



Sevenoaks
DISTRICT COUNCIL
Despatched: 09.07.14

CABINET
17 July 2014 at 7.00 pm
Conference Room, Argyle Road, Sevenoaks

AGENDA

Membership:

Chairman: Cllr. Fleming Vice-Chairman: Cllr. Ms. Lowe
Cllrs. Hogarth, Piper and Ramsay

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence		
1. Minutes To agree the Minutes of the meeting of the Committee held on 5 June 2014, as a correct record	(Pages 1 - 4)	
2. Declarations of interest Any interests not already registered		
3. Questions from Members (maximum 15 minutes)		
4. Matters referred from Council None		
5. Matters referred from the Audit Committee and Scrutiny Committee (Paragraph 5.20 of Part 4 (Executive) of the Constitution) (if any)		
6. Recommendations from the Cabinet Advisory Committees	(Pages 5 - 8)	
a) Treasury Management Municipal Bonds (Finance & Resources Advisory Committee - 3 June 2014, Minute 9)		
b) Communications Strategy and 2013/14 Work plan (Strategy & Performance Advisory Committee - 24 June 2014, Minute 11)		
c) Performance Indicators and Targets for 2014-15 (Strategy & Performance Advisory Committee - 24 June 2014, Minute 12)		

To follow:

- d) Pest Control Service – results of competition exercise (Local Planning & Environment Advisory Committee – 1 July 2014, Minute 9)
 - e) Update on the Allocations and Development Management Plan (Local Planning & Environment Advisory Committee – 1 July 2014, Minute 10)
 - f) Local Development Scheme Review (Local Planning & Environment Advisory Committee – 1 July 2014, Minute 11)
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- | | | | |
|-----|--|-------------------|---|
| 7. | Appointments to other organisations 2014/15 - Executive (South East Employers) | (Pages 9 - 16) | Vanessa Etheridge
Tel: 01732 227199 |
| 8. | Treasury Management - Local Authority Municipal Bonds | (Pages 17 - 36) | Roy Parsons
Tel: 01732 227204 |
| 9. | Update on the Allocations and Development Management Plan (ADMP) | (Pages 37 - 110) | Richard Morris
Tel: 01732 227430 |
| | Main report and supplementary report considered by Local Planning & Environment Advisory Committee attached. | | |
| 10. | Local Development Scheme - work plan for future planning policy work | (Pages 111 - 122) | Steve Craddock,
Hannah Gooden
Tel: 01732
227315/7178 |
| 11. | Communications Strategy and 2013/14 Work Plan | (Pages 123 - 140) | Lee Banks
Tel: 01732 227161 |
| 12. | Pest Control Service - results of competition exercise | (Pages 141 - 208) | Richard Wilson
Tel: 01732 227262 |
| 13. | Buckhurst 2 Car Park Proposal - Project Update and Consultation Results | (Pages 209 - 210) | Lee Banks, Alan Whiting
Tel: 01732
227161/7446 |
| 14. | Performance Indicators and Targets for 2014-15 | (Pages 211 - 226) | |



Indicates a Key Decision



indicates a matter to be referred to Council

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)

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CABINET

Minutes of the meeting held on 5 June 2014 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Hogarth, Ms. Lowe, Piper and Ramsay

Cllrs. Ayres, Mrs. Ayres, Dickins, Eyre, Firth, Mrs. Hunter, Scholey, Searles and Miss. Stack were also present.

4. Minutes

Resolved: That the minutes of the meetings of Cabinet held on 8 May 2014 and 13 May 2014 be approved and signed as a correct record.

5. Declarations of interest

There were no additional declarations of interest.

6. Questions from Members (maximum 15 minutes)

There were none.

7. Matters referred from Council

There were no matters referred from Council.

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

There were no references from the Audit Committee or Scrutiny Committee.

9. Recommendations from the Cabinet Advisory Committees

- a) Provisional Outturn 2013/14 and Carry Forward Requests (Finance and Resources Advisory Committee – 3 June 2014, Minute 11)

This was considered under Minute 12.

10. Membership of Local Planning & Environment Advisory Committee

The report advised that owing to an administrative error, at the Special meeting of Cabinet held on 13 May 2014, the memberships and terms of reference were agreed for all the Cabinet Advisory Committees but one too many Conservative party members was appointed to the Local Planning & Environment Advisory Committee.

The Chairman proposed that owing to her current ill health Cllr. Mrs Dawson be removed from the Committee membership.

Resolved: That Cllr. Mrs Dawson be removed from the Membership of the Local Planning & Environment Advisory Committee.

11. Flood Support - Repair & Renew Grants - revised guidelines

The Chief Officer Communities & Business presented a report which explained that since the Repair and Renew Grant guidelines were agreed by Cabinet on 8 May 2014, DEFRA had changed their guidelines for the scheme that required the Council to make changes to its own Repair & Renew Grant guidelines. Although there was now no requirement for applicants to provide three quotations or seek a third party independent survey, DEFRA still expected participating councils to undertake cost verification to ensure value for money. This would be undertaken by requesting applicants provide at least one quotation and Officers assessing the applicant's statement relating to value for money.

She advised that since the scheme began in May 2014 26 application forms had been sent out and two claims totalling £10,000 would be assessed on 11 June 2014. For the business support scheme 14 application forms had been sent and 2 applications totalling £8692 would be assessed on the same day. £6,349 had already been paid. Letters had been sent to 1,500 addresses to notify them of the different flooding support schemes. Claims were principally from Edenbridge and Brasted with a few from Otford and Swanley.

It was noted that the risk was that DEFRA may not repay the full amounts paid out by the Council. However the grants were only to a maximum of £5,000 each and so the risk was limited.

The Chairman requested local MPs be sent a monthly email on the applications processed for the business flooding support scheme. Local beneficiaries would be approached to help publicise the support they had received through the business flooding support scheme.

Public Sector Equality Duty

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

Resolved: That the amended guidelines for the Council's Repair and Renew Grant, as set out at Appendix A of the report, be agreed.

12. Provisional Outturn 2013/14 and Carry Forward Requests

The Portfolio Holder for Finance & Resources presented a report which provided the provisional financial outturn figures for 2013/14 and commentary to any significant variances. The report also set out the requests to carry forward unspent budgets into 2014/15. Members noted and considered the relevant minute and recommendations received from the Finance & Resources Advisory Committee which had considered the same report, which had been tabled.

The Head of Finance reported that a provisional favourable variance of £299,000 had been achieved. Renegotiation of costs for shared services with Dartford Borough Council

Cabinet - 5 June 2014

had reduced costs by £90,000. Should the carry forward requests and earmarked reserve be approved then £170,000 could be allocated to the Budget Stabilisation Fund. This represented a variance of 0.33% of the gross service budget.

Noting the comments of the Finance & Resources Advisory Committee, the Chairman explained that the Council had put a lot of effort into getting new Council Tax Support payers used to paying Council Tax and to keep the pressure on them once they were paying. National discussions were ongoing as to the administration of Disabled Facility Grants in two-tier Council areas because the Council held the budget but it was statutorily Kent County Council who determined what works needed to be done. He asked that the appropriate Minister be written to on the matter. The Portfolio Holder for Finance & Resources enquired whether there could be a role in the Council carrying out the assessment role on behalf of the County Council.

Action: The Housing & Community Safety Advisory Committee to consider the role of the District and County Councils in dealing with Disabled Facility Grants.

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 Cabinet that

- a) the Revenue 'carry forward' requests totalling £129,000 as set out in paragraph 16 of the report be approved;
- b) the Capital carry forward request totalling £66,594, as set out in paragraph 17 of the report be approved; and
- c) Flood Support Earmarked Reserve be established, and the income receipt of £172,000 be transferred to that reserve at the end of March 2014.

IMPLEMENTATION OF DECISIONS

This notice was published on 9 June 2014. The decisions contained in Minutes 10, 11 and 12 take effect immediately.

THE MEETING WAS CONCLUDED AT 7.30 PM

CHAIRMAN

RECOMMENDATIONS FROM CABINET ADVISORY COMMITTEES

- a) Treasury Management Municipal Bonds (*Finance & Resources Advisory Committee - 3 June 2014, Minute 9*)

Municipal Bond Agency

The Principal Accountant presented a report which sought approval to be part of a scheme to match fund the Local Government Association's contribution to a collective Municipal Bonds Agency (MBA) which it believed would allow councils to raise funds at a significantly lower rate than those offered by the Public Works Loan Board (PWLB).

Members enquired as to the equity stake Councils would receive for their initial investment in the MBA and what the benefits were of immediate investment in it. Current proposals were for Councils to pay £50,000 for a single fixed coupon share which would be repaid from profits. Bonds were expected to be fixed rate but with fewer penalties for refinancing or redemption than the PWLB. Members were unclear how the MBA would provide rates lower than the PWLB.

Members expressed support for the idea of the MBA but did not feel the business case or the benefits of immediate investment had yet been made clear. It was proposed and agreed that the Council express interest in the proposal but that funding not yet be committed.

Investment in Non-UK Banks

The report also proposed that the Council recommence investment in certain non-UK banks. Although the Council's Investment Strategy allowed for investment in non-UK banks, this had ceased in 2008, with a preference for UK banks and building societies. This had reduced chances of default but if a default did occur the risk would be greater. It also resulted in fewer options for investment.

The Principal Accountant explained that Natwest was halving the returns on the call account investments the Council held. Handelsbanken provided a rate of 0.5% on call, marginally above its competitors. Members expressed support for investments with Handelsbanken but not for a broad approval of non-UK banks rated AA- or higher. The Committee should approve each foreign institution before an investment was made. Investments in non-UK banks should remain limited to a total of 25% of the whole fund with a limit of £3million per counterparty being half the limit for UK banks.

Public Sector Equality Duty

Agenda Item 6

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

Resolved: That **it be recommended to Cabinet** that

- a) the Council give formal expression of interest in contributing up to £50,000 towards the set up costs and operating capital of the LGA's Municipal Bonds Agency, subject to further detail being produced;
 - b) investment in non UK banks, specifically approved by the Finance and Resources Advisory Committee, having a minimum long term Fitch rating of AA-, be approved as detailed in the report; and
 - c) Handelsbanken be approved for lending up to £3million.
- c) Communications Strategy and 2013/14 Work plan (Strategy & Performance Advisory Committee – 24 June 2014, Minute 11)

The Head of Transformation and Strategy presented a report detailing the review of the Communication Strategy and the 2014/15 Communications work plan. The review reflected the change in priorities for the Council and had been improved to clearly reflect the purpose of all communications activity for the Council and set a clear framework for the remit of the Communications Team. He advised that Sevenoaks Switching needed to be included within the work plan.

In response to questions the Head of Transformation and Strategy informed Members that press releases were regularly sent to the local papers. Usually the news items that were included were the 'day to day' items such as changes to refuse collection days. Previous advice received from the newspapers were that press releases with photos made better stories, however these stories were not necessarily covered in the newspapers.

Members suggested that 'Members' needed to be included on bullet point 4 of 'Measuring our results' in the Communications Strategy and that in the work plan the following amendments should be made:

- Action 1 – include Communications Working Group in the Milestones column;
- Action 3 – consistency needed to be investigated for joint working partnerships;
- Action 5 – the due date needed to be changed to May 2014 instead of May 2015.

Public Sector Equality Duty

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

Resolved: That

- a) the Communications Strategy and 2014/15 work plan be reviewed; and
 - b) it **be recommended to Cabinet**, subject to the amendments identified by the Advisory Committee for the Council's Communications Strategy and 2014/15 Communications work plan be endorsed.
- d) Performance Indicators and Targets for 2014-15 (Strategy & Performance Advisory Committee – 24 June 2014, Minute 12)

The Committee considered a report setting out performance indicators and targets for 2014/15. Each year the Council undertakes a thorough review of the performance indicators it adopts and the performance targets it sets to continue to support the improvement of services and to enable the Council to deliver on its vision and promises to the community. The report recommended that data was collected against 63 local performance indicators. For each indicator Officers had recommended a performance target for 2014/15. The proposed targets reflected Officers' assessment of the available resources to deliver the highest achievable quality of service.

The Head of Transformation and Strategy advised Members that in 2013/14 6% of performance indicators were 'red' and had missed their target by at least 10%. If a target was missed by less than 10% it would be amber.

In response to questions the Head of Transformation and Strategy advised that Licensing dealt with three different types of applications and therefore each would have an indicator. If a third party was involved in the process this was factored into the indicators. He advised that some targets could be reduced although if some of the green targets were reduced this could be more burdensome and would be harder to reach.

Members discussed the indicators for waste and recycling and were advised that the targets were more challenging and it was suggested that it was something that Local Planning and Environment Advisory Committee could look at. Members requested to see the cost of planning appeals.

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 Cabinet** that

- a) Local Planning and Environment Advisory Committee review the Performance indicators for waste and recycling ; and
- b) the performance targets as detailed within the report be set for 2014/15

Agenda Item 6

- e) Pest Control Service – results of competition exercise (*Local Planning & Environment Advisory Committee – 1 July 2014, Minute 9*)

To follow.

- f) Update on the Allocations and Development Management Plan (*Local Planning & Environment Advisory Committee – 1 July 2014, Minute 10*)

To follow.

- g) Local Development Scheme Review (*Local Planning & Environment Advisory Committee – 1 July 2014, Minute 11*)

To follow.

APPOINTMENTS TO OTHER ORGANISATIONS 2014/15 – EXECUTIVE (SOUTH EAST EMPLOYERS)

Cabinet – 17 July 2014

Report of Chief Officer Legal and Governance

Status: For Consideration

Key Decision: No

Portfolio Holder Cllr. Fleming

Contact Officer(s) Vanessa Etheridge Ext.7199

Recommendation: That Councillor Raikes be appointed as the Council’s representative on South East Employers (SEE) and Councillor Miss Stack be appointed as the standing deputy for the municipal year 2014/15.

Introduction

- 1 It is the responsibility of the Cabinet to confirm the Council’s executive appointments to other organisations.
- 2 Since the appointments made at the Special meeting of Cabinet on 13 May 2014, the Council rejoined South East Employers (SEE) on 5 June 2014.
- 3 As members the Council is entitled to elect one councillor and one standing deputy.
- 4 It is proposed that Councillor Raikes be appointed with Councillor Miss Stack as the standing deputy.

