration is taken to prevent disturbance. The council will consider using its powers under the Environmental Protection Act 1990 to prevent and control public nuisance caused by poorly managed live music at licensed premises.
- 3.16 *Deregulated Entertainment.* Where the further deregulation of schedule 1 of the Licensing Act has reduced the regulatory controls on some regulated entertainment activities, the Licensing Authority will expect licensees to ensure that no nuisance or disturbance is caused to local residents and businesses when providing the deregulated activities. The Licensing Authority will consider using alternative powers. (Awaiting final confirmation of the deregulation plans)
- 3.17 *Late Night Levy (LNL).* Whilst it is acknowledged that the provisions for implementing a late night levy arise from the Police Reform and Social Responsibility Act 2011, any levy will potentially have a direct impact on all licensed premises within the district. The Licensing Authority has considered the options around the imposition of a LNL and has no plans at the time of drafting this policy to consider an imposition of the levy. Should evidence arise to support implementing a levy the statutory consultation process will be followed and the authority will very carefully use its discretion in relation to design and impact of a levy.
- 3.18 In advance of any decision to implement a LNL, this authority will enter into discussions with the Police to agree the allocation of the Police share of the levy to support the policing of the night time economy within this district .
- 3.19 *Early Morning Alcohol Restriction Order (EMARO).* The Licensing Authority has considered the options around the imposition of an early morning alcohol restriction order and has no plans at the time of developing this policy to consider an imposition

of this Order. There is currently evidence of low levels of alcohol related crime and disorder, nuisance and anti-social behaviour within the district. Should evidence arise to support implementing an EMARO, the statutory consultation process will be followed and the matter referred to the Full Council for determination.

3.20 *Licensing and planning permission.* The use of a licensed premises or place may be subject to planning controls. This is a separate regulatory regime outside the scope of the Licensing Act 2003. The Licensing Authority recognises that there is no legal basis for refusing a licence application in the absence of any planning permission for the business to which the licence application relates.

3.21 *Need for licensed premises and Cumulative Impact.* 'Need' concerns the commercial demand for particular licensed premises such as a pub, club or hotel. This is a 'market forces' matter and is not of concern to the Licensing Authority. 'Cumulative Impact' means the potential impact on the promotion of the licensing objectives by a significant or excessive number of licensed premises concentrated in one locality. This is a matter for consideration by the Licensing Authority.

3.22 The Licensing Authority acknowledges that a concentration of some types of licensed premises in a locality can result in increased footfall, congregation of the public in the streets and potential for increased crime and disorder, litter and anti-social behaviour, as well as noise nuisance to local residents. This would be a result of the presence of the number of premises and not attributable to individual businesses.

3.23 The Licensing Authority, having regard to the evidence available, considers that currently there is no particular part of the district where there is a cumulative impact of licensed premises on any of the licensing objectives. If residents or a Responsible Authority (in particular the Police) provide relevant evidence through a representation in the future that support the imposition of a Policy that restricts the number of new and/or later opening premises, this will be considered and consulted on.

3.24 The absence of an existing cumulative impact or saturation policy does not, however, prevent any responsible authority or other person making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Licensing Authority will also take into account the effect on resources, including police resources, to cope with any influx of visitors to an area, particularly late at night.

#### **4 RESPONSIBLE AUTHORITIES AND OTHER PERSONS**

4.1 Responsible authorities are public bodies that are statutory consultees that must be notified of applications by the applicant. The full list and contact details can be found at Appendix A and are contained on the Sevenoaks District Council web-site at Responsible Authorities.

4.2 When dealing with applications for licences and reviews of premises licences, the Licensing Authority is obliged to consider representations from two categories of persons, referred to as 'Responsible Authorities' and 'Other Persons'. This allows for a broad range of persons to comment both for and against applications for premises licences and club premises certificates and for reviews.

4.3 The Licensing Authority may only consider representations that are relevant. In that they relate to the promotion of the licensing objectives, or that they raise issues in relation to this Statement of Licensing Policy or Home Office Guidance.

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- 4.4 The Licensing Authority will take care to ensure that concerns raised by Responsible Authorities in relation to their own legislative functions are not taken into account if they are not relevant to the application for a premises licence under the Act, or the promotion of the licensing objectives. It would expect those authorities to use their powers and duties within their statutory roles to control such matters. Any representation made by a Responsible Authority that relates to the promotion of the licensing objectives will be accepted.
- 4.5 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. The Police are the Licensing Authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. The Licensing Authority will accept representations made by the Police unless the authority has evidence that to do so would not be appropriate for the promotion of the licensing objectives.
- 4.6 Where an 'Other Person or Persons' request to be represented when seeking to make a representation, the Licensing Authority will require written evidence from the person/s being represented that they have authorised a third party to speak or write on their behalf.
- 4.7 The Licensing Authority will examine closely all representations to ensure that they are not frivolous, repetitive or vexatious. Matters that this authority will look at are likely to include:
- who is making the representation, and whether there is a history of making representations that are not relevant or which have been previously considered vexatious or frivolous
  - whether the representation raises a 'relevant' issue
  - whether the representation raises issues specifically to do with the premises and/or the licensable activities that are the subject of the application.
- 4.8 The above considerations are not exhaustive, and the Licensing Authority will have regard to anything a person making a representation, or persons representing them, say about his or her status to make representations. Nothing in this Policy should be taken to undermine the right of any person to make a representation on an application or to seek a review of a licence where provision to do so exists.
- 4.9 The Health Authority is now included on the list of Responsible Authorities. It is acknowledged that they may be useful in providing evidence of alcohol related health harms that are directly linked to premises or a cluster of premises. It may also be able to provide relevant information on alcohol related admissions and sickness that relate to specific licensed premises.
- 4.10 *The Licensing Authority as a Responsible Authority.* The Licensing Authority has carefully considered its role as a Responsible Authority under the Act. It will achieve a separation of responsibilities through procedures and approved delegations within the authority to ensure procedural fairness and eliminate conflicts of interest. A separation is achieved by allocating distinct functions (i.e. those of Licensing Authority and Responsible Authority) to different officers within the licensing team.
- 4.11 The Licensing Authority does not expect to act as a Responsible Authority on behalf of third parties but accepts that there may be rare circumstances where this approach may be required. An example may be where matters arise at premises of

which the licensing authority is aware that impact negatively on the promotion of the licensing objectives and residents, and other third parties are unwilling or unable to either request a review or make a representation.

### **5 EXCHANGE OF INFORMATION**

- 5.1 The Licensing Authority will act in accordance with the provisions of the Licensing Act 2003 and the Data Protection Act 1998 in its exchange of information. Where a protocol is established to set out the mechanism for exchange of information with other regulatory bodies, any such protocol will be made publicly available.

### **6 HUMAN RIGHTS AND EQUAL OPPORTUNITIES**

- 6.1 The Human Rights Act 1998 makes it unlawful for a local authority to act in a way which is incompatible with the European Convention on Human Rights. In making decisions and determining appropriate action the council will have due regard to the Convention. The Licensing Authority will interpret the LA2003 in a manner consistent with the Human Rights Act 1998.
- 6.2 The Licensing Authority will consider the effect upon people's human rights and adopt a principle of proportionality and the need to balance the rights of the individual with the rights of the community as a whole. Action taken by the council which affects another's rights must be no more onerous than is necessary in a democratic society.
- 6.3 The Equality Act 2010 requires public bodies to consider all individuals when carrying out their day to day work – in shaping Policy, in delivering services and in relation to their own employees. It requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people when carrying out their activities.
- 6.4 The Equality Duty supports good decision making – it encourages public bodies to understand how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people's needs. By understanding the effect of their activities on different people, and how inclusive public services can support and open up people's opportunities, public bodies can be more efficient and effective. The Equality Duty therefore helps public bodies to deliver the Government's overall objectives for public services.

### **7 COMPLIANCE AND ENFORCEMENT**

- 7.1 There are a range of other offences detailed under Part 7 of the Licensing Act 2003. The Licensing Authority will liaise with the Responsible Authorities to determine enforcement of specific offences on a case by case basis. Offences related to sales of alcohol to minors will be enforced by the Police or Trading Standards Authority unless they form part of a range of offences identified by the Licensing Authority.
- 7.2 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulatory Compliance Code and it has also adopted the Kent and Medway Enforcement Protocol.
- 7.3 The Licensing Authority has an approved Licensing Enforcement Policy which complies with the Regulatory Compliance Code.

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- 7.4 A risk-based inspection programme is in place, which includes the targeting of high risk premises which require greater attention, whilst operating a lighter touch in respect of low risk and well managed premises. The risk-based approach is based on Home Office Guidance; the activities authorised and premises compliance history.
- 7.5 The authority acknowledges that where annual fee payments for premises licences and club premises certificates are not made it must serve 2 working days' notice on the licensee to suspend the licence or certificate and inform the Police Authority of the suspension.
- 7.6 Where licences are suspended, the premises or club will be visited and enforcement action taken where licensable activities are being provided unlawfully while a licence is suspended.

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## CONSIDERATION OF APPLICATIONS

### 8 NEW PREMISES LICENCES

- 8.1 This Licensing Authority is aware that in making decisions about applications for licences it will have regard to:
- its Statement of Licensing Policy made under section 5 of the Licensing Act 2003
  - the Statutory Guidance issued under section 182 of the Licensing Act 2003, and that decisions made are reasonably consistent with the four licensing objectives.
  - Licensing Objectives.
  - Relevant Representations.
- 8.2 Where elements of applications are unclear or unspecific, particularly in relation to operating schedules and trading hours, the Licensing Authority will expect the applicants to provide additional clarity on a request from the licensing team.
- 8.3 Licensing officers will routinely check that the Public Notices at the premises and the Public Notices in newspapers are displayed in accordance with the regulations as part of the validation process.
- 8.4 Licensing officers will also notify ward councillors to whose ward the application relates, and the parish council for the relevant parish via the weekly premises tracker.
- 8.5 Where there are no representations about an application the licence will be automatically granted after 28 days under the terms and conditions applied for. Licensing officers will interpret the detail of the operating schedule and convert that into enforceable licence conditions.
- 8.6 Where relevant representations are received the application will be referred to the Licensing Sub-committee for determination at hearing, unless all parties agree that a hearing is not necessary. Where applications result in the need for a hearing the process at section 16 of this policy will apply.
- 8.7 Annual fees and suspension of licences for non-payment.- The Licensing Authority is required under section 55A of the Licensing Act to suspend premises licenses where the annual fee has not been paid. The Licensing Authority will invoice each licensee when the annual fee is due setting out the fee that is due and the consequences for non-payment. Where the fee has not been paid or there has been no claim of administrative error by the end of 21 days of the due date, the Licensing Authority will serve the required 2 working day notice to suspend the licence.
- 8.8 Where a licence is suspended this means that no licensable activities will be authorised to be provided at the premises until the suspension is lifted on receipt of payment of the overdue fee. Officers will conduct compliance visits to premises where a licence has been suspended and will take the appropriate action in accordance with the council's enforcement policy.

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- 8.9 Each case will be determined on its individual merits and depending upon the circumstances and where appropriate in accordance with the Licensing Act, the Licensing Authority may decide not to suspend a licence or carry out enforcement pending payment of the overdue fee.

### 9 VARIATIONS TO LICENCES

- 9.1 From time to time licensees may wish to change the nature of the business and vary the trading hours or the licensable activities on offer. These can range from minor changes having little or no impact such as minor changes to the premises plan to more significant changes that will affect the promotion of the licensing objectives. These could include for example; the provision of additional activities, increasing capacities or longer and later trading hours. However where a variation is so substantial that it significantly changes the nature of the business and layout of the premises it is likely that a new premises licence application will be required rather than a variation.
- 9.2 The relevant parts of this Policy to be applied to significant variation applications is the same as for new premises licence applications at section 8 above.
- 9.3 Where applications are made for minor variations officers will consider whether there are any impacts on any of the Licensing Objectives. Where the variation proposed creates a significant impact on any of the Licensing Objectives the application will be rejected and the applicant advised to seek a standard variation.
- 9.4 Where minor impact or no impact is considered Officers will consult with the relevant (if any) responsible authorities.

### 10 VARIATIONS TO SPECIFY A NEW DESIGNATED PREMISES SUPERVISOR (DPS)

- 10.1 The Licensing Authority expects the nominated DPS on a licence to be involved in and supervising the day to day operation of licensed premises that sell alcohol. Where the person nominated as DPS ceases to undertake that role the Licensing Authority would expect the licensee to replace that person as soon as is reasonably practicable to maintain adequate control of the premises.
- 10.2 Where a DPS notifies the Licensing Authority that he or she has resigned, the licensing officers will enter into immediate discussion with the licensee in relation to the mandatory conditions concerning the sale of alcohol, and provide appropriate advice to prevent unauthorised alcohol sales.
- 10.3 All applications to specify a new DPS must be made by the licence holder or by a person/body authorised in writing to act on the licensee's behalf.
- 10.4 Where there are no representations the default position is to grant the variation.
- 10.5 The Licensing Authority will add the appropriate weight to relevant representations received from the Police about a proposed DPS. Applications that receive relevant representations will be referred for a hearing at which point the Sub Committee may approve or reject the application.

### 11 TRANSFERS OF PREMISES LICENCES

- 11.1 Before a licence transfer can be administered, the Licensing Authority expects consent to have been obtained from the previous premises licence holder. If this is

not possible the applicant will be expected to demonstrate that he or she has taken all reasonable steps to secure consent to transfer the licence.

11.2 It is acknowledged that in some cases licensees leave premises and do not provide any forwarding contact details, or there has been a death or incapacity of the licence holder. In such cases where a licensee cannot be contacted to give approval, a licence will be transferred in accordance with the requirements of the Act.

11.3 Where a relevant Police objection to the transfer is received the application will be determined through the hearings process.

### 12 PROVISIONAL STATEMENTS FOR PREMISES

12.1 A provisional statement may be applied for where a proposed licensed premises has yet to be built or altered for the purpose of becoming a licensed premises. This option allows potential applicants advance notice of whether a premises licence is likely to be granted on completion of its construction or conversion.

12.2 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and other parties may make representations and there are rights of appeal.

12.3 The holder of a provisional statement may apply for a premises licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances.

12.4 In addition, this authority may refuse the premises licence application (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by way of representations at the provisional statement stage,
- which, in this authority's opinion, reflect a change in the operator's circumstances, or
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application. This must be a substantial change to the plan and this authority will discuss any concerns with the applicant before making a decision.

### 13 CLUB PREMISES CERTIFICATES

13.1 The Licensing Authority acknowledges the importance and history of members clubs and the privileged position held by clubs historically in relation to alcohol licensing.

13.2 Members clubs are able to obtain a club premises certificate to authorise licensable activities for their members and their guests. There is no requirement for any members to hold a personal licence under the Licensing Act 2003, and

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there is no requirement to specify a designated premises supervisor. It is acknowledged that alcohol is supplied by and for the members through their membership of the club.

- 13.3 In order to apply for a club premises certificate the Licensing Authority must be satisfied that the club is a bona fide club and satisfies the legal conditions set out in the Act. Applicants for a club premises certificate will be required to complete a club declaration form setting out how the club will meet the conditions and definitions stated in the Act. Licensing officers will have delegated authority to make additional enquiries where appropriate in order to satisfy that a proposed club meets the criteria laid out in the Act.
- 13.4 The fundamental principles for premises licence applications set out at section 15 of this Policy will apply to applications for club premises certificates subject to exemptions in respect of the DPS and the requirement for evidence of the club's status.
- 13.5 Any qualifying club wishing to offer licensable activities at events to which non-members will attend will be required to authorise such activities by way of a Temporary Event Notice or by ensuring compliance with the club rules to allow the public to enjoy the clubs facilities and activities without jeopardising the validity of the club premises certificate.
- 13.6 The Licensing Authority expects 'public' events on club premises to be authorised by a Temporary Event Notice. It is expected that club committee members will seek advice from the Licensing Authority prior to providing such activities for non-members to prevent any unauthorised activities.
- 13.7 Where the Licensing Authority identifies that a club no longer meets the conditions set out in section 62 of the Licensing Act 2003 or where the Licensing Authority obtains evidence to demonstrate that a club no longer acts in good faith as a qualifying club, it will give the club a notice withdrawing the club premises certificate.
- 13.8 Suspension of Club Premises Certificates may also occur under section 92A of the LA2003.

## **14 REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE**

- 14.1 The Licensing Authority acknowledges that matters can arise at premises that raise concern as to the continued promotion of the licensing objectives at licensed premises.
- 14.2 The Act allows a licence to be reviewed where such matters arise. It is expected that most reviews will be applied for by Responsible Authorities.
- 14.3 Although this Licensing Authority is also a Responsible Authority and entitled to bring about a review application, it is not expected that it will act as a Responsible Authority on behalf of other parties (for example, local residents, local councillors or community groups).
- 14.4 Such parties can make relevant representations to the Licensing Authority in their own right, and it is reasonable for the Licensing Authority to expect them to make representations themselves where they are reasonably able to do so. However, if these parties have failed to take action and the Licensing Authority is aware of

relevant grounds to make a representation, it may consider acting in its capacity as Responsible Authority.

14.5 The Licensing Authority will determine whether a review application is relevant and the validity of a review application will be determined by a licensing officer. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with the Guidance issued by the Home office
- relevant to the non-promotion of the licensing objectives

14.6 The request for the review will also be subject to the consideration by the licensing officer as to whether the request is frivolous, vexatious, or repetitious

14.7 The Licensing Authority would expect grounds for a review to be evidence based but will consider each application on its merits and allow the benefit of doubt where appropriate.

14.8 Where a review application is accepted the Licensing Authority will encourage the parties to enter into mediation during the consultation period to help resolve issues arising. The Council would be happy to assist in these meetings being chaired by a member of their team but all parties may choose to have a different third party as a mediation chairperson.

14.9 All representations received in support of or against a review application will be considered by the licensing officers as to whether such representations are relevant to the application. Where appropriate the benefit of doubt will be given and representations accepted.

14.10 All reviews will lead to a hearing before a sub-committee. This may be a full hearing or a condensed hearing to consider the outcome of mediation. However other parties who have made representation but not been involved in mediation will be permitted to voice their representations at the hearing in accordance with the Hearings Regulations. The Policy applied to hearings can be found in section 16.

14.11 The authority considers that where reviews are raised as a result of serious crime and disorder causing that licensing objective to be undermined, then it is likely that the a revocation of the licence will be considered.

### **15 APPLICATION TO VARY PREMISES LICENCE AT COMMUNITY PREMISES TO REMOVE THE MANDATORY REQUIREMENT FOR A DPS.**

15.1 The Licensing Authority acknowledges the value that local community premises bring to their localities and that most are operated and managed by volunteers. The mandatory requirement for a nominated DPS to be in place at alcohol licensed community premises can be burdensome and difficult for an individual to manage at such premises.

15.2 The Act allows management committees at community premises to take over the responsibility of the alcohol sales by applying to the Licensing Authority to remove the requirement to have a nominated DPS at the premises to authorise sales of alcohol. The Licensing Authority will, subject to strong evidence that a community premises is well managed by an experienced committee, support applications to remove the mandatory condition requiring all alcohol sales to be authorised by a personal licence holder.

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- 15.3 Before considering an application the Licensing Authority will satisfy itself that a premises meets the definition of a community premises. Enquiries will be made as to the regular use of the premises and whether it is in the main 'community' based. Where there is a regular 'commercial' or 'non-community based' use or a membership requirement to use the premises it is unlikely that such a premises would meet the definition of a community premises and permission to remove the requirement for a DPS is likely to be refused.
- 15.4 In general it is expected that premises that form part of a church hall or chapel hall or are a village or community hall would in most cases meet the definition of a community premises, although each will be considered on its individual merits and the evidence provided or obtained.
- 15.5 The licensing officers will consider, on a case by case basis, all applications to remove the mandatory condition and will ask such questions or seek the necessary evidence to confirm the suitability of the management committee to collectively authorise the alcohol sales.
- 15.6 Committees that make an application will be expected to have members who are aware of the law relating to the sale of alcohol, contain steps within their operating schedule to prevent offences relating to alcohol sales and also to include appropriate rules in hiring agreements where the premises is hired out to the public for events that will involve the sale of alcohol.