Key Implications

Financial

Attendance at meetings of Outside Bodies to which an Elected Member has been appointed by the Council constitutes an approved duty and there are costs involved.

Legal Implications and Risk Assessment Statement.

In not appointing to this Outside Bodies, there is a risk that the Council’s designated representation will not be fulfilled.

Agenda Item 7

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	N/A
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		

Conclusions

Members are requested to consider and approve the attached appointments.

Appendices

Appendix A – Representation Entitlement

Appendix B – Councillor Role Profile

Appendix C – Aims and objectives of SEE

Christine Nuttall
Chief Officer for Legal and Governance



REPRESENTATION ENTITLEMENT

Each Full Member of South East Employers is entitled to appoint representatives to the organisation as follows:

Each County Council member	3 Representatives
Each Unitary Council member with a population of 200,000 or more	3 Representatives
Each Unitary Council member with a population of less than 200,000	2 Representatives
Each District Council member with a population of 150,000 or more	2 Representatives
Each District Council member with a population of less than 150,000	1 Representative
Each Independent/Other Authority Member	1 Representative

The population figures used are the latest estimate of population as determined by the Registrar General used to determine the annual subscription fee for the authority.

As well as being your Council's representatives on South East Employers, your representatives will automatically be appointed to the Employers' Side of the South East Regional Council.

COMMITTEE APPOINTMENTS

Voting to appoint the Chairman, Vice-Chairmen and Executive Committee members takes place at the Annual Meeting in July.

Each political party will be entitled to appoint a Vice-Chairman of the organisation, provided that the party has at least 10% of members appointed to South East Employers. The Vice-Chairmen are then entitled to be nominated for appointment as Chairman - election takes place at the Annual Meeting on a transferable vote system.

The Executive Committee comprises 18 members in all. The Chairman and Vice-Chairmen of South East Employers shall be *ex officio* members of the Executive Committee. In due course, the members of the Executive Committee shall appoint from among their numbers a Regional Joint Committee of 12 persons, which shall include the Chairman and Vice-Chairmen of the Organisation. All places are allocated by political representation.

It is important that representatives attend the Annual Meeting and have input into the process of appointing committees.

SCHEDULE OF MEETING DATES FOR 2014/2015

South East Employers

AGM	17 July 2014	(Thursday)
Executive Committee	18 September 2014	(Thursday)
Executive Committee	10 December 2014	(Wednesday)
Full Meeting	26 March 2015	(Thursday)
AGM	16 July 2015	(Thursday)

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THE ROLE AND PROFILE OF A COUNCILLOR REPRESENTATIVE SERVING ON SOUTH EAST EMPLOYERS

There are up to 86 full representatives appointed if all councils nominate their representatives, but for 2014/2015 the number of councillors is 77, with 45 standing deputies. Full representatives have voting rights and the period of office is for one year (renewable on a yearly basis as required by the council).

1. Key Role

- To be the democratic representative for your council acting as the link between South East Employers and the member council.
- Provide the strategic direction for the development, implementation and evaluation of the SEE Business Plan.

2. Key Accountabilities

- To act as the representative and ambassador for SEE within your council, across the south east region and nationally with local government central bodies.
- To ensure the interests of your council are represented at the formal meetings of SEE.
- Provide the strategic lead for SEE around employment, governance and local government improvement initiatives and the delivery of the business plan objectives.
- Provide strategic direction for policy development and promotion of new products, initiatives and programmes that support local government improvement, improvement within their council, and enhance the reputation of SEE.
- Collectively or individually lobbying on behalf of SEE around employment and improvement initiatives and themes that support the collective interests of member councils.
- To provide effective scrutiny and accountability of the development, implementation and delivery of the SEE business plan objectives.

3. Key Skills

- **Communication**
 - Communicate the interests of their councils to SEE
 - Communicate the interests of SEE to their councils
- **Scrutiny and Challenge**
 - Consider and investigate broad policy issues as members of SEE
 - Challenge processes, people and decisions in an objective and constructive manner

Agenda Item 7

- **Provide Vision**
 - Demonstrate openness to new ideas
 - Broaden perspective and enhance effectiveness by learning from others and sharing learning and good practice
- **Manage Performance**
 - Develop knowledge of the role of SEE as a regional employers' organisation, and input individual council views and expectations at SEE meetings
 - Encourage and support the scrutiny process and respond positively to feedback, challenge and ideas
- **Political Understanding**
 - Represent your groups' views and values through decisions and actions
 - Understand and adhere to the rules and procedures of SEE
- **Working in Partnership**
 - Assist in the implementation of processes to identify and tackle, in partnership with SEE, issues of council and other organisations that affect the community.
 - Represent the interests of SEE as the appointed representative and provide two-way communication between SEE and the council.
 - Develop a knowledge of SEE rules and procedures and develop a good working relationship with the staff of SEE.
- **Leadership**
 - Act as the public face and ambassador of SEE
 - Encourage co-operation and communication across political, council, regional and national boundaries

4. Meetings

Full Meetings are usually held at venues in London and last from 10.30am to 3.00pm. They have a formal agenda followed by speakers on matters of current interest.

All representatives are invited to attend:

- 2 full meetings including the Annual Meeting
To be held in July and March each year

In addition, those appointed from the full body will attend:

- 3 Executive Committee meetings
To be held in July (at AGM in London) September and December in Winchester or London
- Regional Joint Committee meetings (only convened if required)

To see the full benefits of membership of South East Employers please visit our website at www.seemp.co.uk/benefits



THE AIMS AND OBJECTIVES OF SOUTH EAST EMPLOYERS

This organisation is an employers' organisation for local authorities in the South East covering the geographical boundaries of Berkshire, Buckinghamshire, East Sussex, Hampshire, the Isle of Wight, Kent, Oxfordshire, Surrey and West Sussex.

SEE's aims and objectives are to :

1. be an active and influential Employers' organisation for local government in the South East of England.
2. represent our Member Councils' collective interests at a national and regional level.
3. provide expert and local knowledge and advice on employee relations, organisational development, workforce planning, equality and diversity, recruitment and assessment, pay, grading and allowances, mediation and conflict resolution, performance management and appraisal systems.
4. provide seminars, development opportunities and events for Councillors, Managers, Human Resources and Health & Safety professionals, Democratic Services Officers, Scrutiny Officers.
5. represent the South East Region Employers' side on the SE Regional Joint Committee with local authority trade unions.
6. support Councils in achieving the SE Charter for Elected Member Development.
7. respond to consultation documents on relevant issues.
8. obtain, collate and disseminate information to members regarding both employment in local government and general conditions of service and employment; including a survey on members' allowances

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www.seemp.co.uk

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TREASURY MANAGEMENT – LOCAL AUTHORITY MUNICIPAL BONDS

Cabinet – 17 July 2014

Report of the: Chief Finance Officer

Status: For Consideration

Also considered by: Finance and Resources Advisory Committee – 3 June 2014

Key Decision: No

Executive Summary: The only real source of borrowing for small district councils is the Public Works Loan Board (PWLB), which means that there is no alternative to the rates that they offer. The Local Government Association (LGA) is proposing to create a collective Municipal Bonds Agency which it believes would allow councils to raise funds at a significantly lower rate than those offered by the PWLB.

This report seeks Members approval to be part of a scheme to match fund the LGA's contribution to the creation of the Agency.

This report also revisits previous discussions on the use of non UK banks for the placing of investments.

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

Portfolio Holder Cllr. Ramsay

Contact Officer Roy Parsons, Principal Accountant - Ext 7204

Recommendation to Finance and Resources Advisory Committee: That the recommendations to Cabinet be endorsed.

Recommendations to Cabinet:

- a) That, subject to the views of the Finance and Resources Advisory Committee, the Council contributes up to £50,000 towards the set up costs and operating capital of the LGA's Municipal Bonds Agency;
- b) that authority be delegated to the Chief Finance Officer, in consultation with the Portfolio Holder for Finance and Resources, to agree the final level of contribution; and
- c) that investment in non UK banks, having a minimum long term Fitch rating of AA-, is recommended as detailed in the report.

Reason for recommendations:

- a) To ensure that alternative sources of funding are available should the Council decide to borrow in pursuit of its strategy to move towards a more financially self sufficient position as envisaged in the Corporate Plan; and
 - b) to enable a wider range of investment opportunity with the potential to increase yield.
-

Introduction and Background

- 1 The only source of borrowing for small district councils is the Public Works Loan Board (PWLB). This means that we are limited to the rates that the PWLB charge.
- 2 The Council's Capital Programme is currently financed by a combination of internal funding from earmarked reserves and then from capital receipts. The Council has agreed a programme of asset disposals generating significant capital receipts. However, the delivery of some planned projects will depend on external borrowing.
- 3 In recent years, the Council has been faced with ongoing reductions in government support and decisions have been taken through the 10 year budget process to try and ensure that the Council remains in a financially sustainable position going forward. The Corporate Plan suggests an approach of investing in assets that will generate revenue income to replace diminishing government support. This might be achieved by a review of the use of reserves or through borrowing at low interest rates.

Rationale for setting up a Municipal Bonds Agency

- 4 The LGA started looking at this idea in early 2011. In August 2012, they issued their review document, which is reproduced in the Appendix. Further work was then carried out leading to the LGA Executive's decision to launch the Agency in the Autumn of 2014.
- 5 One of the ten big ideas in the LGA's Rewiring Public Services programme is to 'Boost investment in infrastructure by recreating the thriving market in municipal bonds which England once had and most other countries still have'. Reviving council borrowing directly through the capital markets offers the prospect of cheaper borrowing and a better deal for the council tax payer. It would also free local authorities from Treasury control by ensuring there was an alternative source of funding to the PWLB, and through that route, keep PWLB rates low too. Council bonds would offer investors a direct route to invest in capital projects in a way that government bonds do not (three-quarters of the Treasury's borrowing goes to fund revenue spending). Furthermore, a revived municipal bond market would be a powerful expression of local authorities' commitment to investing in economic growth.
- 6 The LGA has prepared an outline business case for the establishment of a Municipal Bonds Agency. This assessed that a municipal bonds agency should, in stable bond market conditions, be able to raise funds in the bond market at around 0.5% above the long-term gilt rate and on-lend to participating authorities

at an interest rate of 0.7% to 0.8% above the gilt rate. The near-monopoly PWLB offers money at a rate of Treasury gilts plus an additional percentage set by the Chancellor of the Exchequer. The rate currently sits at a 1% premium to gilts, with discounts available subject to conditions.

- 7 Modelling work done by the LGA shows that a Municipal Bonds Agency would allow councils to raise funds at a significantly lower rate than those offered by the PWLB. The model shows that a council borrowing £100m over 20 years would stand to save as much as £4.7m compared to a PWLB loan.
- 8 According to the LGA, in addition to the immediate cost saving, the benefits of establishing a Municipal Bonds Agency would be:
 - sustainable lower borrowing costs, free from the risk of the Treasury changing its lending margins in the future
 - control by councils of the Agency's lending terms, including the ability to refinance debt without the PWLB's penal repayment clauses
 - council ownership of the Agency
 - diversity of funding sources, ensuring long term competitive pressure on the PWLB
- 9 18 councils have already made formal expressions of interest in the creation of the Agency and have committed to working with the LGA to develop it.
- 10 The LGA has estimated that a budget of up to £1m will be required to set up the Agency. The LGA has already committed £150,000 and proposes to raise that to £500,000, provided £400,000 of it is equally matched by contributions from councils in return for an equity stake in the Agency. Once this so-called 'mobilisation phase' is complete, the Agency will then require an estimated £8-10m of operating capital to cover launch, early operating costs and provide a buffer against risks.
- 11 While the level of council support for the Agency remains steady, councils have yet to be asked to make a financial commitment. The LGA is now actively seeking investment from councils towards the £1m start up costs. To raise a total of £10m start up costs and operating capital, it would require 200 councils to invest £50,000 each or 40 to invest £250,000.
- 12 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. The LGA's proposals are grounded in the local authority Prudential Code, nothing new is being proposed.
- 13 Members views on the scheme would be appreciated.

Agenda Item 8

Other treasury management issues

- 14 A representative of Handelsbanken will be giving a presentation to this meeting. Handelsbanken is a Swedish bank that operates in the UK. They will shortly be opening a branch in Sevenoaks town centre. They are keen to enter into a relationship with the Council and they have investment products which would suit the Council's requirements. They are firmly established in the local authority deposits sector.
- 15 The Council's investment strategy has always allowed for investment in non-UK banks. However, this ceased in the aftermath of the 2008 financial crisis. The issue has been the subject of discussion at previous meetings of this Committee and its predecessor. At present, the preference is to continue to only lend to UK banks and building societies.
- 16 If Members are minded to lend to Handelsbanken, then the policy of only lending to UK banks and building societies would have to change. At this juncture, it might be prudent to consider lending to other highly rated non UK banks that appear on our treasury advisor's recommended lending list. A minimum long term Fitch rating of AA-, the same as that of Handelsbanken, could be a useful benchmark. This would include banks in countries such as Australia, Canada, Netherlands, Singapore and UAE (amongst others). The duration of the investment would be determined by reference to our treasury advisor's colour-coded matrix. Initially, the lending limit could be set at half that of the UK banks (i.e. £3m per counterparty).
- 17 It should be noted that only a few of the potential counterparties appear in the market and then only periodically. It might be that none are in the market when we want to invest or their rates may be inferior at that point in time. However, as a means to spread risk, it is a useful option to have.

Key Implications

Financial

- 18 As part of the Council's aim to become more financially self sufficient, a strategy is being developed to invest in assets to produce a revenue stream. Part of this process might involve borrowing to acquire those assets. The LGA's proposal brings competition to the market to ensure borrowing rates remain as low as possible.
- 19 The option to invest in non UK banks gives greater scope to place investments and potentially increase yield. It reduces the concentration of investment in a handful of UK banks.

Legal Implications and Risk Assessment Statement

- 20 The Municipal Bonds Agency is a complex and demanding project, with a number of risks, key of which is a lack of local government support undermining the credibility of the project. This in turn could lead to insufficient funding. The government could also reduce the PWLB interest rates.

- 21 However, the benefits of having a Local Government Collective Agency are judged to outweigh the risks. It offers councils a potentially cheaper source of capital funding and importantly frees them from the uncertainty of unpredictable government adjustment of PWLB interest rates and the significantly higher repayment burden any increase would imply. Efforts to mitigate the risks will focus on working closely with interested councils, the Government and the Treasury to give them a sound understanding of what the local authorities are trying to do.
- 22 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.
- 23 There will be third party costs to establish the agency some of which will need to be spent in advance of launch and will be funded by a mix of contributions from the LGA's own budget and advance payments by councils which would be members of the agency; those advance payments will be converted after launch into subordinated debt securities of the agency. There will be a financial return for these capital subscriptions for establishment costs remunerated at commercial rates of return.
- 24 Once the Agency was established, this would be converted into subordinated debt securities and shown on the Council's balance sheet, with no impact on the General Fund. The contribution would be made over a period of time on the basis of progress in setting up the Agency.
- 25 Taking part in the set up of the agency does not commit the Council to borrowing but would give early access to cheaper borrowing if required.
- 26 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.

- 27 This report suggests expanding the lending list. The movement in previous years towards having a restricted lending list of UK-only 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 proposals in this report do create additional risk.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence

Agenda Item 8

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	The recommendation is concerned with investment management and does not directly impact upon a service provided to the community.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		No mitigating steps are required.

Conclusions

- 28 The effect of the proposal to widen the lending list, as set out in this report, is to allow the Council to effectively and efficiently manage cash balances.
- 29 If Members are minded to support the LGA's Municipal Bonds Agency, and it comes to fruition, a wider range of borrowing options will be available at potentially lower rates. This will help reduce the burden on the revenue budget.

Appendix: Local authority bonds – A local government collective agency (LGA, August 2012)

Background Papers: None

Adrian Rowbotham
Chief Finance Officer

Dr Pav Ramewal
Corporate Services Director & Deputy Chief Executive
Sevenoaks District Council
Council Offices
Argyle Road
SEVENOAKS TN13 1HG

1st August 2012

Dear Dr Ramewal

Local Authority Bonds

I am pleased to enclose the LGA's case for a local government collective agency to raise and issue council bonds.

Most council long-term borrowing is currently from the PWLB. The LGA started exploring this issue after the PWLB's interest rates were unexpectedly increased in October 2010 to 1% above the Gilts rate. That rise starkly exposed the risks of councils' dependence on a single lender.

We completed a business assessment informed by advice from City institutions. We worked with local government finance practitioners and looked at the lessons from other countries where local authority collective agencies operate successfully.

In normal market conditions, a local government collective agency should achieve a AAA/Aaa rating and provide loans at rates similar to proposed the PWLB "certainty" rate.

But beyond price we believe there are other important factors the profession need to consider:

1. There have been six changes to PWLB rates and conditions in the last three years; our proposed agency provides an alternative – reducing councils' exposure to shifting government lending policies.
2. By issuing collective bonds, an agency creates a market for local authority paper, making it cheaper and easier for individual councils to issue their own bonds.
3. An agency is a practical example of the local government sector working together to develop its own solutions. Rather than looking up central government our proposal is for councils to work together setting their own rules. This also ensures large and small authorities have the same potential access to capital finance.

Agenda Item 8

4. Generic local authority bonds are attractive potential investments. UK pension scheme advisers have expressed interest in local authority bonds. This agency could provide a mechanism for prudent investment by pension funds in local government infrastructure'.

Our proposals are grounded in the prudential code. This report only proposes borrowing that councils already regard as prudent and affordable, it is about existing borrowing being secured at best interest rates.

There are government proposals for a scrutiny rate. These are at an early stage, and the LGA will be working to ensure the potential ramifications of government scrutiny of council borrowing plans are appropriate.

We are arranging a series of meetings for finance professionals. We will explain the background to our report, explain why we think this is an important area and set out our vision for local government bond finance. We will use the meetings to determine if there is sufficient interest to take the next steps and to make this agency a reality. I very much hope you or one of your colleagues will be able to attend one of these events:

Date	Venue
Monday 10 th September 2012 (9:30 to 12:30)	Lancashire County Council Offices, Preston.
Wednesday 12 th September 2012 (9:30 to 12:30)	LGA offices Smith Square, London

Please confirm if you wish to attend by email to iva.simunkova@local.gov.uk or by calling 0207 187 7370 by no later than 31st August.

If you want to discuss the issues in this report, if there are issues that are not clear, or if you would simply like to learn more please do not hesitate to contact my colleague; Mark Luntley on 0207 664 3336 or by email on mark.luntley@local.gov.uk

Sincerely

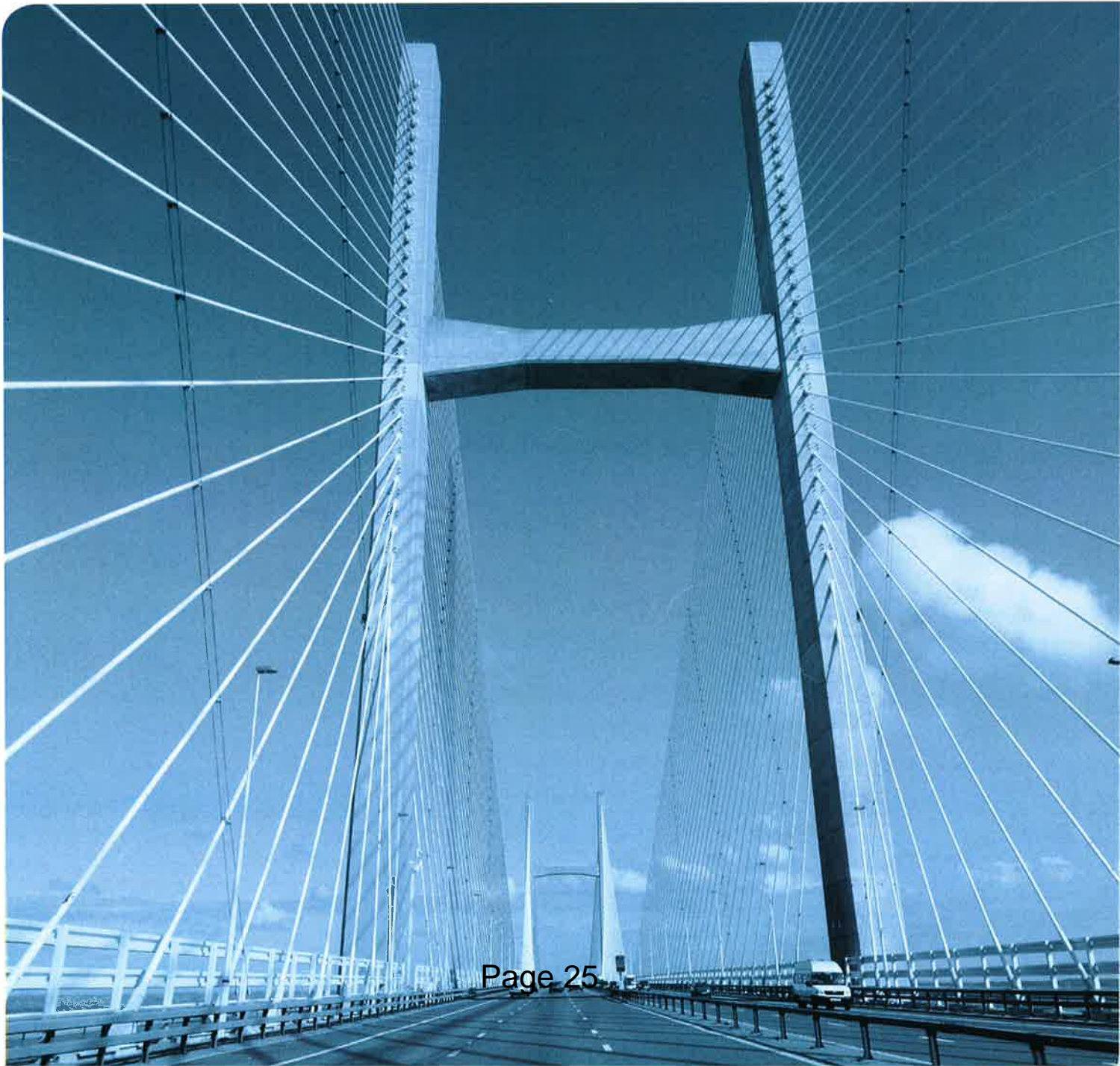
Stephen Jones

Director of Finance and Resources

enc

Local authority bonds

A local government collective agency



Introduction

Local authority capital spending pays for the roads, houses, schools and leisure facilities that are at the heart of our communities. This investment drives both economic growth and helps local authorities deliver efficiency savings.

In a typical year local authorities in England and Wales borrow around £5 billion to pay for this infrastructure. Most local authority borrowing has traditionally been from the Public Works Loans Board (PWLB). In October 2010 the PWLB increased its interest rate to 1 per cent above the government benchmark 'gilt' rate, whilst the March 2012 budget announced a 0.2 per cent decrease and a possible further reduction, rates will still be above the 2010 levels.

Some local authorities may respond by issuing their own bonds, and are securing independent credit ratings in anticipation of that. Those local authorities are achieving high credit ratings – reflecting the strength and quality of management in our sector.

But not every local authority will want or be able to borrow the amounts that make such bond issues economic. As a result the Local Government Association (LGA) in England and the Welsh LGA have worked together to establish if local authorities can use their buying power to help all local authorities gain access to lower cost borrowing.

We have looked at international examples, and commissioned experts in the City to advise us. We believe that in the long-term an appropriately structured and capitalised local authority-owned collective agency could raise funds from bonds markets, and lend it onto local authorities at competitive rates.

This agency could provide a benchmark for bonds issued by the local authority sector, benefitting those local authorities that choose to raise their own bonds. The agency would also ensure there is diversity of sources of capital funding, reducing council dependence on a single source of funds.

A local authority collective agency is not a new idea. They have existed for decades in other countries, and deliver low cost loans based on their AAA/Aaa credit ratings¹. Other local authorities, working with their national governments, from France to New Zealand are currently in the process of developing similar agencies.

This is a well managed and highly regulated area. Nothing in our proposals seeks to change the quality of governance. Indeed our proposals should further strengthen incentives for good financial management.

¹ 'AAA' is the form of rating used by Standard & Poor's and Fitch, while 'Aaa' is used by Moody's.

Our proposals will also not increase levels of local authority borrowing - local authorities decide that in reference to their ability to fund the long-term loan borrowing costs through the 'prudential code'. This is about local authorities – and taxpayers – getting the best interest rates and not paying unnecessary costs.

Our vision is for a solution developed by local government for local government, we believe an independent agency would deliver this outcome.

Councillor Edward Lord OBE JP



Introduction

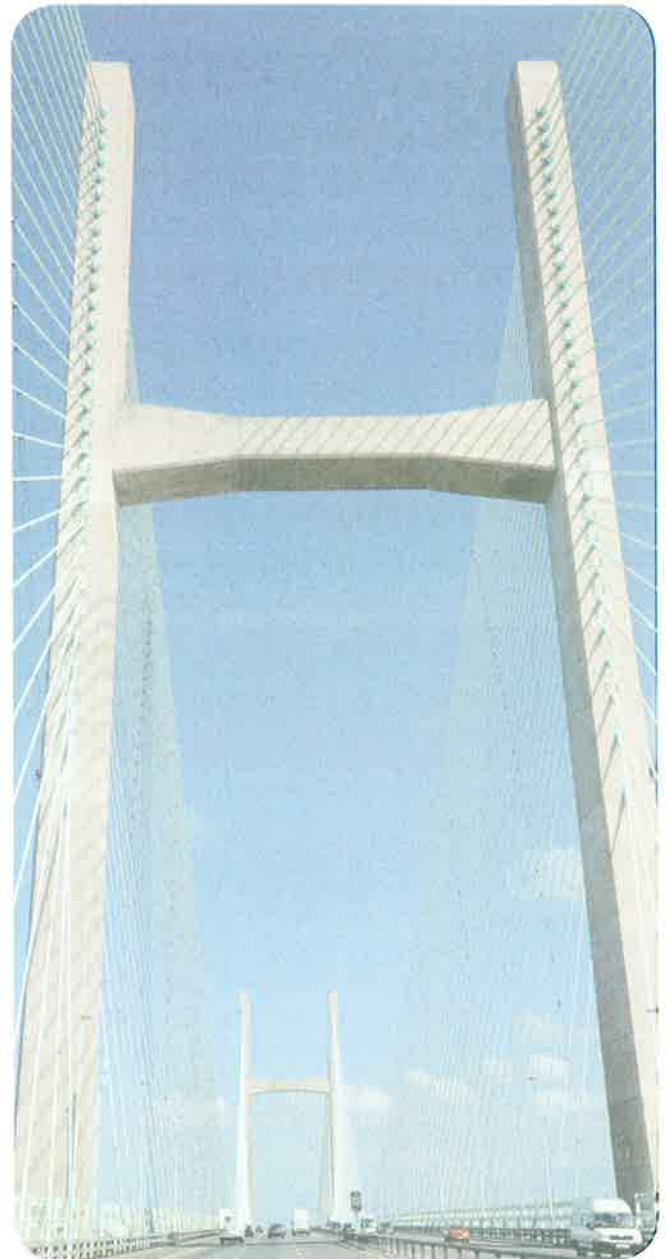
The Welsh Local Government Association (WLGA) is pleased to have been involved in this initiative to provide borrowing to Welsh local authorities at a more cost effective rate than the PWLB or the market has provided.

Wales faces a huge challenge as it seeks to maintain and develop its infrastructure and local government needs to invest in its assets to ensure they are fit for purpose to educate our young people, provide care for our older citizens and create an environment for businesses to establish and flourish.

The scarcity of capital from the Welsh Government coupled with its inability to borrow will only increase the need for local authorities to raise their own capital funding. This opportunity is not one that allows local authorities to borrow imprudently but rather to borrow in the most cost effective and efficient way from a source that is designed for the sector by the sector and on that basis I hope you engage fully in the next stage of the process.

John Rae

Director of Resources, WLGA



Local authority bonds

Financial investment by local government for local government

Infrastructure spending supports this country's long-term economic growth. Capital spending is also part of the way local authorities achieve efficiency savings. The Local Government Association (LGA) analysed the benefits of capital spending in its report: 'Funding and planning for Infrastructure' (2010) concluding that:

- every £1 spent on construction leads to an increase in UK GDP of £2.84
- every £1 spent generates a 56 pence return to the exchequer through tax revenue and benefit savings, and
- each £1 million allocated to road maintenance creates or safeguards ten to fifteen jobs and adds £500,000 to the local supply chain.