## 16 HEARINGS

- 16.1 Any application that has resulted in the submission of relevant representations from any party will be referred to the Licensing Sub-Committee for a hearing and determination in accordance with the 2003 Act and the Licensing Act 2003 (Hearings) Regulations 2005.
- 16.2 A sub-committee will consist of 3 suitably trained members of the Licensing Committee. No members will serve on a sub-committee involving an application for a licence within their own ward. The sub-committee will be advised on the law by a member of the Council's Legal Services Team. That legal team member will not be involved in the application process to prevent a conflict of interest by ensuring a clear separation of roles.
- 16.3 This Policy will play a key role in achieving consistency in decision.
- 16.4 Where representations are made only by Responsible Authorities, the Licensing Authority would expect applicants and Responsible Authorities to enter into negotiation or mediation prior to a hearing in an attempt to resolve issues before attending the licensing hearing.
- 16.5 Where mediation is successful and a hearing is deemed unnecessary by all parties the mediation outcome will be presented to the licensing sub-committee in writing and signed by all parties for ratification and determination<sup>1</sup>. The sub-committee may still determine the addition of appropriate licence conditions at the determination stage.
- 16.6 Parties will be advised of the hearing date and procedure in advance and in accordance with the statutory process. At all hearings the sub-committee will have regard to the Guidance issued under section 182 of the Act. This authority may use

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<sup>1</sup> Not applicable to applications for a review of a Premises Licence or a Club Premises Certificate

its discretion where there are strong and defensible reasons for departing from the Guidance and where it considers it right to do so. In any such case this authority will clearly express and explain its reasons for doing so.

- 16.7 The Licensing Authority must give the appropriate amount of weight to representations made by the Police on crime and disorder matters. It will give appropriate weight to all representations made by all parties based on the content and relevance to the promotion of all licensing objectives.
- 16.8 All decision notices will be in writing and will include clearly stated reasons to explain a decision on an application.

### **17 LICENCE CONDITIONS**

- 17.1 A key concept in the Licensing Act is that conditions that are attached to licences or certificates are tailored to suit the individual style and characteristics of the premises and its activities and the impact of those activities. Those conditions will be deemed appropriate and proportionate in order to promote the licensing objectives at that premises.
- 17.2 All licences that authorise the sale of alcohol will be subject to the mandatory conditions set out in the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 and 2014 (and any subsequent Mandatory Conditions that are introduced).
- 17.3 Applicants will be expected to include appropriate steps within their operating schedule which will be converted to conditions on a premises licence or club premises certificate. Those steps will be expected to be achievable, enforceable and relevant to the business in question and will ensure the promotion of each of the four licensing objectives.
- 17.4 Where applications receive valid representations and are subject to a hearing, the sub-committee will consider the evidence provided within representations, the detail of the application, the nature of the premises and business and only where appropriate will attach conditions to a licence to secure the promotion of the licensing objectives in light of the evidence provided.
- 17.5 Decisions on individual licence conditions will be made on a case by case basis, and where there are concerns over the effective promotion of the licensing objectives, the applicant will be expected to offer suggestions on how the objectives can be met. This authority will work closely with all parties and the applicant in establishing workable, enforceable and reasonable conditions for new and variation applications.
- 17.6 In all cases the Licensing Authority will have regard to the Guidance when considering the implementation of licence conditions.
- 17.7 In all cases conditions will aim to promote the licensing objectives, be unambiguous and enforceable, appropriate to the activities and the business, achievable and applicable to the premises and the areas around the premises which is within the licensee's control.
- 17.8 The Licensing Authority recognises the need to avoid, so far as possible, duplication with other regulatory systems including Health and Safety at Work, Fire Safety, Food Hygiene and Nuisance Control. However these regulations may not cover the unique circumstances of some activities and entertainment. In these

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circumstances, the council may therefore, where necessary, attach conditions to premises licenses for the promotion of the licensing objectives.

### 17.9 Conditions to promote the Prevention of Crime and Disorder.

Under the Act the Licensing Authority has a duty to promote the licensing objectives, and, a further duty under the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough.

17.10 The applicant will be expected to detail in their operating schedule how they will prevent crime and disorder on and close to the premises. Such detail should reflect the licensable activities on offer, location and character of the area, the nature of the premises use and the range of customers likely to use the premises.

These may include, but are not limited to, the following:

- Prevention of disorderly conduct and anti-social behaviour
- Prevention of underage drinking
- Prevention of sales of alcohol to intoxicated customers
- Prevention of drunkenness both on and in the vicinity of the premises
- Prevention of drug use and drug dealing
- Restriction of drinks promotions
- Use of safety glass
- Inclusion of a wind-down time following alcohol sales period
- Adequate seating to discourage “vertical drinking”
- The offer of food and snacks or other entertainment or occupation to discourage persistent drinking

17.11 In busier premises the Licensing Authority would expect to see a short (say 30mins) ‘wind down’ or ‘drinking up’ period allowed for after the cessation time of entertainment and alcohol sales as this is effective in assisting in a reduction in noise and exuberance of customers before leaving the premises.

17.12 Where the Licensing Authority determines after consultation with the police that a premises is one that warrants additional security and monitoring it would expect applicants to include the provision of SIA – Security Industry Authority approved door staff at the premises at appropriate times. Relevant premises are usually those used mainly for drinking alcohol, have later opening hours and are situated within the Town Centre night time economy area. Applicants w

17.13

17.14 ill be expected to seek advice from the Police and the Licensing Authority will give appropriate weight to requests by the Police for premises to be protected by SIA registered door staff subject to the provision of relevant evidence.



17.15 Where appropriate, applicants for licences in the Town Centre areas providing mainly alcohol, music and dancing would be expected to include a provision of safety glasses to prevent a risk of injury on the rare occasion that a glass may be used as a weapon.

17.16 The use of CCTV should be considered where appropriate or on the advice and recommendations of the Police and to a quality and standard approved by the Police for evidence purposes. Licensees will be expected to fully comply with the requirements of the Information Commissioners Office and the Data Protection Act 1998 in respect of any surveillance equipment installed at a premises.

17.17 In any application the sub-committee will consider each application on its individual merits and determine the imposition of conditions that are appropriate to the objectives.

### 17.18 Conditions to promote Public Safety.

The applicant will be expected to show that the physical safety of persons attending the premises will be protected and will offer relevant steps in the operating schedule to promote this.

17.19 Such steps will not replace the statutory obligation on the applicant to comply with all relevant legislation under the Health and Safety at Work etc. Act 1973 or under the Regulatory Reform (Fire Safety) Order 2004.

17.20 Applicants will be expected to have carried out the necessary risk assessments to ensure safe occupancy levels for the premises. Where a representation from the Fire Authority suggests that for the promotion of the Public Safety objective a maximum occupancy should be applied, the Licensing Authority will consider adding such a limit as a licence condition.

It is expected that an operating schedule will specify occupancy limits for the following types of licensed premises:

- (i) High Volume Vertical Drinking e.g. premises that provide mainly stand up drinking facilities with limited seating/table space and the prime activity is the sale of alcohol
- (ii) Nightclubs
- (iii) Cinemas
- (iv) Theatres
- (v) Other premises where regulated entertainment is likely to attract a large number of people.

### 17.21 Conditions to promote the Prevention of Public Nuisance.

The applicant will be expected to detail steps to prevent nuisance and disturbance arising from the licensable activities at the premises and from the customers using the premises.

17.22 The applicant will be expected to demonstrate that they have considered the following and included steps to prevent public nuisance:

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- (i) Proximity of local residents to the premises
- (ii) Licensable activities proposed and customer base
- (iii) Hours and nature of operation
- (iv) Risk and Prevention of noise leakage from the premises from equipment, customers and machinery
- (v) Prevention of noise from customers leaving the premises and customer pick up points outside premises and from the Car Park.
- (vi) Availability of public transport to and from the premises
- (vii) Noise from use of the garden/outside space including smoking shelters.
- (viii) Delivery and collection times and locations.
- (ix) Impact of external security or general lighting on residents.
- (x) History of management of and complaints about the premises.
- (xi) Applicant's previous success in preventing Public Nuisance.
- (xii) Outcomes of discussions with the relevant Responsible Authorities.
- (xiii) Impact of location, noise and contamination from outside smoking areas on neighbours and other customers
- (xiv) Collection of litter arising from the premises

17.23 Steps to prevent public nuisance may include a range of options including noise limiting devices, sound insulation, wind down periods, acoustic lobbies, management of smoking areas etc.

17.24 Steps will differ depending on the individual premises and activities and it is for the applicant to ensure that reasonable, effective and appropriate steps are included within the operating schedule.

**17.25 Conditions to promote The Protection of Children from Harm.**

Applicants will be expected to detail steps to protect children at the premises from any harm. The Licensing Authority recognises the right of licensees (serving alcohol) to allow accompanied children into their premises. The Licensing Authority would not seek to restrict access by children (above that specified in the Act) unless it is necessary for the prevention of physical, moral or psychological harm.

17.26 Steps to prevent children from harm must be included where:

- (i) There is entertainment or services of an adult nature provided.
- (ii) There have been previous convictions for under age sales of alcohol.
- (iii) There is a known association with drug taking or dealing.
- (iv) There is a significant element of gambling on the premises.

- (v) There is a presumption that children under 18 should not be permitted entry such as to nightclubs (apart from when specific events are held for under 18's).
- (vi) Outcomes of discussions with relevant Responsible Authorities suggest such steps are applicable.

17.27 Nothing in the Licensing Act prevents licensees from excluding children from a licensed premises and no condition can be added to require the admission of children.

17.28 Where there are no matters that give rise to concern in respect of children at premises the Licensing Authority would expect to see the relevant box on an application form completed to specify NONE.

### 18 PERSONAL LICENCES

18.1 Any person who wishes to act as a DPS at licensed premises must be in possession of a personal licence issued under the Licensing Act 2003. Any other person may also apply for a personal licence subject to meeting the necessary criteria. The Licensing Authority acknowledges the default grant position for applicants who meet the statutory criteria under the Licensing Act 2003.

18.2 The Police will only be consulted where the applicant declares a previous conviction for a relevant offence. A relevant conviction is one that is listed on Schedule 4 of the Licensing Act 2003.

18.3 Where a representation is received from the Police the Licensing Authority acknowledges that it has discretion whether or not to grant the licence.

18.4 Where a representation is received from the Police objecting to an application for a personal licence, and that representation is deemed relevant by the licensing team in that there is a belief that granting the licence will undermine the prevention of Crime and Disorder Licensing objective, the application will be referred to the Licensing Sub-Committee for determination at a hearing where the Licensing Sub-Committee will either grant or refuse the application.

18.5 The Police must give a notice of objection to the Licensing Authority within the statutory 14 day consultation period. The Licensing Authority accepts that there is no discretion to accept a late notification from the Police even if the objection provided evidence that to grant the licence would undermine the crime prevention objective.