This report explains out how a council owned collective agency, could provide funds to support some of that capital spending. It explores the benefits of a sector-led approach and highlights some of the barriers that would need to be overcome.

The need for change

On 20 October 2010 the Government announced that the Public Works Loans Board's (PWLB) interest rates for loans to local authorities would be increased from 0.2 per cent to 1 per cent above the gilt rates. This significantly increased the interest cost on loans borrowed by local authorities.

Whilst larger authorities may be able to raise their own bonds, this option is not likely to be open to most authorities (because bond issues are typically over £150 million in size).

The lack of alternative sources of lending leaves local authorities vulnerable to further changes in the PWLB's terms of trade. This was illustrated by the March 2012 Budget, which signalled a proposed 0.2 per cent reduction in PWLB rates and possible further unspecified reductions, but in return for potential increased oversight of council spending, the detail of which remains unclear.

Councils need certainty when managing capital programmes if they are to make effective long-term funding decisions. With six changes in borrowing rules in three years, councils find it harder to make such plans.

The long-term case for a local government led solution is therefore not based solely on a quantitative, loan charge argument, it is a case which is also underpinned by the stability of having a solution which is managed by the sector, for the sector.

An evidence based review

In March 2011 the LGA Executive brought together senior council politicians from England and Wales. This group oversaw the work to establish if it was feasible for councils to establish a collective agency that could raise and on-lend funds to local authorities at a competitive cost.

A second, technical reference group comprising leading local government financial managers and the professional institute (the Chartered Institute of Public Finance and Accountancy, CIPFA) also reviewed proposals to ensure they technically sound and professionally robust.

Work was informed by independent advice commissioned from HSBC, legal firm Clifford Chance LLP and professional services firm Ernst and Young.

Looking outwards

Many examples of agencies already exist and in order to inform the business case international best practice was reviewed, from the Scandinavian agencies that have successfully operated for many years to the recent developments in France and New Zealand.

Each agency is different, but they share several common characteristics. National and local government work as partners and the agency role is focussed on ensuring the credit worthiness of the local government sector. Strong governance arrangements, agreed by all participants ensure prudent long-term decisions.

Robust option appraisal

A series of options were considered using HM Treasury's, 'five case' business model approach. The recommended option was for a council owned collective agency that gains its financial strength from its strong asset base (loans to local authorities) and risk capital placed with it by participating authorities and possibly third parties.

The agency

The proposed agency would raise funds from capital markets at regular intervals and on-lend funds to participating authorities. The agency would be rated by at least two credit rating agencies, and with appropriate capitalisation, subject to a variety of non-financial factors (including the way in which the agency interacts with/sits alongside the PWLB) and governance arrangements. The agency would seek to secure AAA/Aaa rating.

The collective agency does not rely on cross guarantees. This means no participating authority would find itself exposed to potential liabilities beyond its loan obligations and any risk capital it has invested in the collective agency.

The financial analysis carried out as part of the outline business case suggested that in 'normal market conditions', an agency should be able to raise funds to on-lend to participating authorities at rates broadly similar to the proposed PWLB 'certainty' rate. However, the ongoing upheaval in the financial markets makes it impossible to predict when more stable market conditions might return.

Although there is more detailed work to be done on the operations of the agency, it is envisaged it would be overseen by a board of directors. which would include:

- local government – with majority representation as the owners of the agency
- independent members, in particular those with credit, risk management or government backgrounds.

Challenges

There are a range of challenges and risks in establishing an agency.

The March 2012 budget announced a proposed 0.2 per cent reduction in PWLB loans. This means that the Government has matched the likely price that the proposed agency would achieve when more normal market conditions return. However the government has also made clear they will keep the underlying PWLB lending rate, upon which the discount is applied, under review. This means interest rates charged can still be varied at short notice.

The prospect of a further yet lower PWLB rate undermines the financial case for the agency. However the terms under which the possible lower PWLB rate might be available to councils remain unclear. There is a concern that these terms may require councils to submit to external scrutiny of capital spending, potentially undercutting elements of the prudential code. It is not clear if councils would want to participate in such an arrangement.

The business case assumed at least tacit support from government. Such support is critical in order for financial markets and bond investors to have confidence in the proposed agency. Securing and maintaining the necessary government support is a considerable risk as it appears that some parts of central government may be sceptical to the prospect of such an agency being created at this point.

Based on specialist advice from HSBC the business case assumed that the medium term bond markets would revert to a more normal state within a reasonable period, however the difficulties in the Euro area have continued and when markets are likely to return to normal conditions remains uncertain.

The business case assumed local authority borrowing would continue at approximately a similar level to the last few years. In fact over the last two years council borrowing has fallen by four fifths. This may be regarded as a temporary dip driven by multiple economic factors, or it may reflect a longer term trend as public spending is further squeezed.

Benefits

The aim is that a collective agency would deliver borrowing at broadly competitive rates. Being managed by local government, changes in lending policies would be the result of decisions by local government – as opposed to shifting central government policies.

This collective agency should help create a liquid market for local authority bonds. This should benefit those local authorities that decide they want to issue their own bonds.

Agenda Item 8

The collective agency should:

- provide a viable alternative and complimentary funding source to the PWLB
- create a new class of highly rated bonds of likely interest to UK insurance companies and pension funds (including local authority pension funds)
- avoid the expenses of a series of uncoordinated bond issues.

A membership-based collective agency can become part of a sector-led, coordinated approach to funding. The evidence from other collective agencies is that participating authorities will quickly intervene if a member authority appears to be in difficulties.

The collective agency can help promote local government. Other collective agencies work with bond purchasers and participating local authorities to strengthen understanding of the sector by all participants.

How the proposed agency would operate

The intention is that the agency will be a stable and credible counterparty for prospective bond investors. The governance of the agency will reflect the intended culture that is:

- Straight forward. The use of complex or opaque financial instruments will be avoided.
- Transparent. The activities of the agency will be open, the agency will follow modern public sector principles and publish comprehensive management information.

- Collective. The agency will balance the voices of smaller and larger authorities, much as in the way the LGA does at present. Views of other stakeholders will also be considered.
- Efficient. The agency will emphasise value for money, as income is drawn from public funds. Profits will be used to provide returns on the risk capital invested, and otherwise will be retained in the organisation to build its capital base.

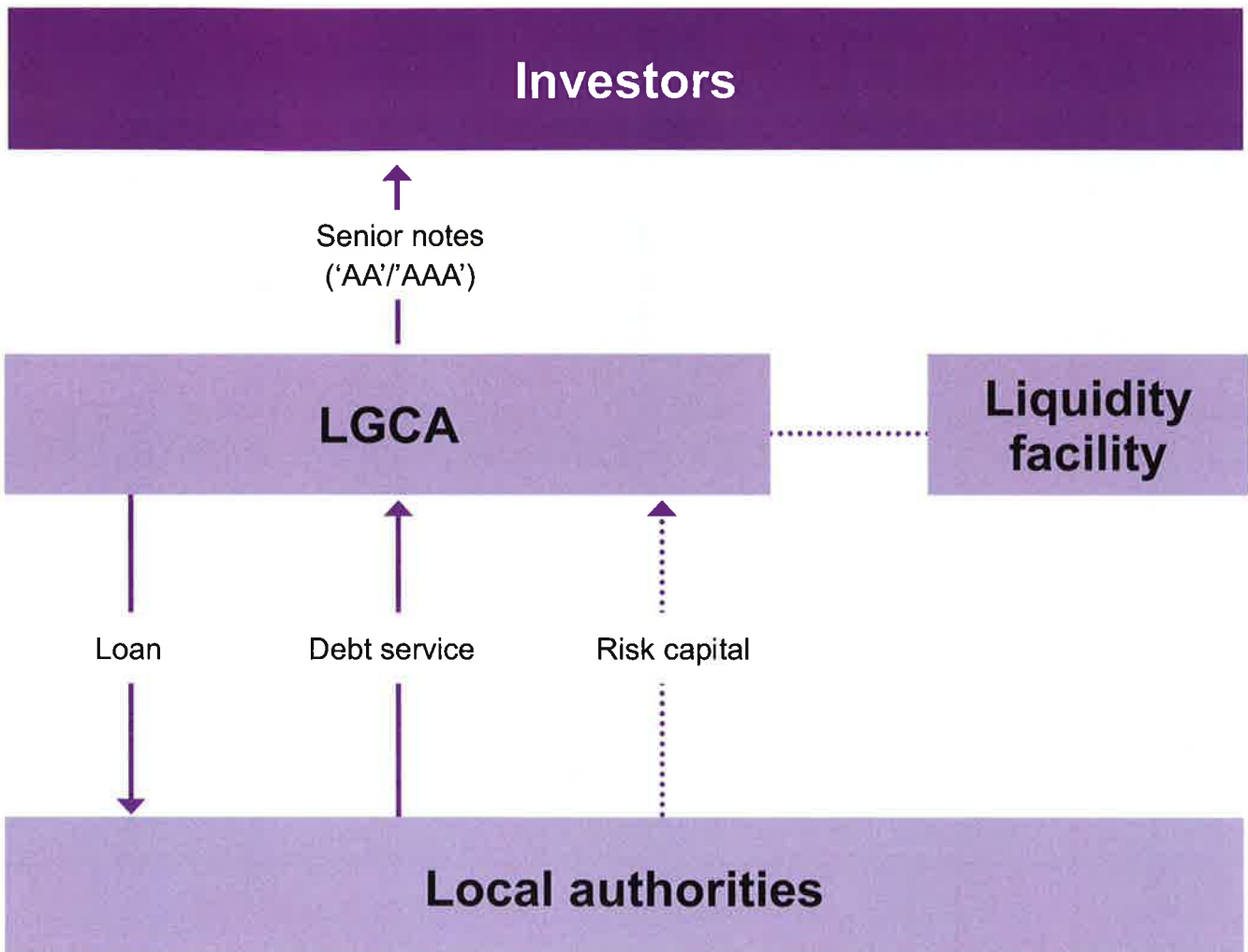
Structure and operating costs of the agency

The issuing entity would probably be a public limited company. Participating authorities or third parties will invest risk capital in the company. Any surpluses generated by the company will be retained within the organisation to:

- increase its capitalisation and (by increasing its financial strength) reduce borrowing costs to participating authorities.
- pay a return on the risk capital
- allow the repayment of the risk capital over time.

The proposed structure is set out below:

Figure 2: Agency structure



Factors that support a AAA/Aaa rating

Important elements in securing a AAA/Aaa credit rating include strong governance systems, appropriate capitalisation within the wider system of prudential borrowing.

Borrowing funds from the collective agency

The agency will aim to build a presence in the bond markets. In the medium-term the agency would look to develop a programme of regular issues.

The agency will aim to minimise the amount of funding it holds before on-lending. This would mean liaison between participating authorities and the agency as to when those funds are required. In the early years of operation a 'matched funding' approach may be adopted, minimising the risk of the agency holding significant unneeded funds.

The collective agency will require participating authorities to be operating within the prudential code system. However as the collective agency represents all participating authorities and its financial standing is based on their collective reputation, loan funding could not be assumed to be 'on demand'.

Retail bonds

The possibility of accessing the retail bond market has been considered. The London Stock Exchange is developing this market and the intention would be to monitor these developments.

Conclusion

The uncertainty about PWLB interest rates and a potential lack of competition means:

- the sector as a whole is vulnerable to changes to PWLB rates, making long-term capital planning difficult
- smaller local authorities are disadvantaged because they can't easily access the capital markets.

Local authority led collective agencies have successfully operated in a number of countries, in some cases for over a century. In other countries local authorities are currently establishing such agencies with the support of their national governments.

An agency has the potential to be an important part of the sector-led improvement agenda – by strengthening the already strong governance systems in place. Local authority bonds have proved attractive investments for pension funds in those countries that they operate.



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We consider requests on an individual basis.

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UPDATE ON THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN (ADMP)

Cabinet – 17 July 2014

Report of Chief Planning Officer

Status: For consideration

Also considered by: Local Planning & Environment Advisory Committee - 1 July 2014

Key Decision: No

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 this report sets out the Inspector’s main findings from the examination, of which the most significant were that the ‘reserve land’ (west of Enterprise Way in Edenbridge) be allocated now for residential development and that the document should be more specific about what redevelopment will be acceptable at Fort Halstead.

The main modifications now need to be subject to six weeks public consultation and this report seeks to go out to public consultation on these proposed modifications.

Portfolio Holder Cllr. Piper

Contact Officer(s) Hannah Gooden (7178)

Recommendation to Local Planning and Environment Advisory Committee:

It be resolved that the Local Planning and Environment Advisory Committee endorse the recommendation to Cabinet, to agree and consult on the main modifications to the ADMP.

Recommendation to Cabinet

- (a) That the main modifications to the ADMP be agreed and published for consultation (along with the Sustainability Appraisal) during a six week period to be agreed by the Portfolio Holder.
- (b) That the Portfolio Holder is authorised to agree minor presentational changes and detailed amendments to the consultation document to assist their clarity

Agenda Item 9

- (c) That the consultation document is published on the Council's website and made available to purchase in hard copy at a price to be agreed by the Portfolio Holder.

Reason for recommendation:

To allow the adoption of the ADMP in accordance with the Local Development Scheme.

Introduction and Background

- 1 The Allocations and Development Management Plan (ADMP) was agreed by Full Council for submission for examination by the Planning Inspectorate in February 2013. Since then the ADMP has been:
- published for interested parties to make comments on (between March and May 2013);
 - submitted for examination (in November 2013); and
 - examined through hearings (March 2014).

Whilst the hearings have now closed, the examination remains open until we receive the Inspector's report.

- 2 This report provides an update on the hearings and outlines the proposed 'main modifications' that the Inspector has recommended to make the Plan sound. These modifications will need to be subject to public consultation.

Proposed Main Modifications

- 3 The Inspector wrote to the Council in April setting out proposed 'main modifications' to the ADMP that he considers need to be made to make the Plan sound (see Appendix A) following the hearings. The majority of these modifications are actually relatively minor in scale. The modifications to the ADMP text are contained in the schedule at Appendix B. The modifications have been assessed to consider if they have any implications in relation to the Sustainability Appraisal that accompanied the ADMP, and this assessment is set out in Appendix C.
- 4 The two most significant modifications are the requirement for us to bring forward the allocation of the land west of Enterprise Way in Edenbridge for housing rather than continuing to allocate it as 'reserve land', and to provide greater certainty on the mix and scale of uses in the Policy relating to Fort Halstead.
- 5 The ADMP, as agreed by Full Council in 2013, included a policy that responds to the changes in circumstances at Fort Halstead since the Core Strategy examination, i.e. that DSTL had announced that they would be leaving the site. It requires that any redevelopment allows for the number of jobs accommodated on the site prior to DSTL announcing their departure to be re-provided and sets out policy criteria that will need to be satisfied before other uses, such as residential development, can be considered. It sought to provide flexibility to determine how the site should be redeveloped closer to DSTL's anticipated 2018 departure.

- 6 The Inspector has suggested that the ADMP should provide more certainty on the nature of the redevelopment of the site particularly with regard to residential development and the hotel. The Inspector has asked the Council to propose amendments to the plan to address this issue. Based on commercially sensitive viability evidence prepared by the landowner and independently appraised by consultants appointed by the Council, the Inspector accepts that significant residential development is needed if the Council's objectives for the site are to be achieved but the plan needs to provide clarity on the level of residential development that should be proposed. As set out in main modification 8 (MM8) at Appendix B, it is proposed that an employment-led redevelopment of the site should include an allocation of up to 450 dwellings. This takes into account the viability evidence, a Sustainability Appraisal and initial assessments of the impact on biodiversity and visual impact. In view of the size of the site and the existing amount of built development, this scale of housing would still leave scope for substantial commercial development as is capable of being accommodated within the Green Belt, AONB and other constraints.
- 7 If the proposed modification on Fort Halstead outlined in this report is agreed by Cabinet, the Inspector will want consider whether the proposed amendment addresses his concerns. If it does then he will instruct us to consult on this and the other 'main modifications' for a period of 6 weeks. Following the end of this consultation, we will need to process and send all comments on the Inspector, who will consider whether he still wishes to recommend the changes. The Inspector will set out his findings on the examination and the modifications in his final report, which we would expect to receive in autumn 2014. The Council would then need to resolve to adopt the Plan as Council policy.
- 8 Following a challenge to the ADMP from the landowner, the Inspector has recommended to the Council that it should allocate the Edenbridge Reserve Land for housing so that it can be developed during the plan period. Whilst not required to meet Core Strategy housing targets, the Inspector's reasoning appears to be that this site will make a valuable contribution towards meeting housing needs in the District. He appears to have found that there is limited harm in releasing this site, given that it is not within the Green Belt or AONB. The Council should have a fuller understanding of the Inspector's reasons for suggesting that the reserve land be allocated now once it receives his report at the close of the consultation.

Solihull Judgement

- 9 Since the end of the examination hearings there has been a high court judgement which could have implications for the adoption of the ADMP.

Gallagher Homes and Lincourt Homes v Solihull BC

- 10 The Inspector has asked us to consider the implications of a recent High Court decision (Gallagher Homes and Lincourt Homes v Solihull BC) that Solihull Council's recently adopted Local Plan (or parts of it) should be quashed on the basis that it was not sound. The High Court decided that this was the case 'because it is not based on a strategy which seeks to meet objectively assessed development requirements nor is it consistent with the NPPF' and because it had not proven that exceptional circumstances exist to reintroduce undeveloped land into the Green Belt.

Agenda Item 9

- 11 We have sought legal advice (as recommended by the Inspector) from Counsel to support the argument that the ADMP should not be found unsound because of this judgement, as the ADMP does not seek to make an objective assessment of housing need. A verbal update will be provided to committee as the legal advice has not yet been received at the time of drafting this report.

Conclusions

- 12 This report provides an update on recent progress and issues regarding the Allocations and Development Management Plan and recommends public consultation on the main modifications for six weeks.

Other Options Considered and/or Rejected

No other options considered at this stage.

Key Implications

Financial

None – costs of preparing ADMP part of planning policy budget

Legal Implications and Risk Assessment Statement.

Legal advice being sought on implications of Solihull judgement.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	EQIA have been carried out on the preparation of the ADMP. Impacts of proposed main modifications assessed via SA process.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	Yes	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		n/a

Appendices

Appendix A – Inspector’s letter to the Council regarding ‘main modifications’

Appendix B – Schedule of Main Modifications

Appendix C – Sustainability Appraisal assessment of the Main Modifications

Richard Morris, Chief Planning Officer

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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

24th April 2014

Appendix B – Main Modifications


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

The page numbers and paragraph numbering below refer to the submission ADMP.


Ref	Page	Policy/ Paragraph	Main Modification
MM1	P.23	New Policy EN5 (Landscape)	<p><u>Landscape</u> <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.</u></p> <p><u>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).</u></p> <p><u>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</u></p>

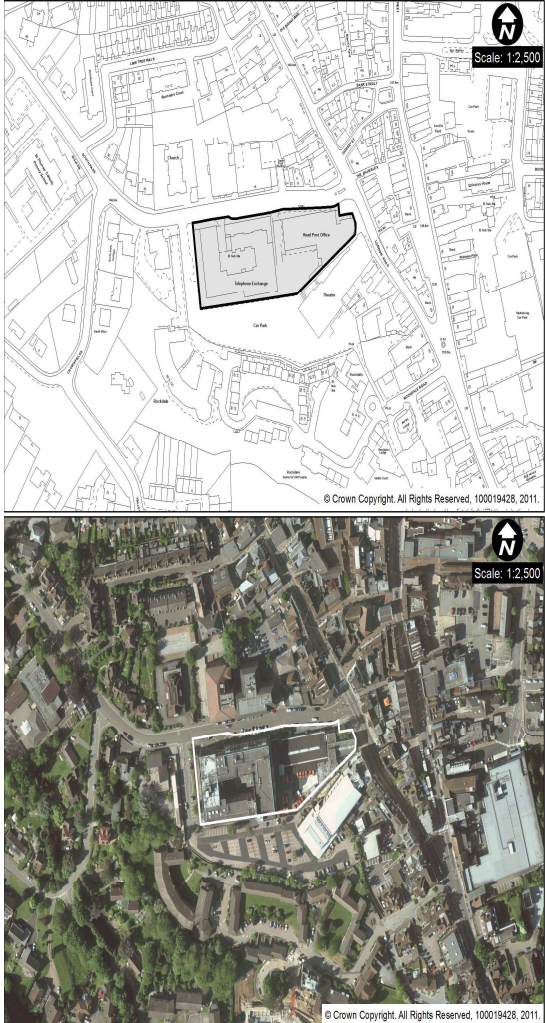
Agenda Item 9

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>in relation to the proposal.</u></p> <p><u>New Policy EN5: Landscape</u> <u>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.</u> <u>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 to the relevant Management Plan and associated guidance.</u> <u>Proposals that affect the landscape throughout the District will be permitted where they would</u> <u>a) conserve the character of the landscape, including areas of tranquillity, and</u> <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> <u>The Kent Downs and High Weald Management Plans</u> <u>The Kent Downs AONB Landscape Design Handbook (2006).</u> <u>Kent Downs AONB Farmstead Guidance (2012) and Managing Land for Horses (2011) and associated guidance</u> <u>The Sevenoaks Countryside Assessment SPD</u> <u>Parish Plans</u> <u>The Residential Extensions SPD</u></p>
MM2	Appendix 3	H1(c) Sevenoaks Gasholder Station, Cramptons Road	<p>Gross Area (Ha): 0.88 0.98 Net Area (Ha): 0.88 0.98 Approximate Net Capacity: 35- 39</p>

Ref	Page	Policy/ Paragraph	Main Modification
			 <p>(for note only: 107 Cramptons Road is now included in the site boundary)</p>
MM3	Appendix 3	H1(o) Warren Court, Halstead	<p>Landscape A buffer of woodland is required to protect and extend Deerleap wood to the rear of the site as shown on the accompanying map.</p> <p>Gross Areas (Ha): 1.1 Net Area (Ha): 0.69 1.0 (to reflect narrow access route) Approximate Net Capacity: 15 25</p>

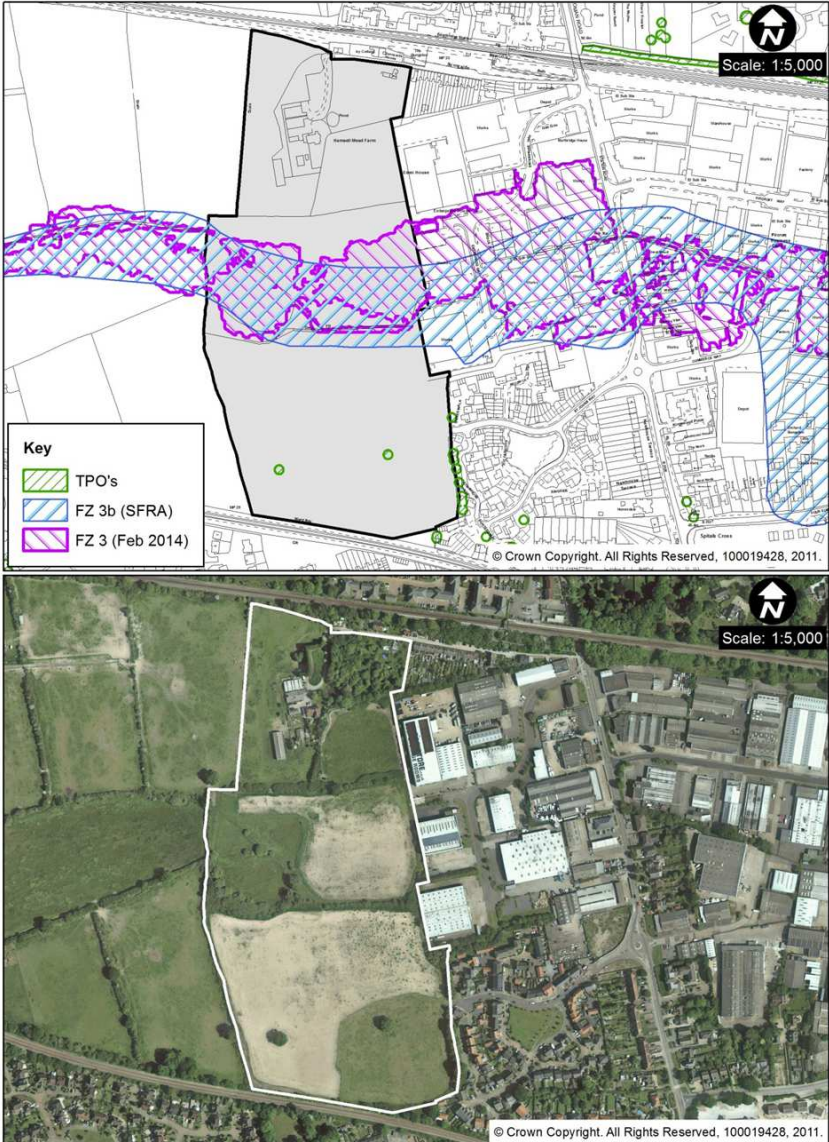
Agenda Item 9

Ref	Page	Policy/ Paragraph	Main Modification
			 <p>(for note only: the hashed area of woodland buffer has been deleted from the plan)</p>
MM4	Appendix 5	Policy H2(a) BT Exchange, South Park, Sevenoaks	<p>Site Address: <u>Delivery & 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): 0.36 0.6 Net Area (Ha): 0.36 0.6 Approximate Net Housing Capacity: 25 42</p> <p>Design and Layout <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</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>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	Appendix 5	Policy H2(f) Glaxo Smith Kline, Powder Mills, Leigh	<p>Site Address: Glaxo Smith Kline, Powder Mills, Leigh</p> <p>Development Guide: 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, 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’ or equivalent B1 floorspace would need to justify the loss of employment in line with Policy SP8 of the Sevenoaks</u></p>

Agenda Item 9

Ref	Page	Policy/ Paragraph	Main Modification
			<p>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	P.28	Reserve Land Paragraph 3.10	<p>3.10 In order to ensure that housing supply remains flexible the Core Strategy (through LO6) 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> <p>H1(p) Land West of Enterprise Way, Edenbridge</p>
MM6 cont.	Appendix 3	Policy H1 (p) Land West of	

Ref	Page	Policy/ Paragraph	Main Modification
		Enterprise Way, Edenbridge	 <p>(Note: See end of document for site allocation development guidance)</p>
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</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>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"> • <u>there is insufficient forecast demand for the specific land uses currently on the site;</u> • <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> • <u>the quality of existing buildings and infrastructure requires refurbishment or redevelopment which evidence suggests would not be viable, if necessary; and</u> • <u>the redevelopment for alternative uses would provide non-business use (Use Class B) jobs.</u> <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	P.41-43	Fort Halstead Policy EMP3	<p>Fort Halstead</p> <p>1.1 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>1.2 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</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>framework of the Core Strategy and relevant national planning policy</p> <p>1.3 Since the adoption of the Core Strategy, DSTL, the largest employer, has announced its intention to withdraw from the site by 2016<u>2017/8</u>. 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. 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.</p> <p>1.3—</p> <p>1.4 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 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:</p> <p>1. <i>It should be employment-led and should maintain the site's role as an important employment site in the District.</i> 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</p>

Agenda Item 9


Ref	Page	Policy/ Paragraph	Main Modification
			<p>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.</p> <p>2. <i>It should be deliverable.</i> 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, as set out in the CLUED granted by 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.</p> <p>3. <i>It should be comprehensive.</i> 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.</p> <p>4. <i>It should comply with sustainable development principles.</i> This should include provision of appropriate community facilities on site proportionate to the scale of the development, sustainable transport proposals for accessing the</p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p>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.</p> <p>5. <i>It should result in no increased impact on the Green Belt and AONB within which the site lies.</i> 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 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.</p> <p>1.4</p> <p>1.5 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.</p> <p>1.6 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</p> <p>Policy EMP3 - Redevelopment of Fort Halstead</p> <p>Fort Halstead, as defined in Appendix 6, is allocated as a Major Employment Site in the Green Belt.</p> <p>Redevelopment proposals will be expected to achieve a range of employment uses <u>appropriate to an employment site</u> such as <u>research and development serviced offices and workshops</u> 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. <u>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.</u></p> <p><u>Residential development of up to 450 units may also be permitted provided it forms part of a mixed used scheme that</u></p>