18.6 The Licensing Authority requires all personal licence holders to advise it each time there is a change of their name or address. All licence holders are advised of this requirement when a licence is granted. Any changes will be updated and an amended licence will be issued within 20 working days of a notification of change.

18.7 The Licensing Authority anticipates that the Magistrates and Crown Courts will take appropriate action in relation to a personal licence where licence holders are convicted of relevant offences in those courts after the grant of a personal licence and to notify the Licensing Authority of any action taken in respect of a personal licence.

18.8 The Licensing Authority requires personal licence holders to undertake their duty to disclose any convictions for a relevant offence after a personal licence has been

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granted. The Licensing Authority and/or the Police will take appropriate formal action against the licence holder where subsequent relevant convictions are not declared under that duty.

### **19 TEMPORARY EVENT NOTICES**

- 19.1 The Licensing Act 2003 makes provision for the authorisation of a person (known as a premises user) to provide licensable activities on a temporary basis at unlicensed premises, or to add activities and/or extend the hours of existing activities at a licensed premises. The activities are authorised by the serving of a Temporary Event Notice (TEN) on the Licensing Authority, subject to the notice meeting the proper criteria as detailed under the Act.
- 19.2 Comprehensive planning of events is essential and where there are likely to be impacts on neighbouring residents or businesses as a result of the activities to be authorised by a TEN, the Licensing Authority expects the premises user to have advised those residents and businesses and considered any potential impacts and how they may be mitigated.
- 19.3 The Licensing Authority welcomes requests for advice from applicants who wish to provide temporary events to ensure they understand the law relating to such events and to reduce the likelihood of objections being made.
- 19.4 There are two types of TEN, Standard or Late. Both are subject to a numerical limit on the number of each type of TEN that can be served by personal licence holders and non-personal licence holders in a calendar year. There is also a numerical limitation on the number of TENs that may be served in respect of individual premises or place.
- 19.5 **Standard TEN.** A standard TEN must be served at least 10 working days (Monday to Friday excluding Bank Holidays) before the event commences. The 10 working days excludes the day of service and the day on which the event starts. Copies of the TEN must be served on the Licensing Authority, The Environmental Health (EH) Department, and the Police. The fee is payable only to the Licensing Authority. Applicants are encouraged to serve TENs at least 28 days before the proposed events to allow greater time for an event to be planned.
- 19.6 Where numerical limits are exceeded the Licensing Authority will serve a counter notice and the proposed licensable activities will not be authorised.
- 19.7 Where objections are received from the Police and/or EH and not withdrawn, the notice will be referred for a hearing before the Licensing Sub-Committee. The Sub-Committee may approve the TEN as applied for, add appropriate conditions (if the TEN takes place on a premises with an existing premises licence) or reject a TEN by serving a counter notice.
- 19.8 **Late TEN.** A late TEN may be served between 9 and 5 working days before a proposed event commences. The same limitations apply to the day the notice was served and the day of the event. Where numerical limits are exceeded a counter notice will be served and the proposed licensable activities will not be authorised.
- 19.9 If the late TEN is served with fewer than 5 working days' notice it is deemed invalid and would be rejected. The proposed activities would not be authorised. The Licensing Authority has no discretion to accept TENs outside the permitted statutory deadlines.

- 19.10 Where valid representations are received from the Police or EH in respect of a late TEN, the TEN will be rejected and proposed activities will be unauthorised. A refund of the fee will not be made.
- 19.11 The Licensing Authority will take the appropriate action where there is evidence that licensable activities have been provided without the authorisation of a TEN.
- 19.12 There are restrictions on the numbers of each type of TEN that can be submitted.
- 19.13 It should be noted that if a TEN has been processed and is no longer required the fee will not be refunded as the Licensing Authority has already carried out its obligations.

### **20 OTHER RELEVANT MATTERS**

- 20.1 **Adult entertainment.** The Licensing Authority has adopted Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 and premises offering regular entertainment of a sexual nature must be licensed as a sex establishment under those provisions.
- 20.2 The Licensing Authority acknowledges that exemptions under the above legislation do allow sexual entertainment to be provided at premises licensed under the Licensing Act 2003, as long as it is provided on no more than 11 occasions within 12 months and with at least 1 month between each occasion. Those infrequent events will be regulated by the licence granted under the Licensing Act 2003 where that licence authorises performances of dance and where the original.
- 20.3 **Gaming machines in licensed premises - Automatic entitlement.** There is provision in the Gambling Act 2005 (GA2005) for premises licensed to sell alcohol for consumption on the premises to automatically have two gaming machines of category C and/or D. The premises licence holder merely needs to notify this Licensing Authority and pay the prescribed fee.
- 20.4 This authority can remove the automatic authorisation in respect of any particular premises if:
- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives (under the GA2005);
  - gaming has taken place on the premises that breaches a condition of section 282 of the GA2005 (for example, the gaming machines have been made available in a way that does not comply with requirements on the location and operation of gaming machines);
  - the premises are mainly used for gaming; or
  - an offence under the GA2005 has been committed on the premises.
- 20.4 **Gaming Machine Permit** – If a premises wishes to have more than 2 machines of categories C and/or D, then it needs to apply for a permit and this authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission under section 25 of the Act, and such matters as officers consider relevant.
- 20.5 In determining such matters, consideration will be given to the need to protect children from harm and to the need to protect vulnerable persons from harm or

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being exploited by gambling. The applicant will be required to satisfy the authority that there will be sufficient measures to ensure that minors do not have access to the adult only gaming machines.

- 20.6 Measures to satisfy the authority relate to restricting access to age restricted machines and adult machines being in sight of the bar, or in sight of staff who will monitor that the machines are not being used by minors. Notices and signage should also be displayed to this effect. Applicants may consider the provision of information leaflets and helpline numbers for organisations such as GamCare to demonstrate their responsibility in the protection of vulnerable persons and compliance with Codes of Practice issued by the Gambling Commission.
- 20.7 **Gambling in alcohol 'On' licensed premises.** Exempt gaming is equal chance gaming that is generally permissible in any club or alcohol licensed premises. Equal chance gaming includes games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker. Such gaming should be ancillary to the purposes of the premises.
- 20.8 This exemption is automatically available to all clubs or alcohol licensed premises, but is subject to statutory stakes and prize limits determined by the Secretary of State. Licensees are expected to seek advice from the Gambling Commission at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) or this Licensing Authority before providing any forms of gambling at alcohol licensed premises.
- 20.9 Licensees will be expected to make appropriate arrangements for customers who wish to smoke outside the premises to ensure that the licensed pavement area is not also used as the allocated smoking area. This is to prevent nuisance and potential ill-health to non-smokers who wish to use the outside seating.

## 21 INFORMATION

- 21.1 In order to ensure that applicants and persons who make representations have the necessary information to be able to do so, information is available on the Sevenoaks District Council website [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) or by contacting the licensing team by email ([licensing@sevenoaks.gov.uk](mailto:licensing@sevenoaks.gov.uk)), or by telephone on 01732 227004.

Appendix A



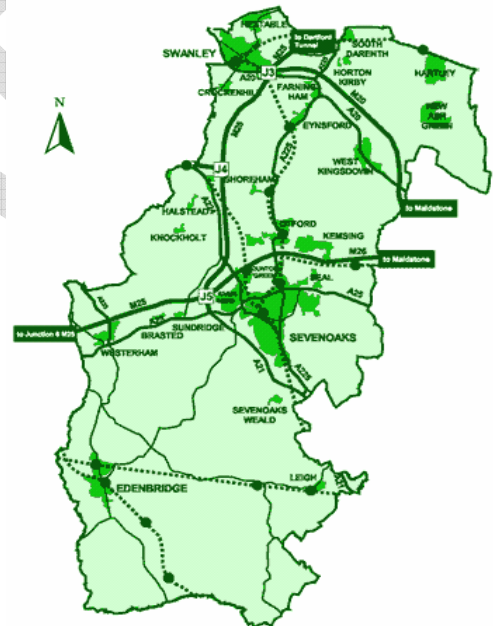
Sevenoaks District is in West Kent, bordering Greater London, Surrey and Sussex and covers an area of 142 square miles.

The main towns are Edenbridge, Westerham, Sevenoaks and Swanley and there are many other small villages and settlements, of which the largest are Hartley, Hextable, New Ash Green, and West Kingsdown.

The M25, M20 and M26 motorways are easily accessible as they cross the District. Gatwick and Heathrow airports and the Channel Ports and Channel Tunnel Rail Link are all within easy reach.

93% of Sevenoaks District is within the Green Belt, with 60% designated as Area of Outstanding Natural Beauty. Much of the District is rural in character and it includes many picturesque villages and hamlets and large areas of beautiful countryside.

At the 2011 census the total population of the District was 114,893 with 47,020 households.



**Appendix B**

**Contact details of Local Authority Licensing Department**

<p>Claire Perry Licensing Partnership Manager Email: <a href="mailto:claire.perry@sevenoaks.gov.uk">claire.perry@sevenoaks.gov.uk</a> Telephone: 01732 227325</p>	<p>Leeann Leeds Licensing Officer Email: <a href="mailto:leeann.leeds@sevenoaks.gov.uk">leeann.leeds@sevenoaks.gov.uk</a> Telephone: 01732 227270</p> <p>Jessica Bolton Licensing Officer Email: <a href="mailto:jessica.bolton@sevenoaks.gov.uk">jessica.bolton@sevenoaks.gov.uk</a> Telephone: 01732 227480</p>
<p>Licensing Partnership Sevenoaks District Council Council Offices PO Box 182 Argyle Road Sevenoaks Kent TN13 1GP</p> <p>Web; <a href="http://www.sevenoaks.gov.uk/business/licencesandpermits">www.sevenoaks.gov.uk/business/licencesandpermits</a> Email: <a href="mailto:licensing@sevenoaks.gov.uk">licensing@sevenoaks.gov.uk</a> Telephone: 01732 227004</p>	

See the Sevenoaks District Council Website [www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk) for details of the Town and Parish Councils within the District. Details of your local Councillors may also be obtained from the website.

Information on licensing applications being processed is available on the licensing pages of Sevenoaks District Council's website.