Ref	Page	Policy/ Paragraph	Main Modification
			<p><u>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.</u></p> <p><u>The inclusion of appropriate community facilities and infrastructure to support the sustainable development of the site consistent with the policy will be required.</u></p> <p>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.</p> <p>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:</p> <ul style="list-style-type: none"> • 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

Ref	Page	Policy/ Paragraph	Main Modification
			<p>phasing plan, including phasing of infrastructure provision, showing how each phase of the development will contribute to the implementation of the policy.</p> <p>Delivery Mechanism: 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>
MM9	P.44	<p>Broom Hill Paragraph 4.30</p> <p>Appendix 4</p>	<p>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. 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. 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.</p> <p>EMP4 Land at Broom Hill, Swanley</p>

Agenda Item 9

Ref	Page	Policy/ Paragraph	Main Modification						
		Appendix 9	 <p>(Note: annotation 'land to be maintained as open space' deleted on the western edge of the site)</p> <p>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).</p>						
MM10 & MM11	Various	Implementation and Monitoring Performance	<table border="1"> <thead> <tr> <th data-bbox="603 1883 1042 1935"><i>Performance indicator</i></th> <th data-bbox="1042 1883 1479 1935"><i>Proposed Target</i></th> </tr> </thead> <tbody> <tr> <td colspan="2" data-bbox="603 1935 1479 1973"><i>Environment pg 26</i></td> </tr> <tr> <td data-bbox="603 1973 1042 2011"><i>Number of applications for</i></td> <td data-bbox="1042 1973 1479 2011"><i>No demolitions should be</i></td> </tr> </tbody> </table>	<i>Performance indicator</i>	<i>Proposed Target</i>	<i>Environment pg 26</i>		<i>Number of applications for</i>	<i>No demolitions should be</i>
<i>Performance indicator</i>	<i>Proposed Target</i>								
<i>Environment pg 26</i>									
<i>Number of applications for</i>	<i>No demolitions should be</i>								

Ref	Page	Policy/ Paragraph	Main Modification	
		Indicators and Targets	<i>demolitions in Conservation Areas</i>	<i>granted contrary to advice from the Conservation Officer and/or English Heritage.</i>
			Housing pg 36	
			<i>Progress on delivering new housing on Housing Allocation sites</i>	<i>Housing allocations completed in line with the phasing set out in the development guidance in Appendix 3 of the ADMP</i>
			<i>Progress on delivering new housing on mixed use allocation sites</i>	<i>All mixed use allocation sites completed in line with the phasing set out in the development guidance in Appendix 5 of the ADMP</i>
			<i>Additional completed units from residential subdivision</i>	<i>No additional completed units granted contrary to policy or overturned at appeal following a refusal</i>
			<i>Number of completed housing sites with a net loss of units</i>	<i>No more than 5% of completed housing sites to have net loss during the plan period.*</i>
			Economy and Employment pg 45	
			<i>Maintenance of Employment Allocations and Major Developed Employment Sites in the Green Belt</i>	<i>No loss of Employment Allocations and Major Developed Employment Sites in the green belt</i>
			<i>Progress on Broom Hill development</i>	<i>Development completed within the Plan period.</i>
			<i>Change in Employment floor space in non allocated sites</i>	<i>No annual net loss of employment floor space across the District</i>
			Town and Local Centres pg 55	
			<i>Percentage of A1 frontage within Primary Frontages of Sevenoaks Town Centre</i>	<i>At least 70% A1 frontage within Primary Frontage of Sevenoaks Town Centre</i>
			<i>Percentage of A1 frontage within Primary Retail Frontage of Edenbridge Town Centre</i>	<i>At least 45% A1 frontage within Primary frontage of Edenbridge Town Centre</i>
			Green Infrastructure and Open Space pg 65	
			<i>Development of school playing fields</i>	<i>No development of school playing fields contrary to policy or overturned at appeal</i>
			The Green Belt pg 83	
			<i>Proportion of additional</i>	<i>90% of newly built</i>

Agenda Item 9

Ref	Page	Policy/ Paragraph	Main Modification	
			<i>employment floor space in Urban Confines</i>	<i>employment (B use classes), excluding replacement buildings, to be within the Urban Confines during the plan period**</i>
			<i>Proportion of completed housing in Urban Confines</i>	<i>80% housing units to be built within Urban Confines***</i>
			<i>Proportion of residential Green Belt applications overturned at appeal for: Extensions, Basements, Outbuildings, Replacement dwellings</i>	<i>No refused proposals for extensions, basements, outbuildings or replacement dwellings overturned at appeal</i>
			<i>Net additional caravan/mobile home units for agricultural and forestry workers in the Green Belt</i>	<i>No refused proposals for additional caravan/mobile home units for agricultural and forestry workers in the Green Belt overturned at appeal</i>
			<i>Leisure and Tourism pg 87</i>	
			<i>Additional Hotel and Tourist Accommodation Units in Urban Confines and Green Belt</i>	<i>No net loss of hotel and tourist accommodation in the District</i>
			<i>Additional Tourist attractions and facilities</i>	<i>No net loss of tourist attractions and facilities in the District</i>
			<i>Number of equestrian related applications overturned at appeal</i>	<i>No refused equestrian related development overturned at appeal</i>
			<i>Development at Brands Hatch</i>	<i>No refused proposals for development at Brands Hatch overturned at appeal</i>
			<i>Community Facilities pg 89</i>	
			<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>
			<i>Travel and Transport pg 94</i>	
			<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>

Ref	Page	Policy/ Paragraph	Main Modification	
			<p><i>Number of developments which depart from Vehicle Parking Guidance Note</i></p>	<p><i>No developments permitted which depart from Vehicle Parking Guidance Note</i></p>
			<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	Various	Implementation and Monitoring Core Strategy Performance Indicators and Targets	<p>Core Strategy Performance Indicator</p>	<p>Target</p>
			<p>Chapter 1. Sustainable Communities and Development Principles pg 14</p>	
			<p>Proportion of completed housing in main settlements of Sevenoaks, Swanley and Edenbridge</p>	<p>68% of the housing supply is 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.</p>
			<p>Change in Employment floor space in the Main Settlements</p>	<p>The overall stock of employment land to be maintained</p>
			<p>Proportion of additional employment floor space in Urban Confines</p>	<p>The overall stock of employment land to be maintained</p>
			<p>Proportion of completed housing in Urban Confines</p>	<p>No new dwellings were allowed on appeal by the Planning Inspectorate within the Green Belt</p>
			<p>Changes in Settlement Hierarchy services and facilities score for individual settlements</p>	<p>No loss of services and facilities that serve the local community within rural settlements</p>
			<p>Chapter 2. environment pg 26</p>	

Agenda Item 9

Ref	Page	Policy/ Paragraph	Main Modification	
			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
Chapter 5. Town and Local Centres pg 46				
			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
Chapter 6. Green Infrastructure and Open Space pg 56				
			Protection of Open Space Allocations	To maintain the Open Space allocations
Chapter 9. Community Facilities pg88				
			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

MM6 Appendix:

Site Address:	Land west of St Johns Way and Enterprise Way, Edenbridge	Settlement:	Edenbridge
Ward:	Edenbridge North and East	Proposed Allocation:	Residential and Open Space
Current Use / PP:	Greenfield and residential		
<p>Development Guidance:</p> <p>Design and Layout 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. 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. 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> <p>Landscape 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. 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> <p>Access 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. 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> <p>Infrastructure Contributions to CIL will be required. This should facilitate contributions to mitigate impacts of the development on infrastructure, including education.</p>			

Agenda Item 9

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.			
Gross Area (Ha):	11.8	Net Area (Ha):	9.2 (2.6ha flood zone)
Approximate Density (DPH):	30	Approximate Net Capacity:	276
Estimated Development Period:	0-5 years (2012-2016) and 6-10 years (2017-2021)	Source / Evidence Base:	Core Strategy Reserve Land

Implications for the ADMP sustainability appraisal report following the Main Modifications

		Modification	Soundness reason	Implications for the Sustainability Appraisal
MM1	New policy	New policy EN5 - Landscape (see HDC49)	Consistent with national policy	An appraisal will be carried out for this policy. The policy is consistent with the policies within the Core Strategy and the other proposed ADMP policies and is not expected to have any significantly negative impacts.
MM2	Policy H1(c)	Change Gasholders Site boundary (para 4.2.4 of Council's Statement on Matter 4)	Justified	The appraisal for this allocation will be updated. No change is anticipated.
MM3	Policy H1(o)	Warren Court buffer and amended housing area/figures (see HDC58)	Justified	The appraisal for this allocation will be updated. No change is anticipated.
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	The appraisal for this allocation will be updated. No significant change is anticipated.
MM5	Policy H2(f)	Powder Mills - introduction of flexibility regarding the retention of Building 12 (see HDC62)	Justified and effective	The appraisal for this allocation will be updated. No change is anticipated.
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	An appraisal will be carried out for this allocation taking into account the appraisal carried out for the Core Strategy Draft for Submission. The appraisal is not expected to identify any significantly negative impacts.
MM7	Paragraph 4.6	Clarification regarding the relationship between ADMP and CS policy SP8 (see HDC 52a)	Justified	No change to the SA is anticipated.
MM8	Policy EMP3	Clarify policy on Fort Halstead	Positively prepared, justified and effective	The appraisal for this allocation will be updated. Changes to the appraisal are anticipated to take account of additional housing.
MM9	Policy EMP4	Removal of open space designation at Broom Hill, Swanley (see HDC34)	Justified	The previous appraisal will be removed as it is no longer relevant.
MM10	Implementation and Monitoring	Performance indicators (see para 11.1.2 of Council's Statement on	Effective	No change to the SA is anticipated

		Matter 11)		
MM11	Implementation and Monitoring	Proposed targets (see para 11.1.5 of Council's Statement on Matter 11)	Effective	No change to the SA is anticipated
MM12	Implementation and Monitoring	CS targets added (see para 11.2.3 of Council's Statement on Matter 11)	Effective	No change to the SA is anticipated

UPDATE ON THE ALLOCATIONS AND DEVELOPMENT MANAGEMENT PLAN (ADMP)

SUPPLEMENTARY REPORT

Cabinet – 17 July 2014

Report of Chief Planning Officer

Status: For consideration

Also considered by: LPEAC (1 July 2014)

Key Decision: No

Executive Summary:

Supplementary report:

- Legal advice received and further question from the ADMP Inspector
- Table of minor amendments

Portfolio Holder Cllr. Piper

Contact Officer(s) Hannah Gooden (7178)

Gallagher Homes and Lincourt Homes v Solihull BC

- 1 The Inspector asked us to consider the implications of a recent High Court decision (Gallagher Homes and Lincourt Homes v Solihull BC) that Solihull Council's recently adopted Local Plan (or parts of it) should be quashed on the basis that it was not sound. The High Court decided that this was the case 'because it is not based on a strategy which seeks to meet objectively assessed development requirements nor is it consistent with the NPPF' and because it had not proven that exceptional circumstances exist to reintroduce undeveloped land into the Green Belt.
- 2 We have received a legal opinion (Appendix 1) to support the argument that the ADMP can be found sound, in the absence of an NPPF objectively assessed housing need. In summary, the advice sets out that as long as the Inspector understands and has regard to the NPPF, it is open for him to form the view that the Plan is sound, provided he has given reasons for doing so. The absence of an objectively assessed housing need assessment can be mitigated by a commitment by the Council to an early review of the Core Strategy. A recent high court judgement (Grand Union v Dacorum BC) on 12 June held that it was entirely lawful for a plan to be made sound, in circumstances where there was no objectively

Agenda Item 9

assessed need, by a commitment to an early review. The Planning Inspector who made this decision in Dacorum is the same Inspector who is examining the ADMP in Sevenoaks.

- 3 The advice highlights that the Planning Practice Guidance (published in March 2014) states that local plans 'may be found sound conditional upon a review in whole or in part within five years of adoption'.
- 4 The advice also sets out that the Gallagher judgement is under challenge to the Court of Appeal.
- 5 Subsequent to receiving our legal advice, the Inspector has set out a further question (Appendix 2) – Question Nine – Review of the Core Strategy. This states that there should be a commitment from the Council to undertake a review of the Core Strategy, in the section on P.11 of the ADMP. This would be to demonstrate that the Council is keen to ensure it has up-to-date policies in place that are in accordance with the NPPF.
- 6 This would be a commitment to a review and it may be that the Council decides, having assessed the up-dated evidence, that only certain elements of the Core Strategy need reviewing - at this stage it does not commit the Council to any specific course of action in terms of policies and proposals and the outcome of the review cannot be pre-judged. The report on the Local Development Scheme (which is also being considered by this committee) sets out the first steps for undertaking a Core Strategy review, namely the consideration of housing targets.
- 7 It is anticipated that this proposed amendment to the Plan will be considered as an additional main modification, which will be subject to consultation with the other main modifications as set out in the original report.

Minor Amendments to the Plan

- 8 In addition to the Main Modifications, there are a number of proposed Minor Modifications to the Plan. These are proposed by the Council and are being made either in response to issues raised by third parties in their submission statements, or as a result of the hearing proceedings, and are predominantly factual amendments. Minor Modifications do not affect the soundness of the Plan and can be made without the need to be formally agreed by the Planning Inspector, and are not subject to further public consultation. They are small 'tweaks' to the text that improve the Plan but do not alter its intent to any significant degree.
- 9 Details of the Minor Modifications proposed, including those already agreed at Submission stage, are set out in Appendix 3.

Update Following LPEAC on 1 July 2014

- 10 A further proposed amendment to the Council's proposed text for the main modification in relation to Fort Halstead (MM8) was tabled, relating to the need for a range of employment uses on the site. This additional wording is set out (in double underline) in Appendix B of the main report.

- 11 In relation to the Inspector's Question Nine, as set out in paragraphs 5-7 above, the Council has responded with the following wording to be inserted into the ADMP: *'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'*.
- 12 Officers also committed to organising three drop-in information sessions (in Sevenoaks, Swanley and Edenbridge) during the consultation on the main modifications, in order to assist understanding of the proposed changes.

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INSPECTOR'S QUESTION 8

GALLAGHER HOMES LTD AND LIONCOURT HOMES LTD V SOLIHULL METROPOLITAN BOROUGH COUNCIL

OPINION

1. The inspector appointed to examine the Sevenoaks Allocations and Development Management Plan has sought a response from the Council to address two matters arising from the judgement of Hickenbottom J in Gallagher Homes Ltd and Lioncourt Homes Ltd v Solihull Metropolitan Borough Council [2014] EWHC 1283.

Issue 1

Adoption of a plan that is not supported by a figure for objectively assessed housing need (within the meaning of the NPPF).

Legal Context

2. The inspector's role at the examination is to examine the plan and determine whether the plan (i) complies with various procedural requirements (ii) whether the plan is sound (iii) whether the local planning authority has complied with any duty imposed to co-operate in relation to its preparation (section 20 (5) of Planning and Compulsory Purchase Act 2004 "the 2004 Act").
3. Those involved in plan-making and decision-taking in a planning context must interpret relevant policy documents properly (see: Tesco Stores Ltd v Dundee City Council [2012 UKSC 13 at [17]-23] per Lord Reed).
4. Paragraph 182 of the NPPF gives advice as to what is meant in section 20 of the 2004 Act by a local plan being "sound":

Agenda Item 9

“The Local Plan will be examined by an independent inspector whose role is to assess whether the plan has been prepared in accordance with the Duty to Cooperate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a plan for examination which it considers is “sound” – namely that it is:

- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.
5. The Court of Appeal has considered the proper approach to be applied in respect of the term “soundness” and the approach to government guidance in this context. In Barratt Developments Plc v City of Wakefield Metropolitan Borough Council [2010] EWCA Civ 897 , Carnwath LJ (as he then was) considered “soundness”, then found in a similar context in the pre-NPPF Planning Policy Statements. His guidance remains apposite (see Zurich Assurance Limited v Winchester City Council [2014] EWHC 758 (Admin) at [114] per Sales J). Carnwath LJ said:

“11. I would emphasise that this guidance, useful though it may be, is advisory only. Generally it appears to indicate the Department’s view of what is required to make a strategy ‘sound’, as required by the statute. Authorities and inspectors must have regard to it, but it is not prescriptive. Ultimately it is they, not the Department, who are the judges of ‘soundness’. Provided that they reach a conclusion which is not ‘irrational’ (meaning ‘perverse’), their decision cannot be questioned in the courts. The mere fact that they may not have followed the policy guidance in every respect does not make the conclusion unlawful.

....

33. ... As I have said, ‘soundness’ was a matter to be judged by the inspector and the Council, and raises no issue of law, unless their decision is shown to have been ‘irrational’, or they are shown to have ignored the relevant guidance or other considerations which were necessarily material in law.”

6. Therefore, whether a plan is “sound” for the purposes of Section 20(5) of the 2004 Act is a matter of planning judgment for the inspector, and is subject to challenge only on normal public law grounds. The court is not concerned with the merits, which are a matter entirely for the inspector. However, in accordance with those principles, an inspector would err in law if he fails to take relevant guidance into account, or fails to deal with a “material controversy” (see Barratt at [45]).

7. In so far as the term “objectively assessed needs” is concerned paragraph 47 of the NPPF is to be interpreted as follows:

“... The words in [the first bullet point of paragraph 47], ‘as far as consistent with the policies set out in the Framework’ remind one that the Framework is to be read as a whole, but their specific role in that sub-paragraph seems to me to be related to the approach to be adopted in producing the Local Plan. If one looks at what is said in that sub-paragraph, it is advising local planning authorities:

to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework.’

That qualification contained in the last clause quoted is not qualifying housing needs. It is qualifying the extent to which the Local Plan should go to meet those needs. The needs assessment, objectively arrived at, is not affected in advance of the production of the Local Plan, which will then set the requirement figure.” (City and District Council of St Albans v Hunston Properties Limited and the Secretary of State for Communities and Local Government [2013 EWCA Civ 1610 at [25] – [26] per Sir David Keene).

8. Section 19 (2) of the 2004 Act provides:

In preparing a [development plan document or any other] local development document the local planning authority must have regard to–

(a) national policies and advice contained in guidance issued by the Secretary of State;

(h) any other local development document which has been adopted by the authority;

9. The duty is to have regard to Government Policy – provided it has regard to it, the decision maker is entitled to depart from it so long as it gives adequate reasons for doing so (Carpets of Worth v Wyre Forest (1991) 62 P & CR 334 and Laing Homes v Avon County Council (1993) 67 P & CR 34).

10. In the light of the Gallagher judgement, the issue for the inspector is, in short, whether the plan can be found sound in the absence of an NPPF objectively assessed housing need.

Advice

11. Having regard to the above principles it is plain that as long as the inspector understands and has regard to the NPPF, it is entirely open to him to form the view that the plan is sound notwithstanding that there is not an objectively assessed housing need potentially subject to modifications.

Agenda Item 9

12. In the present situation the Council adopted its Core Strategy in February 2011 prior to the publication of the NPPF and the abolition of the South East Plan. The Council does not contend that it has established its objectively assessed housing need pursuant to the NPPF either in the Core Strategy or the ADMP. It has been clear from the outset that the housing targets in the Core Strategy will fall short of the housing need for the area.
13. The Council began work on the evidence base for the ADMP in 2007. Work on the Strategic Housing Land Availability Assessment SHLAA took place in 2008/9 and the first consultations took place in 2010 with further consultations in 2011. A substantial amount of work was undertaken before the NPPF and the changes to the local development framework.
14. The Council took the pragmatic decision to progress the ADMP to examination given the extensive work already done rather than commencing a Local Plan Review (including objectively assessed housing need) which could have meant considerable wasted time, effort and expense and essentially disregarding 5 years work.
15. The benefits of adopting the ADMP were also considered. These include updated development management policies which are consistent with the NPPF. Importantly, the ADMP includes site allocations for housing, employment, mixed use and open space. The ADMP allocates suitable sites to meet the Core Strategy housing target and includes a buffer to provide flexibility. The Council will also be allocating reserve land for approximately 275 units and proposals for redevelopment of other land with housing elements.
16. For each of the housing sites in the Plan, the Council has drafted detailed development guidance covering design, layout, landscaping, access, infrastructure and delivery which will result in sustainable, well planned development.
17. The Plan is focussed on implementation and bringing forward development. The Plan will shape sustainable development within the District and respond to local needs and character. The allocations will promote plan-led development and protect designated land such as the Green Belt at 93% and AONB at 61%.
18. The Council considers that if it had abandoned work on the ADMP when the NPPF was published and commenced a local plan review, this would have wasted 5 years work but also meant that the Council would have had to start again in a process which would inevitably take several years. In the absence of the ADMP there would have been a planning vacuum which would have resulted in planning applications coming forward on an ad hoc basis and for there to be planning by appeal to a large degree and not determined on a plan led basis.
19. Instead, the ADMP is the planned spatial expression of the policies and targets set out in the Core Strategy adopted in February 2011. The ADMP plays an important role in identifying how the strategic CS policies will be implemented including the scale and distribution of development.
20. The ADMP will therefore help boost sustainable housing supply through the certainty brought about by its allocation policies and detailed development guidance. The fact that the ADMP does not provide for objectively assessed needs pursuant to the NPPF and

therefore the whole need for the District can readily be addressed by a commitment by the Council to an early review of the Core Strategy.

21. Indeed, the Planning Practice Guidance published in March 2014 states that local plans “may be found sound conditional upon a review in whole or in part within 5 years of adoption”.
22. The Council has already given a commitment to an early review of the Core Strategy for the purpose of undertaking an objective assessment of its need.
23. The difficulty in the Gallagher case was that the judge considered that the inspector had not understood the meaning of objectively assessed need in the NPPF. The judge acknowledged that the inspector could have departed from the precise terms of the NPPF if he had given reasons for so doing. However, in the judge’s view, the inspector had misunderstood the meaning of the NPPF (see for example: paragraph 79 of Gallagher).
24. The approach I have advised may lawfully be taken above was recently considered in the case of Grand Union Investment v Dacorum BC [2014] EWHC 1894 (Admin). In a judgement handed down on 12 June 2014, Lindblom J, a judge experienced in planning matters held that it was entirely lawful for a plan to be made sound in circumstances where there was no objectively assessed need by a commitment to an early review.
25. He rejected the submission that such an approach was unlawful and held as follows:

67. The assessment of soundness was not an abstract exercise. It was essentially a practical one. If the core strategy as submitted was unsound, the inspector had to consider why and to what extent it was unsound, what the consequences of its unsoundness might be, and, in the light of that, whether its unsoundness could be satisfactorily remedied without the whole process having to be aborted and begun again, or at least suspended until further work had been done.

68. The inspector did that. The genesis of Main Modification 28 lay in his view that the work done in the preparation of the core strategy was not so defective, and the evidence on which it was based not so incomplete, that it had to be rejected as unsound in any event. If he had seen the potential unsoundness as irremediable, he would not have issued his preliminary findings suggesting, as one option for addressing that problem, the mechanism of an early partial review. By the time he came to write his report the Council’s commitment to that review and the agenda for it set out in the additional text in paragraphs 29.7 -29.10 of the core strategy were, in his view, enough to make the document sound at the point of its adoption. Though he could not be sure that the core strategy in its adopted form would provide to the fullest possible extent for the housing needs of the borough all the way through to the end of the plan period in 2031, he had enough confidence in it to be able to conclude that, as modified, it was sound.

69. Main Modification 28 was, in the inspector’s judgement, a sufficient solution – a solution proportionate to the problem. I do not think this was an irrational view. On the contrary it was entirely reasonable. The inspector described the Main

Agenda Item 9

Modification 28 as “pragmatic, rational and justified.” That, in my opinion, would be a fair description of his own conclusions. And the reasons he gave for those conclusions were not only adequate and clear, but make perfectly good sense. Another inspector might have come to a different view, I accept that. But that does not mean this inspector’s conclusion, formed on the evidence and representations which he had heard, was bad as a matter of law. And I do not think that it was.

70. The inspector neither neglected nor misunderstood any relevant aspect of government planning policy. He plainly had regard to the principles in national policy bearing on the matters he had to consider. He referred to the relevant parts of the NPPF-including paragraphs 47, 83 and 159 – both in his preliminary findings and in his report. He began his report by acknowledging the four criteria of soundness in paragraph 182. The assessment which led him to suggest the option of a main modification started with the his finding that the Council ought to have assessed the full housing needs of its area for the plan period as policy in the NPPF required. The course he suggested, which the Council followed by promoting Main Modification 28, was intended to ensure that the relevant objectives of national policy in the NPPF would be met.

26. In my view, the Council’s position in the present case has a further dimension which lends support to its approach. There is an existing Core Strategy. Section 19 of the 2004 Act requires regard to be had to other development plan documents. There is no reason why the inspector should not find the ADMP sound by reason of having regard to the need to implement the policies in the Core Strategy to deliver sustainable development through a plan led approach subject to an early review of the housing need numbers in order to comply with the aims of the NPPF.
27. The present situation is readily distinguishable from Gallagher and more akin to that in the Grand Union case.. As long as the inspector has regard to and understands the national policy in NPPF, it is entirely open to him to find the ADMP sound for the practical and pragmatic reasons set out above. The requirement for an early review is a proportionate response to the issues raised the NPPF.

Issue 2

The proper test for revising Green Belt boundaries

28. Paragraph 83 of the NPPF provides that Green Belt boundaries should not be altered other than in exceptional circumstances. The judge in Gallagher took the view that this meant that, in principle, it was necessary for there to be some event which rendered the assumptions upon which the boundary was originally set to be falsified in some way. He based this on his interpretation of the judgement in COPAS v Royal Borough of Windsor and Maidenhead [2001] EWCA Civ 180.

29. COPAS was fact specific. The inspector had found the “necessity” for the revision to include land in the Green Belt essentially having regard to one planning appeal decision which made certain judgments about the openness of the land and certain listed buildings. This decision, the inspector considered led to “an incongruous anomaly”.
30. It was against that background that the Court of Appeal rejected the inspector’s approach and held that more was required than merely a planning judgement in that context. The words in COPAS at [40] and quoted in Gallagher at [130] should not be taken too literally (see: R (Hague) v Warwick District Council [2008] EWHC 3252 at [29] –[30] where a clear error in the original decision was sufficient).
31. COPAS did however emphasise again that the policy guidance in the then PPG 2 could be departed from as long as adequate reasons for so doing were provided. This is also explained in Laing Homes where Brooke J (as he was) held that it was lawful for a finding to be made that the boundary should change without having to decide if the circumstances for so doing were exceptional as long as regard is had to the policy and adequate reasons provided.
32. There are three sites in the plan which the Council seeks to make modifications to the Green Belt boundary. It is difficult to see why the alteration which arises in the context of the Billing Hill Shaw site in Hartley should not be made. It was previously recommended to be made by an earlier inspector on the basis of apparent cartographical errors dating from 1984 and 1994 which led to its exclusion from the Green Belt. The Council expressly included a statement in the Sevenoaks Plan 2000 at paragraph 13.24 that it accepted the recommendation and would make the change “at the earliest opportunity”. I am instructed that the present ADMP provides this opportunity. The judgement in Hague held that an error in the original decision could satisfy the test in COPAS.
33. The next site is Warren Court Farm, Halstead. This site also appears to have some anomalies relating to its inclusion in the Green Belt. If the inclusion of the site can be shown to be erroneous, it would also fall within the principles in Hague. The existing boundary of the Green Belt is sought to be altered to allow for the allocation of residential development having regard to the earlier allocation without the constraint of the Green Belt policy restrictions. In the light of the existing allocation of part of the site, the need for the allocation and the anomalies already existing in respect of its Green Belt boundary, it seems to me that this could be sufficient to constitute exceptional circumstances, particularly having regard to the need to clarify the uncertainty in connection with the site. If there is any doubt about this, there is no reason why the alteration should not be made in any event, as long as the exceptional test is had regard to (see: Laing Homes [54]). It would be open to the inspector to find that, even if there are not exceptional circumstances, it is appropriate to make the amendment for the above reasons. As noted above, policy may be departed from as long as adequate reasons for so doing are provided.
34. The third site is College Road and Crawfords, Hextable. There is no particular error identified in this case. However, it is considered that the character of the site has changed due to the

Agenda Item 9

level of the development on the site since it was first designated in 1958 and its location adjacent to the village envelope.