**Appendix C**

**Responsible authorities**

<p><b>West Kent Fire Safety Office</b>                  424 Vale Road                  Tonbridge                  Kent TN9 1SW</p> <p>Email: <a href="mailto:tonbridge.firesafety@kent.fire-uk.org">tonbridge.firesafety@kent.fire-uk.org</a>                  Tel: 01732 369429</p>	<p><b>Police Licensing and Drugs Officer</b>                  PC Mark Beresford                  Licensing Coordinator                  Community Safety Unit                  Tonbridge and Malling Borough Council                  Gibson Drive                  Kingshill                  West Malling. ME19 4LZ</p> <p>Email: <a href="mailto:west.division.licensing@kent.pnn.police.uk">west.division.licensing@kent.pnn.police.uk</a>                  Tel: 01732 379375                  Mobile: 07980 683610</p>
<p><b>Trading Standards</b>                  Kent County Council                  1<sup>st</sup> Floor, Invicta House                  County Hall                  Maidstone                  Kent. ME14 1XX</p> <p>Tel: 03000 412000  <a href="mailto:TSwest@kent.gov.uk">TSwest@kent.gov.uk</a></p>	<p><b>Kent Child Protection Committee</b>                  Children's and Families                  KCC Social Service                  The Willows                  Hilda May Avenue                  Swanley                  Kent BR8 7BT</p> <p>Website: <a href="http://www.kcpc.org.uk">www.kcpc.org.uk</a>  <a href="mailto:kscb@kent.gov.uk">kscb@kent.gov.uk</a></p>
<p><b>Local Planning Authority</b>                  Sevenoaks District Council                  Council Offices                  PO Box 182                  Argyle Road                  Sevenoaks                  Kent TN13 1GP</p> <p>Tel: 01732 227200  <a href="mailto:DCSouth@sevenoaks.gov.uk">DCSouth@sevenoaks.gov.uk</a></p>	<p><b>Public Health Kent</b>                  Kent Public Health Department                  Room 3.45, Sessions House,                  County Hall, County Road                  Maidstone, Kent                  ME14 1XQ</p> <p>Tel: 0300 333 6379  <a href="mailto:Gillian.Montgomery@kent.gov.uk">Gillian.Montgomery@kent.gov.uk</a></p>
<p><b>Environmental Protection</b>                  Environmental Health Partnership                  Civic Centre                  Home Gardens                  Dartford                  Kent. DA1 1DR</p> <p>Tel:: 01322 343231</p> <p>Email: <a href="mailto:eh.support@dartford.gov.uk">eh.support@dartford.gov.uk</a></p>	<p><b>Health and Safety</b>                  Environmental Health Partnership                  Civic Centre                  Home Gardens                  Dartford                  Kent. DA1 1DR</p> <p>Tel: 01322 343231</p> <p>Email: <a href="mailto:eh.support@dartford.gov.uk">eh.support@dartford.gov.uk</a></p>

**Appendix D**

**References to guides of best practice**

Good Practice Guide on the Control of Noise from Pubs and Clubs, produced by Institute of Acoustics

[www.ioa.org.uk](http://www.ioa.org.uk)

The National Alcohol Harm Reduction Strategy Toolkit

[www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

The Point of Sale Promotions published by BBPA

[www.beerandpub.com](http://www.beerandpub.com)

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Appendix E

**Contact details and useful addresses (e.g. Chamber of Trade, BBPA, BII, SIA etc.)**

<p>Sevenoaks and District Chamber of Commerce 54 High Street Sevenoaks, Kent. TN13 1YD Tel: 01732 455188</p>	<p>Swanley &amp; District Chamber of Commerce Imperial House 46 High Street Swanley Kent. BR8 8BQ</p>
<p>Edenbridge Chamber of Commerce c/o 53 High Street Edenbridge, Kent. TN8 5AL</p>	<p>Disclosure and Barring Service (DBS) Customer services PO Box 165 Liverpool L69 3JD Information line: 0870 90 90 811 Website: <a href="https://www.gov.uk/disclosure-barring-service">https://www.gov.uk/disclosure-barring-service</a></p>
<p>British Beer &amp; Pub Association Ground Floor Brewers' Hall Aldermanbury Square London EC2V 7HR Tel: 020 7627 9191 Fax: 020 7627 9123 contact@beerandpub.com Press Office: 020 7627 9199</p>	<p>British Institute of Inn keeping (BII) Wessex House 80 Park Street Camberley Surrey. GU15 3PT Tel: 01276 684 449 Fax: 01276 23045 <a href="http://www.bii.org">www.bii.org</a> Email: <a href="mailto:reception@bii.org">reception@bii.org</a></p>
<p>SIA PO Box 49768 London. WC1 V6WY Website: <a href="http://www.the-sia.org.uk">www.the-sia.org.uk</a> Tel: 0844 892 1025 Fax: 0844 892 0975</p>	

# Agenda Item 7c

## Appendix F - Recommended delegation of functions

MATTER TO BE DEALT WITH	FULL COUNCIL	LICENSING COMMITTEE	SUB COMMITTEE	OFFICERS
Approval and adoption of Statement of Licensing Policy	X	X		
Application for personal licence			If a Police objection	If no objection made
Application for personal licence with unspent convictions			If an objection is made by the Police and not disregarded by the officers	If no objection is made by the Police
Application for premises licence/club premises certificate			If a relevant representation is made	If no relevant representation is made
Application for provisional statement			If a relevant representation is made	If no relevant representation is made
Application to vary premises licence/club premises certificate			If a relevant representation is made	If no relevant representation is made
Application to vary designated premises supervisor			If a Police objection	All other cases
Request to be removed as designated premises supervisor				All cases
Application for transfer of premises licence			If a Police objection	All other cases
Applications for interim authorities			If a Police objection	All other cases
Application to review premises licence/club premises certificate			All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.				All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application				All cases
Determination of an objection to a temporary event notice			All cases	
Determination of application to vary premises licence at community premises to include alternative licence condition			If Police objection	All other cases
Decision whether to consult other responsible authorities on minor variation application				All cases
Determination of minor variation application				All cases
Decision on whether to make a representation about a premises licence or club premises certificate application or major variation or call for a review of a licence/club premises certificate				Officer graded at a level above the grade of the case officer

**Feedback from the “Statement of Licensing Policy” (Licensing Act)**

<b>Contact</b>	<b>Comment</b>	<b>Name</b>	<b>Ref</b>	<b>Include in final version for Full Council</b>	<b>Recommendation by Licensing Committee on 02 02 15</b>
<p>G H A Barnes Shepherd Neame</p>	<p>11.12.14</p> <p>Thank you for forwarding the draft statement. I am writing on behalf of Shepherd Neame, who operate a number of public houses in the Sevenoaks area. In general we welcome this statement and in particular sections 3.17, 3.19 and 3.23, concerning the lack of need for Late Night Levy, EMRP or designation of Cumulative Impact Area. We particularly welcome the observation that alcohol related crime and disorder is reducing.</p> <p>We have a few observations which we would wish you to consider as below:</p> <p>3.2 We would question whether it is the role of the Licensing Authority to seek to direct the style of operation of licensed premises. Many pubs are of a size and layout that precludes a significant</p>	<p>Shepherd Neame Ltd</p>	<p>Page 7 3.2, 3.8</p>	<p>We would not seek to impose any style of operation on a premises, this is just a suggestion.</p>	

	<p>catering operation. Many wet led community based pubs provide an important social role.</p> <p>3.8 We would question whether licensees are qualified to make judgement concerning the health of customers.</p> <p>3.11 We would query specific responsibility of the DPS for the receipt of alcohol. In practice, this is often carried out by a member of staff.</p> <p>3.12 We do not consider physical presence on site to be a requirement under the Licensing Act 2003.</p> <p>3.13 We do not think that the Licensing Act 2003 restricts a DPS to having responsibility for one site only</p> <p>17.10 For the reason stated above in connection with item 3.2, we would query the final bullet point</p> <p>20.9 We do not think a ban on smoking within licensed</p>		<p>Page 8 3.11,</p> <p>3.12,</p> <p>3.13</p> <p>Page 20 17.10</p> <p>Page 26 20.9</p>	<p>We would expect the licensee to exercise common sense and to adhere to the rules surrounding serving alcohol to persons already intoxicated.</p> <p>Agreed</p> <p>Although this is not a requirement we feel that this is best practice.</p> <p>This is dependent on where the premises are located and any feedback received for the Police Licensing Officer</p> <p>Disagree; this can only serve to promote responsible drinking.</p> <p>Smoking areas often draw large crowds of</p>	
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Appendix B

	<p>pavement areas is appropriate. In many cases, such areas may be the most appropriate location for the provision of smoking facilities.</p>			<p>people, it is not ideal for large crowds to be on the pavement area, especially near busy roads. This also can lead to noise issues for neighbouring residents.</p>	
<p>Mr David Lagzdins Mr Les Roberts - Legal Dept</p>	<p>Various formatting (e.g. titles of appendices on wrong page) and cross-reference issues (e.g. para. 8.6 and 9.2).</p> <p>Para. 8.1 – Would the authority also consider the licensing objectives and any relevant representations?</p> <p>Appendix D – Reference to the Magistrates’ Licensing Good Practice Guide from 1999, which predates the LA2003. Are there more relevant and more recent documents that could be referred to?</p> <p>Appendix D - Reference to Public Places Charter, which predates the smoking ban. Nor is this document referred to anywhere else in the policy.</p> <p>Appendix F – These are not the “recommended” delegations as they were</p>	<p>Sevenoaks District Council</p>	<p>Page 2 Section 13</p> <p>Page 13 8.1, 8.6</p> <p>Page 30 Appendix D</p> <p>Page 32 Appendix F</p>	<p>Amendment made</p> <p>Yes, these points have been included.</p> <p>Removed</p> <p>Removed</p> <p>Updated delegations and amended appendix F</p>	

	<p>adopted almost 10 years ago. However, this list also omits some of the more recent hearing-types such as the interim summary review.</p> <p>I have a couple of small additional points.</p> <p>Page 2 Section 13 the L is missing from CLUB, and</p> <p>3.20. The final sentence is at odds with what is said earlier. This is chicken and egg one has to come first. I see no good reason to require a planning permission to be in place before an application can be made you may wish to reconsider this.</p>			<p>Amendment made</p> <p>Final sentence has been removed.</p>	
<p>Angela Howells Town Clerk</p>	<p>Westerham Town Council has no comments to make on the policy. However on page 27 WTC would like Westerham to be known as a Town rather than a village.</p>	<p>Westerham Town Council</p>	<p>Page 27</p>	<p>Amendment made</p>	
<p>Mrs Palmer Parish Council</p>	<p>Licensees should also carefully consider sales to customers who have or</p>	<p>Shoreham Parish Council</p>	<p>Page 8</p>	<p>Amendment made</p>	





	<p>Unless a parish council is informed of a <b>Temporary Events Notice</b>, it will be impossible to make representations were they to be needed. Whilst it is appreciated that the policy is flexible enough to enable community events to take place, when nuisance is caused to those living nearby it is to the parish council that the community turns. Applications for a TEN should be notified therefore in the same way as other applications.</p> <p><b>Enforcement Policy:</b> Assurance is given that an enforcement policy exists which complies with Regulatory Compliance Code. This policy is not easily accessible. It is important that parish councils and the general public have access to an emergency number to obtain help if conditions are not being adhered to. We have had many successful events in the village that have greatly benefitted the community. We have also had events which have caused considerable nuisance to residents and it</p>			<p>There is no provision within the Act for Parish Councils to be notified when a TEN has been received. However all TENs are available online and can be viewed on public access. Parish Councils cannot make representation in respect to TENs. Only Environmental Protection and the Police can object to the notice. A full response has been sent to Mrs Palmer.</p> <p>Enforcement policy to be advertised on webpages with a clear link. All Licensing webpages are currently being reviewed. Unfortunately Licensing does not operate an out of hours service (although night time compliance visits take place) therefore where a premises is not complying with the conditions a telephone call to the Licensing</p>	
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Appendix B

	has been impossible to obtain immediate help to curtail these activities. It is important that any policy gives reassurance that such help would be forthcoming.			department on the next working day with prompt investigations into the alleged breach of conditions.	
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## **PAY POLICY STATEMENT**

### **Council – 17 February 2015**

Report of Chief Executive

Status: For Decision

Key Decision: No

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### **This report supports the Council's promise to provide value for money**

**Portfolio Holder** Cllr. Ramsay

**Contact Officer(s)** Lee Banks, Ext 7161.

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### **Recommendation to Council:**

The Pay Policy Statement be adopted by the Council and published on the Council's website.

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**Reason for recommendation:** To fulfil the Council's statutory requirements under the Localism Act 2011 to agree a Pay Policy Statement for the forthcoming year and to ensure it is accessible to the public.

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### **Introduction and Background**

- 1 Gaining its Royal Assent in November 2011 the Localism Act introduced, amongst a range of other duties, a requirement for local authorities to publish a Pay Policy Statement by 31 March each year. The Council's first Pay Policy Statement was approved by Council in February 2012.
- 2 Pay Policy Statements require local authorities to be more accountable and transparent about their policies on senior officer pay and delivers on a Coalition Agreement commitment to strengthen councillors' powers on salary packages for council officers.
- 3 Nothing in the pay accountability provisions supersede existing responsibilities and duties placed on local authorities in their role as employers. Government recognise that local authorities are individual employers in their own right and have the autonomy to make decisions on pay that are appropriate to their local circumstances and which deliver value for money for local taxpayers.

### **Pay Policy Statement**

- 4 The draft Pay Policy Statement is attached at Appendix A to this report for Members consideration. Its content is defined by the regulations set out within

## Agenda Item 8b

sections 38 to 43 of the Localism Act 2011 and associated guidance issued by the Secretary of State for Communities and Local Government (CLG).

- 5 The Pay Policy Statement is required to set out the authority's policies relating to the remuneration of each of its chief officers, the remuneration of its lowest paid employees and the relationship between the two. The Statement must be approved by full Council by 31 March 2015 and will take effect from 1 April 2015. The Policy is forward looking and any recruitment decisions taken between 1 April 2015 and 31 March 2016 regarding Chief Officers must take account of the commitments made in the Pay Policy Statement.
- 6 It is a requirement of the Localism Act that the Pay Policy Statement is approved annually by full Council, and this is a function that cannot be delegated. As a minimum, once the Statement is approved, it must be published on the Council website.

### **Other Options Considered and/or Rejected**

- 7 None. It is a statutory requirement to produce and publish a Pay Policy Statement.

### **Key Implications**

#### Financial

The Pay Policy Statement sets out the policies by which senior officers will be remunerated by the Council. Any such decisions on recruitment would be made within the wider context of the Council's budget and savings plan and create no new burdens on financial resources.

#### Legal Implications and Risk Assessment Statement

Failure to publish a Pay Policy Statement, approved by full Council, by 31 March 2014 will be a breach of the Localism Act 2011.

#### Equality Impacts

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Conclusions**

The Pay Policy Statement sets out the elements of senior officer pay that enable the Council to attract high quality officers whilst protecting value for money to the community. Its approval by Council and publication on the Council website will improve transparency and accountability whilst ensuring adherence to the Localism Act 2011.

### **Appendices**

Appendix A – Pay Policy Statement

### **Background Papers:**

Localism Act, Chapter 8, Pay Policy Statements

<http://www.legislation.gov.uk/ukpga/2011/20/part/1/cchapter/8/enacted>

## Agenda Item 8b

Openness and accountability in local pay: Guidance under section 40 of the Localism Act (Communities and Local Government)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/5956/2091042.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5956/2091042.pdf)

Openness and accountability in local pay: supplementary guidance

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/85886/Final\\_Supplementary\\_Pay\\_Accountability\\_Guidance\\_20\\_Feb.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/85886/Final_Supplementary_Pay_Accountability_Guidance_20_Feb.pdf)

**Dr Pav Ramewal**  
**Chief Executive**

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**Sevenoaks District Council  
Pay Policy Statement 2015/16**

**1. Introduction**

- 1.1 The Council's Pay Policy Statement sets out its policies for 2015/16 relating to:
- The remuneration of its chief officers,
  - The remuneration of its lowest-paid officers, and
  - The relationship between the remuneration of its chief officers and the remuneration of its employees who are not chief officers.
- 1.2 The Pay Policy Statement is prepared in accordance with the requirements of the Localism Act 2011 and associated guidance published by the Secretary of State for Communities and Local Government.
- 1.3 The Statement has been approved by resolution of the full Council and the commitments made in the Pay Policy Statement will be applied to remuneration of chief officers during 2015/16.

**2. Definitions**

- 2.1 The following definitions have been applied in preparing the Pay Policy Statement:
- (a) Remuneration – the officers salary<sup>1</sup>, any bonuses payable, any charges, fees or allowances payable, any benefits in kind, any increase or enhancement to pension entitlement and any amounts payable to the officer on them leaving the authority<sup>2</sup>
  - (b) Chief Officers – the Head of Paid Service (the 'Chief Executive'), Statutory Chief Officers (Section 151 Officer & the Monitoring Officer), Non Statutory Chief Officers (Chief Officers).
  - (c) Lowest-paid officers – this corresponds to the lowest pay point on which a full time, permanent officer can be appointed to when joining the Council. It does not relate to an individual job role. This definition has been adopted as a true and fair representation of the lowest paid salary point offered by the Council, although it does not necessarily mean that any officer working for the Council currently receives this level of pay. This definition provides a fair and accurate description for an entry level position into the authority, roles that require full supervision that have little, if any responsibility.

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<sup>1</sup> In the case where an officer is engaged under a contract for services, the salary is equal to the payments made by the Council to the officer for those services.

<sup>2</sup> Other than amounts that may be payable by virtue of any enactment

### **3. Terms and Conditions**

- 3.1 The general terms and conditions of employment are in accordance with those agreed by the National Joint Council for Local Government Services.
- 3.2 As Head of Paid Service, the Chief Executive shall have responsibility for the management of all officers, including the number and grade of officers and their organisation and structures.
- 3.3 The Council shall appoint such officers as it thinks necessary for the proper discharge of its functions or of another local authority's functions as fall to be discharged by the Council. All appointments shall be made on merit and in accordance with the Council's agreed policies and procedures.
- 3.4 Only under exceptional circumstances, where there is a proven benefit that will deliver clear value for money to residents, will the Council re-employ officers who have left with a severance or redundancy payment or are in receipt of a pension under the Local Government Pension Scheme. This may include re-engagement on a self employed basis with a contract for services. This Policy applies to both ex-employees of Sevenoaks District Council and of other local government organisations.
- 3.5 All officers appointed by the Council are paid as individuals with the correct personal national insurance and income tax contributions applied. The Council does not make permanent appointments through any other arrangements.

### **4. Remuneration of Chief Officers**

#### **4.1 Head of Paid Service**

- 4.1.1 The Head of Paid Service holds the title of Chief Executive or any equivalent as determined by Council.
- 4.1.2 The Head of Paid Service is one of three statutorily required posts at the Council, alongside the Section 151 Officer and the Monitoring Officer. The Head of Paid Service holds overall responsibility for corporate management and operational functions. This includes:
  - Overall management responsibility for all Officers;
  - Provision of professional advice to all parties in the decision-making process;
  - Advising whether decisions of the Cabinet are in accordance with the budget and policy framework (in consultation with the Section 151 Officer (where they are not the same person) and the Monitoring Officer);
  - Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members (in consultation with the Section 151 Officer (where they are not the same person) and the Monitoring Officer);

- To be the Returning Officer and Electoral Registration Officer for the Council; and
- To represent the Council on partnership and external bodies as required by statute or the Council.

4.1.3 The remuneration for the Head of Paid Service will include:

- Salary in line with the Sevenoaks District Council Chief Executive pay scale, inclusive of the outer fringe allowance;
- Car Allowance of £6,000 per annum;
- Payment for acting as the Returning Officer at elections. Payments for each election are determined by the size of the electorate in the district, with the payment for national elections being set nationally and the payment for local elections set at county level; and
- An employer contribution to their pension of the amount required under the nationally determined terms of the Local Government Pension Scheme.

4.1.4 At the point of recruitment the salary of the Head of Paid Service will be determined by the level of skill and experience that they are evaluated as bringing to the role. In any case the salary will not exceed the top pay point of the Sevenoaks District Council Chief Executive pay scale.

4.1.5 The Head of Paid Service will, like all other officers, be able to increase their salary on an annual basis by demonstrating excellent performance when assessed through full participation in the Council's appraisal scheme, until the top point of the pay band is reached. The Head of Paid Service will also be entitled to receive any national pay award determined by the National Joint Council. No other increases or additions to their remuneration will be payable without a resolution of Council.

4.1.6 The Council does not adopt a performance related pay system for any officers outside of the appraisal scheme, including the Head of Paid Service.

4.1.7 The Council does not pay bonuses for any officers, including the Head of Paid Service, other than those determined by the appraisal scheme upon achieving outstanding performance.

4.1.8 The Council will not make payment to the Head of Paid Service if they are summarily dismissed.

4.1.9 If the Council makes the Head of Paid Service redundant a payment will be made to them based on their length of service (up to a maximum of 20 years) based on their actual weeks pay.

4.1.10 If the Head of Paid Service resigns their post they will not be entitled to any compensatory payment from the Council.

4.1.11 The following terms and conditions will also apply to the Head of Paid Service:

- The Head of Paid Service may be the Section 151 Officer, but may not be the Council's Monitoring Officer; and
- The post of Head of Paid Service is politically restricted.

### **4.2 Non Statutory Chief Officers**

4.2.1 Non statutory chief officers are defined in the Local Government and Housing Act 1989 as a person for whom the Head of Paid Service is directly responsible.

4.2.2 The remuneration for non statutory chief officers designated as Chief Officer will include:

- Salary at Band J to Band K of the National Joint Council scale, inclusive of the outer fringe allowance;
- Car Allowance of £4,000 per annum;
- Consideration of an additional responsibility allowance; and
- An employer contribution to their pension of the amount required by the Local Government Pension Scheme.

4.2.3 At the point of recruitment an officer holding the post of a non statutory chief officer will be determined by the level of skill and experience that they are evaluated as bringing to the role.

4.2.4 An officer holding the post of a non statutory chief officer will, like all other officers, be able to increase their salary on an annual basis by demonstrating excellent performance when assessed through full participation in the Council's appraisal scheme, until the top point of the pay band is reached. An officer holding the post of a non statutory chief officer will also be entitled to receive any national pay award determined by the National Joint Council. No other increases or additions to their remuneration will be payable without a resolution of Council.

4.2.5 The Council does not adopt a performance related pay system for any officers outside of the appraisal scheme, including officers holding the post of a non statutory chief officer.

4.2.6 The Council does not pay bonuses for any officers, including officers holding the post of a non statutory chief officer, other than those determined by the appraisal scheme upon achieving outstanding performance.

4.2.7 The Council will not make payment to officers holding the post of a non statutory chief officer if they are summarily dismissed.

4.2.8 If the Council makes a non statutory chief officer redundant a payment will be made to them based on their length of service (up to a maximum of 20 years) based on their actual weeks pay.

4.2.9 If an officer holding the post of a non statutory chief officer resigns their post they will not be entitled to any compensatory payment from the Council.

4.2.10 The following terms and conditions will also apply to an officer holding the post of a non statutory chief officer:

- The posts held by non statutory chief officers are politically restricted.

### **4.3 Statutory Chief Officer – Monitoring Officer**

4.3.1 The role of the Monitoring Officer is designated to the post of Chief Officer Legal & Governance, or any equivalent as determined by the Head of Paid Service.

4.3.2 The Monitoring Officer is one of three statutorily required posts at the Council, alongside the Head of Paid Service and the Section 151 Officer. The Monitoring Officer is responsible for:

- Maintaining the constitution;
- Ensuring lawfulness and fairness of decision making;
- Supporting the Standards Committee;
- Advising whether decisions of the Cabinet are in accordance with the budget and policy framework (in consultation with the Head of Paid Service and the Section 151 Officer); and
- Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members (in consultation with the Head of Paid Service and the Section 151 Officer).

4.3.3 The Monitoring Officer cannot be the Section 151 Officer or the Head of Paid Service.

4.3.4 The remuneration for the Monitoring Officer and terms and conditions for the post are as those set out for non-statutory chief officers at sections 4.2.2 to 4.2.10 above.

### **4.4 Statutory Chief Officer – Section 151 Officer**

4.4.1 The Section 151 Officer is one of three statutorily required posts at the Council, alongside the Head of Paid Service and the Monitoring Officer. The role of Section 151 Officer is designated to the Chief Executive, or any suitably qualified Chief Officer as determined by the Head of Paid Service.

4.4.2 The Section 151 Officer is responsible for:

- Ensuring Lawfulness and Financial Prudence of Decision-Making;
- Administration of Financial Affairs;
- Contributing to Corporate Management;
- Providing advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Members and will support and advise Members and Officers in their respective roles; and
- Providing financial information to the media, members of the public and the community.

4.4.3 The pay policies applicable to this post are detailed at section 4.1 above.

4.4.4 The following terms and conditions will also apply to the Section 151 Officer post:

- The post of the Section 151 Officer is politically restricted; and
- The Section 151 Officer cannot be the Monitoring Officer but may hold the post of Head of Paid Service.

## **5. Transparency and Publication of Chief Officer Salaries**

5.1 Further information about responsibilities and appointment of Chief Officers is published in the Council's Constitution. The provisions within this Pay Policy Statement do not alter the requirements and powers, which the Constitution sets out.

5.2 Further information about the salaries of Chief Officers is available on the Council's website. The Council's Statement of Accounts is published annually and includes a full breakdown of payments made to Chief Officers for the past year.

5.3 The transparency section of the Council's website includes the publication of the pay scales of all officers at the council who receive a full time equivalent salary in excess of £50,000 per annum.

## **6. Remuneration of lowest-paid officers**

6.1 The salary of the lowest-paid role at the Council will be equivalent to the lowest pay point within Band A of the National Joint Council salary scales inclusive of the outer fringe allowance.

6.2 All Council officers are able to increase their salary on an annual basis, until the top point of the pay band is reached by demonstrating excellent performance when assessed through full participation in the Council's appraisal scheme. All officers are also entitled to receive any national pay award determined by the National Joint Council. There are no other performance related or bonus payments payable to officers.

6.3 All Council officers are eligible to join the Local Government Pension Scheme. As their employer the Council will contribute to each officers pension the amount required by the Local Government Pension Scheme.

**7. The Pay Relationship**

7.1 The National Joint Council salary scales offer a fair and non-discriminatory approach to pay and grading reflected through a job evaluation scheme. Each role is individually assessed and evaluated to ensure an accurate level of pay. The result of evaluations reflects the level of responsibility associated with each respective post.

7.2 In 2014/15 the median average salary at Sevenoaks District Council was £23,510, which lies at spinal point 26 of Band C.

7.3 The pay multiple between the Chief Executive's salary and the median salary point is 5.8.

7.4 The Council is clear that pay at all levels is properly assessed and evaluated to ensure it accurately and fairly reflects the level of skill and responsibility associated with each respective post. Maintaining this approach will ensure that the Council is committed to a fair pay relationship and maintaining a proportionate pay ratio between the average pay level and that of the Chief Executive.

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## **MEMBERSHIP OF COMMITTEES 2014/15**

### **Council – 17 February 2015**

Report of Chief Officer Legal and Governance

Status: For Decision

Also considered by: Cabinet – 5 March 2015

Key Decision: No

**Portfolio Holder** Cllr. Fleming

**Contact Officer(s)** Philippa Gibbs Ext. 7288

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**Recommendation to Council:** That the amended memberships of Committees for 2014/15, except the Cabinet Advisory Committees, attached as an Appendix to this report, be approved.

**Recommendation to Cabinet:** That the amended memberships of Cabinet Advisory Committees for 2014/15, as attached as an Appendix to this report be approved.

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**Reason for recommendation:** To ensure the Committees within the Council comply with rules relating to political proportionality.

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### **Introduction and Background**

Since the meeting of Annual Council where Members were asked to agree the Chairmen, Vice Chairmen and membership of Committees in line with the Council's Constitution and decision making structure, Cllr. Neal has resigned from the Council meaning that there is no longer a United Kingdom Independence Party (UKIP) Party in the Council. Also, a new Independent Group has been formed, membership of which affects political proportionality of the Council's committees.

### **Key Implications**

#### Financial

None directly arising from this report.

#### Legal Implications and Risk Assessment Statement

None directly arising from this report.

#### Equality Assessment

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The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **Appendices**

Appendix A - Council Committee Memberships

### **Background Papers:**

[Council's Constitution.](#)

**Christine Nuttall**

**Chief Officer for Legal and Governance**

# APPENDIX H: Council Committees, Cabinet and Advisory Committees

## Chairmen, Vice-Chairmen and Membership of Council Committees

2014-15

### Appointments Committee

(10 Members: 8 Conservative, ~~1 Labour~~, 1 UKIP, ~~1 Vacancy~~)

Cllrs. Mrs Clark, ~~Fittock~~, Grint, Mrs Hunter, Lindsay, Miss Stack, Leader and 3 appropriate Portfolio Holders ~~and a vacancy~~

*(Please note the election of the Chairman will take place at the first meeting of the Committee in the municipal year.)*

### Audit Committee

(9 Members: 6 Conservative, 1 Labour, 1 Liberal Democrat, 1 Vacancy)

**Chairman:** Cllr. Grint

**Vice Chairman:** Cllr. Brookbank

Cllrs. Mrs Bailey, Brown, ~~Fittock~~, Orridge, Mrs Purves, Towell and a ~~V~~vacancy

### Development Control Committee

(19 Members: 16 Conservative, 1 ~~Independent Labour~~, 1 Liberal Democrat, 1 Vacancy)

**Chairman:** Cllr. Williamson

**Vice-Chairman:** Cllr. Miss Thornton

Cllrs. Mrs Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsor, Firth, Gaywood, McGarvey, Orridge, Mrs Parkin, Raikes, Miss Stack, Underwood, Walshe and a vacancy

### Governance Committee

(7 Members: 5 Conservative, 1 Labour, 1 Liberal Democrat)

**Chairman:** Cllr. Pett

**Vice-Chairman:** Cllr. McGarvey

Cllrs. Ms Chetram, Mrs Clark, ~~Fittock~~, London, and Walshe

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### **Health Liaison Board**

(8 Members: 6 Conservative, 1 Independent, ~~12~~ Labour)

**Chairman:** Cllr. Mrs Cook

**Vice-Chairman:** Cllr. Davison

Cllrs. Mrs Bosley, Brookbank, Clark, ~~Mrs George~~, Fittock, Mrs Sargeant and Searles

### **Homelessness Review Board**

(3 Members: to be drawn from the Council)

The Portfolio Holder for Housing & Community Safety to be Chairman of the Board and the membership to be drawn from the Council.

### **Licensing Committee**

(13 Members: 11 Conservative, 1 Labour and, 1 vacancyUKIP)

**Chairman:** Cllr. Mrs Morris

**Vice-Chairman:** Cllr. Clark

Cllrs. Abraham, Mrs Ayres, Ayres, Bosley, Cooke, Mrs George, ~~Lindsay~~, Orridge, Mrs Parkin, Pett, ~~and~~ Raikes and a vacancy

### **Scrutiny Committee**

(11 Members: 8 Conservative, 1 Independent, 1 Labour, 1 Liberal Democrat, ~~1 Vacancy~~)

**Chairman:** Cllr. London

**Vice-Chairman:** Cllr. Brown

Cllrs Brookbank, Davison, Mrs. Dawson, Fittock, Grint, Orridge, Pett, Underwood and, Walshe ~~and a vacancy~~

### **Standards Committee**

The Standards Committee will be composed of:

7 Members other than the Leader of the Council and no more than 1 Member selected from a particular Parish Boundary.

(7 Members: 6 Conservative, 1 UKIP)

Only one Member out of the above seven Members to be an Executive Member without being a Chair of the Committee as Standards is a Council function as opposed to an Executive function (s.27(8), Part 1, Chapter 7 of the Localism Act 2011.

Up to 2 co-opted Members of a parish or town council (a parish/town council member)

**Chairman:** Cllr. Gaywood

**Vice-Chairman:** Cllr. Ball

Cllrs. Mrs Bosley, Mrs Bracken, Brown, Lindsay and Mrs Morris

**Sevenoaks Joint Transportation Board**

(7 District Council Members: (6 Conservative, 1 ~~VacancyLabour~~), 7 Kent Council Council Members and 1 Town/Parish Council Representative)

**Chairman:** County Cllr. Chard

**Vice-Chairman:** Cllr. London

*(The position of Chairman is on a yearly alternate basis between the District Council and County Council and appointed under respective constitutional arrangements. This year it is the County Council's turn.)*

District Council Membership: Cllrs. Davison, Edwards-Winsor, Searles, Towell, Williamson and ~~a vacancyUnderwood~~

County Council Membership: County Councillors: Brazier, Brookbank, Mrs. Crabtree, Gough, Parry and Pearman

Town/Parish Council Representative: (nominated by the Area Committee of the Kent Association of Local Councils)

*(The Board comprises of all Kent County Council local members for divisions in the Sevenoaks District Council area, an equal number of Sevenoaks District Council Members and a Town/Parish Council Representative (of which a substitute member may be nominated) who may speak but not vote, nor propose a motion or amendment.)*

### Cabinet Membership

(5 Members: 5 Conservatives) Cllrs. Fleming, (Chairman), Hogarth, Ramsay, Ms Lowe and Piper

### Portfolio Holders 2014/15 (Annex to Appendix H of the Constitution - revised May 2014)

Cllr. Peter Fleming	Leader Strategy & Performance	Corporate Policy, Corporate Health & Safety, Communications, Customer Service Standards, Equality, Human Resources, Business Transformation, Democratic Services and Performance Management Framework
Cllr. Roddy Hogarth	Economic & Community Development	Community Grants, Community Plan, Health & Leisure, Economic Development, Emergency Planning, Building Control, Business continuity, Markets, Parking, Regeneration, Tourism, Town Centres, West Kent Partnership and West Kent Leader Programme
Cllr. Brian Ramsay	Finance & Resources	Audit and Corporate Governance, Budget & Financial Strategy, Legal, Information Technology, Local Tax, Shared Services, Procurement Policies, Property, Facilities Management and Strategic Risk
Cllr. Michelle Lowe	Housing & Community Safety	Housing Strategy/Policy, Housing Standards, Housing Needs, Empty Homes/Under Occupation, SDC Gypsy/Traveller Site Management, Unauthorised Gypsy/Traveller encampments, Disabled Facilities Grant, Housing Benefit & Benefit Fraud, Community Safety, Licensing, CCTV, Safeguarding, Children and Young People, Older People, and Environmental Health
Cllr. Robert Piper	Local Planning & Environment	Conservation, Development Control, Local Plan (formerly LDF), Planning Policy, Transport Policy, Direct Services, Climate Change, Energy Efficiency & Fuel Poverty, Street Cleansing and Waste & Recycling

## Membership of Cabinet Advisory Committees 2014/15

### Strategy & Performance Advisory Committee

(12 Members to include Portfolio Holder: 10 Conservative, ~~1 Labour~~, 1 Liberal Democrat, 1 Vacancy)

Cabinet Member: Cllr. Fleming

Deputy Cabinet Members: Cllrs. Dickins and Miss Stack

Cllrs. Abraham, Mrs Bayley, Clark, Eyre, ~~Mrs George~~, Mrs Parkin, Mrs Purves, Raikes, ~~and~~ Miss Thornton and a vacancy

### Economic & Community Development Advisory Committee

(12 Members to include Portfolio Holder: 11 Conservative, 1 ~~Independent Labour~~)

Cabinet Member: Cllr. Hogarth

Deputy Cabinet Members: Cllrs. Mrs Bosley and Horwood

Cllrs. Mrs Ayres, Ayres, Ball, Butler, Mrs Cook, ~~Fittock and~~ Maskell, Mrs Sargeant, Miss Stack and Miss Thornton.

### Finance and Resources Advisory Committee

(12 Members to include Portfolio Holder: 10 Conservative, 1 ~~Independent Labour~~, 1 Liberal Democrat)

Cabinet Member: Cllr. Ramsay

Deputy Cabinet Members: Cllrs. Firth and Scholey

Cllrs. Mrs Bayley, Bosley, Cooke, Edwards-Winsor, Maskell, McGarvey, Mrs Morris, Mrs Purves and Mrs Sargeant.

### Housing & Community Safety Advisory Committee

(12 Members to include Portfolio Holder: 11 Conservative, 1 Labour)

Cabinet Member: Cllr. Ms Lowe

Deputy Cabinet Members: Cllrs. Ayres and Mrs Clark

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Cllrs. Mrs Ayres, Ms Chetram, Mrs Cook, Eyre, Gaywood, Mrs Parkin, Raikes, Mrs George, and Towell

### **Local Planning & Environment Advisory Committee**

(12 Members to include Portfolio Holder: 10 Conservative, 1 ~~Labour~~, Independent, 1 Liberal Democrat)

Cabinet Member: Cllr. Piper

Deputy Cabinet Members: Cllrs. Hunter and Searles

Cllrs. Ball, Butler, Dickins, Gaywood, Horwood, Mrs Purves, Mrs Sargeant, Scholey, and Williamson



**APPOINTMENTS TO OTHER ORGANISATIONS 2014/15 – NON-EXECUTIVE**

<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2014/15</u>
Age UK:				
Darent Valley	2	Annual	May 2015	Mrs. F.P. Parkin M. Fittock
Sevenoaks, Tonbridge & District	1	Annual	May 2015	R. Walshe
Biggin Hill Airport Consultative Committee	1	Annual	May 2015	R. Hogarth
Bough Beech Reservoir Recreation Consultative and Management Advisory Committee	1	Annual	May 2015	P.C.R. Cooke
Citizens Advice Bureau:				
Edenbridge & Westerham	2	Annual	May 2015	K.J. Maskell P.C.R. Cooke
Sevenoaks and Swanley CAB Ltd	2	Annual	May 2015	Mrs. A.D. Hunter Ms. I. Chetram
Health & Wellbeing Boards:				
Dartford, Gravesham and Swanley	1	Annual	May 2015	T. Searles
West Kent and Weald	1	Annual	May 2015	Mrs. A. Cook
Clinical Commissioning Groups (Observers):				
Dartford, Gravesham and Swanley	1	Annual	May 2015	T. Searles
West Kent and Weald	1	Annual	May 2015	R. J. Davison
Kent County Council's Health Overview and Scrutiny Committee	1	Annual	May 2015	R. J. Davison

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<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2014/15</u>
Kent County Playing Fields Association	1	Annual	May 2015	M. Fittock
Action with Communities in Rural Kent	2	Annual	May 2015	Cam. Clark Miss. J. Thornton
RELATE: West Kent & Tunbridge Wells	1	Annual	May 2015	vacancy
SEE Local Democracy and Accountability Network for Councillors	1(1 deputy)	Annual	May 2015	S. G. Raikes (Miss. L.T.A. Stack)
Sevenoaks Churches Group for Social Concern	2	Annual	May 2015	P.R. McGarvey Mrs. A. Cook
Sevenoaks Conservation Council	4	Annual	May 2015	R.L. Piper A. E. Dawson J. Edwards-Winser R. Walshe
Sevenoaks District Access Group	5	Annual	May 2015	Mrs. A.E. Dawson Mrs. F.P. Parkin A.W.L. Pett R.L. Piper J.Underwood
Sevenoaks Leisure Board of Trustees	2	Annual	May 2015	Mrs. G.P.E. Davison Mrs. A. George
Volunteer Bureau:				
Sevenoaks Volunteer Transport Group	1	Annual	May 2015	R.J. Davison
Edenbridge Volunteer Transport Service	1	Annual	May 2015	R. Orridge
North West Kent Volunteer Centre (Swanley)	1	Annual	May 2015	T. Searles

**APPOINTMENTS TO OTHER ORGANISATIONS 2014/15 – EXECUTIVE**

<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2014/15</u>
Becket Trust Housing Association	1	Annual	May 2015	P.C.R. Cooke
Campaign for the Protection of Rural England – Sevenoaks Branch	1	Annual	May 2015	Miss. L.T.A. Stack
District Councils Network Assembly	1	Annual	May 2015	P. M. Fleming
Eden Valley Museum Trust - Executive Committee	1	Annual	May 2015	J. Scholey
High Weald Area of Outstanding Natural Beauty – Joint Advisory Committee	1	Annual	May 2015	Mrs. G.P.E. Davison
Kent Downs Area of Outstanding Natural Beauty Forum	1	Annual	May 2015	R. Piper
Kent Resource Partnership Members Board	1	Annual	May 2015	Relevant Portfolio Holder (Deputies to substitute)
Local Government Association (LGA) – General Assembly	1	Annual	May 2015	P.M. Fleming
Parking and Traffic Regulations Outside London Adjudication Joint Committee (PATROLAJC)	1	Annual	May 2015	R. Hogarth
Sevenoaks District Arts Council	6	Annual	May 2015	Mrs. A J. Cook A. L. Pett C. K. D. Brown S. G. Raikes J. A. Underwood R. F. C. Walshe
Sevenoaks District Sports Council	3	Annual	May 2015	L. A. Ball M. Fittock Mrs. E. A. Purves
Sevenoaks Town Council Town Partnership Executive	1	Annual	May 2015	Mrs. A. D. Hunter
South East Employers	1 ( 1 deputy)	Annual	May 2015	S. G. Raikes

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<u>Organisation</u>	<u>No. of Reps</u>	<u>Period of Appoint- ment</u>	<u>Renewal Date</u>	<u>Appointee(s) 2014/15</u>
Upper Medway Internal Drainage Board	1	Annual	May 2015	(Miss. L.T.A. Stack) J. Scholey