35. There is no detailed planning history available relating to the numerous buildings on the site nor what very special considerations were considered to exist to justify the development that has taken place. Some appears to be permitted development. Be that as it may, it seems to me that the significant change on site as a matter of fact since 1958 is capable of nullifying original assumptions made as to its inclusion in the Green Belt. Again, if exceptional circumstances are not considered to arise, it would be open to alter the boundary in any event, as long as adequate reasons were provided for not applying the policy test.
36. It is worth noting that the Gallagher judgement is under challenge to the Court of Appeal on both grounds albeit permission to appeal has not yet been granted.
37. In all the circumstances, for the reasons set out above, in my view, it would be sound in law for the Council to prepare and adopt the ADMP based on its approach to housing need and the proposed revisions to the Green Belt.
38. Those instructing me should not hesitate to contact me to discuss any matters arising from this advice.

**SAIRA KABIR SHEIKH QC
FRANCIS TAYLOR BUILDING
TEMPLE EC4Y 7BY**

17 JUNE 2014

Inspector's Question 9

Review of the Core Strategy

Planning Practice Guidance confirms that the preferred approach is for each local planning authority to prepare a single local plan for its area and that to be effective plans need to be kept up-to-date. Most local plans are likely to require updating in whole or in part at least every five years.

The Sevenoaks Core Strategy (CS) was submitted to the Planning Inspectorate in June 2010 and was adopted in February 2011. The revised Preferred Options document was prepared in 2008. The evidence on which the CS is based pre-dates the NPPF and concerns were raised at the hearing sessions on the Allocations and Development Management Plan (ADMP) about the validity of some of the evidence, for example in terms of housing supply.

It was not my task to examine the Council's strategic approach as embodied in the CS but I do understand the concerns that have been raised and in this light I consider that there should be a commitment from the Council to undertake a review of CS and that such a commitment should be referred to in the ADMP in the section on page 11. In this way it can be demonstrated that the Council is keen to ensure that it has an up-to-date suite of policies and proposals to deliver sustainable growth in accordance with the NPPF.

I would welcome a response from the Council by Friday 4 July.

David Hogger

Inspector

23 June 2014

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Sevenoaks District Council

**Collated Schedule of Proposed Minor Amendments
to the Allocations and Development Plan (ADMP)**

The following schedule contains minor amendments the Council proposes, taking account of representations made during the pre-submission period and during the examination and providing clarification through factual updates, drafting corrections and presentational changes.

In setting out the amendments, new text is shown in italics.

Chapter	Para no./ Policy no.	Amendment	Reason
Front Page		Delete date and insert current date Delete 'Draft for Submission' Delete 'Local Development Framework'	Factual update.
Document Footer		Delete date and insert current date	Factual update.
About the Allocations and Development Management Plan page		Delete the boxes entitled About the ADMP and How to view the consultation documents	Factual update
Allocation and Development Management Policy Listing	EN5	Re-number EN policies to reflect insert of EN5 (New Landscape Policy)	Factual update
	Against GB7 (pre-sub)	Delete 'Non Residential' and replace with 'a'. Delete the 's' in the word 'Buildings'.	Factual correction. Responds to ADMPS198
Foreword and Background Information		Delete 'will eventually replace' and insert the word 'replaces'	Factual update.
	(pre-sub)	Delete 'will also be' and replace with ' <i>has been</i> ' after 'A Community Infrastructure Levy (CIL) Charging Schedule'	

Chapter	Para no./ Policy no.	Amendment	Reason
	Preparation of the Allocations and Development Management Plan (ADMP) table	<p>In the last bullet point, delete 'on adoption it will replace' and insert 'replaces'</p> <p>Preparation of the ADMP – delete the paragraph starting In the process...</p> <p>Delete 'This consultation'.</p> <p>(Publication) delete Spring 2013 and replace with <i>March-May 2013</i></p> <p>(Submission) Delete 'Summer 2013' and replace with ' <i>November 2013</i>'.</p> <p>(EiP) Delete 'Autumn 2013' and replace with '<i>March 2014</i>'</p> <p>Delete 'Winter 2013' and replace with '<i>Summer 2014</i>'.</p> <p>Delete 'Early 2014' and replace with '<i>Summer 2014</i>'.</p> <p>Highlight in green – adoption of the ADMP</p>	
Foreword and Background	P.10	<p>Insert the following text at the end of the Chapter</p> <p><u>Monitoring the performance of the Plan</u></p> <p><u>For each section of the plan there is a list of performance indicators, which are the measures that will be used to monitor how the policies are working. The Allocations and Development Management Plan is to be read alongside the Core Strategy and as such there are performance indicators which measure the success of policies in both documents, this is indicated next to the relevant indicator. For some indicators there are also targets, which cover critical measures of success for the plan as a whole. The Authority Monitoring</u></p>	To provide greater clarity

Chapter	Para no./ Policy no.	Amendment	Reason
		<u>Report will report on progress against performance indicators and targets and recommend actions where necessary to keep the plan on track. Where key Performance Indicators are repeatedly not met, and there is no specific explanation or extenuating circumstances, this would trigger a review of the Plan or a targeted review of the specific policies. The Plan period runs until 2026, and therefore in any event, a review of the Plan will commence to allow a replacement plan to be in place by this date.</u>	
Sustainable Communities & Development Principles	1.1 (pre-sub)	Delete 'and regional' after 'national'	Factual correction
Environment	2.3 (pre-sub)	Insert ' <i>and other AONB supporting guidance</i> ' after 'Countryside Assessment and AONB Management Plans'	Additional text ensures that the document remains live and refers to a wide range of up to date available guidance. Responds to ADMPS51 and ADMPS52
	2.4 (pre-sub)	Delete 'The Council will resist proposals that result in an unacceptable material loss of amenity in relation to crime, fear of crime, disorder or anti-social behaviour.'	Factual correction
	2.6 (new paragraph) (pre-sub)	Insert ' <i>2.6 In assessing opportunities for retaining and enhancing green infrastructure features, the District Council will consider both green infrastructure and the water environment and where possible will seek enhancement opportunities to restore, recreate and extend biodiversity</i>	To add clarity as to how policy EN1 will be interpreted in respect of Green

Chapter	Para no./ Policy no.	Amendment	Reason
		<i>potential. Further guidance can be found in the biodiversity technical appendix of the Kent Design Guide at and Planning for a healthy environment- good practice guidance for green infrastructure and biodiversity, Town & Country Planning Association/ The Wildlife Trust, 2012 after paragraph 2.5</i>	Infrastructure and Biodiversity. Responds to ADMPS104, ADMPS106, ADMPS110 and ADMPS179.
	EN1g) (pre-sub)	Insert ' <i>where appropriate</i> ' between 'would be inclusive and' and 'make satisfactory provision'	To more accurately reflect disability standards which do not apply to all development. Responds to ADMPS38
	EN1 – Delivery Mechanisms (pre-sub)	Insert ' <i>Kent Design Guide,</i> ' between 'The' and 'Residential Extensions'. Delete 'residential' after 'detailed design guidance for'. Insert ' <i>The Kent Downs and High Weald AONB Management Plans will be used where relevant.</i> ' after ' <i>provide detailed design guidance for development</i> '.	To make the Delivery Mechanisms more comprehensive, and reflects current guidance. Responds to ADMPS162
	EN2 (pre-sub)	Insert ' <i>would provide adequate residential amenities for existing and future occupiers of the development and would</i> ' between 'Proposals will be permitted where they' and 'safeguard the amenities' Delete 'occupants and' and replace with ' <i>existing and future</i> '	To more accurately reflect the NPPF and ensure protection of amenity to future occupants. Responds to ADMPS76 and ADMPS211.
	2.12	Delete 'Ancient' between 'Scheduled' and 'Monuments'.	Factual correction to

Chapter	Para no./ Policy no.	Amendment	Reason
	Heritage Assets (formally 2.11) (pre-sub)	Insert ' <i>Locally Listed Buildings</i> ' between 'Listed Buildings' and 'Conservation Areas'. Delete 'Historic' and replace with ' <i>Registered and Non-registered</i> '	more accurately reflect the NPPF and ensure consistency within the ADMP. Responds to ADMPS164.
	2.14 (formally 2.13) (pre-sub)	Insert ' <i>To ensure this, regard should be given to the Council's Countryside Character SPD</i> ' after 'benefits that conservation of the historic environment can bring.'	To add clarity to how the policy will be interpreted in respect of landscape. Responds to ADMPS243
	2.15 (Text formally paragraph 2.28) (pre-sub)	Insert ' <i>Heritage Assets are an irreplaceable resource and they should be conserved and enhanced in a manner appropriate to their significance. Any harm or loss will require a clear and convincing justification. Substantial harm to or loss of heritage assets of the highest significance, such as scheduled monuments, grade I and II* listed buildings, grade I and II* registered parks and gardens, will be wholly exceptional. The Spatial Vision of the Core Strategy sets out that the high quality natural built and historic environment will be conserved and enhanced. Core Strategy Policy SP1 Design of New Development and Conservation states that the District's heritage assets and their settings will be protected and enhanced.</i> ' after paragraph 2.14 (formally paragraph 2.13).	Formally paragraph 2.28, the text has been moved to add clarity to the Heritage Assets section. Responds to ADMPS22 , admps51, admps52, admps53
	2.20 (Formally paragraph 2.18) (pre-sub)	Insert ' <i>Alternative uses for a listed building, compatible with its character and built form, will be encouraged where the original use of the building is no longer viable</i> ' after 'will be encouraged where possible.'	To more accurately reflect the NPPF. Responds to ADMPS21.

Chapter	Para no./ Policy no.	Amendment	Reason
	2.24 – Locally Listed Buildings (Formally wasn't part of the document). (pre-sub)	Insert ' <i>2.24 The Council aims to produce a List of Buildings of Local Architectural or Historic Interest during the plan period, to be adopted as a Supplementary Planning Document</i> ' after paragraph 2.23.	To align the document with the Core Strategy and to ensure that Locally Listed Buildings are mentioned as part of the District's Heritage Assets and are therefore covered by Policy EN4. Responds to ADMPS20 and ADMPS164.
	2.28 (Formally 2.25) (pre-sub)	In subheading delete 'Historic' and replace with ' <i>Registered and Non-Registered</i> ' Insert '17' between 'which includes' and 'sites within the District'. Insert ' <i>Kent County Council have also compiled an independent list of Historic Parks and Gardens which includes 20 sites within the District</i> ' between 'sites within the District.' and 'Although no additional statutory controls'. Insert ' <i>both Registered and Non-Registered</i> ' between 'the Local Planning Authority considers that' and 'Historic Parks and Gardens'	To clarify that the policy applies to, and protects, nationally and locally designated heritage assets. Responds to ADMPS173.
	2.29 (Formally 2.26) (pre-sub)	Insert ' <i>As irreplaceable habitats, proposals that would result in the loss or deterioration of ancient woodland and ancient or veteran trees will not be granted planning permission unless the need for, and benefits of, the development in that location clearly outweigh the loss. Where these tests can be met, the District Council will expect applicants with proposals affecting</i>	To more accurately reflect the NPPF. Responds to ADMPS107 and ADMPS180.

Chapter	Para no./ Policy no.	Amendment	Reason
		<i>ancient woodland or sites containing ancient or veteran trees to provide mitigation and/or compensation measures that seek to address the loss or deterioration of ancient woodland' after 'to demonstrate any potential harm can be mitigated.'</i>	
	2.30 (Formally 2.27 (pre-sub)	Delete 'Historic Farmsteads' and replace with 'Downs AONB Farmstead Guidance, 2012' Insert '2011' after 'Managing Land for Horses'.	Factual Correction. Responds to ADMPS51, ADMPS52 and ADMPS53.
	EN5b) (pre-sub)	Insert ' <i>time -limited and user activated lighting</i> ' between 'be minimised through' and 'the alignment of lamps'	To add further clarification to how the impact of lighting on the night sky can be minimised. Responds to ADMPS51, ADMPS52, ADMPS53.
2 - Environment	EN1 para after h)	substitute the word 'complements' with 'meets' to read: <i>Where appropriate, new developments should include infrastructure that eomplements <u>meets</u> modern communication and technology needs.....</i>	To add clarity
2 - Environment	Policy EN2 - Amenity Protection	Supplement the text to read: Proposals will be permitted where they would provide adequate residential amenities for existing and future occupiers of the development and would safeguard the amenities of existing and future occupants of nearby properties by ensuring that development does not result in, and is not located in areas <u>where occupiers of the development would be subject to</u> , excessive noise, vibration, odour, air pollution, activity or vehicle movements, overlooking or	To address concerns related to amenity impacts in relation to ADMPS76

Chapter	Para no./ Policy no.	Amendment	Reason
		visual intrusion and where the built form would not result in an unacceptable loss of privacy, or light enjoyed by the occupiers of nearby properties.	
	Para 2.9	Supplement paragraph to read: 2.9 The concept of amenity relates to the living conditions of those that will be affected by development proposals either as a future occupant or a neighbour. It is the aim of the Core Strategy and Community Plan to ensure that all development provides an acceptable standard of amenity for its occupants and does not result in significant harmful effects to surrounding uses. Harmful effects can include overlooking, loss of privacy <u>or light</u> , noise and pollution. <u>Advice on overlooking, privacy and loss of light can be found in section 5 (Amenity Considerations) of the Residential Extensions SPD. Paras 2.34 – 2.41 of this plan set out how noise levels will be measured and interpreted in association with policy EN6 (Noise Pollution). Paras 2.42 – 2.43 of this plan explain how air pollution will be interpreted and Paras 10.6 – 10.7 set out how transport impact will be measured and interpreted in association with policy T1 (Mitigating Travel Impact); In addition, Government have issued National Planning Practice Guidance which explains the measurement and impacts of noise air quality and light pollution in considerable detail.</u>	Clarification of existing wording by cross referencing other parts of the plan and national guidance.
	EN2 delivery mechanisms	Insert: <u>National Planning Policy Guidance, Kent Design Guide</u>	Clarification of existing wording by cross referencing other parts of the plan and national guidance.

Chapter	Para no./ Policy no.	Amendment	Reason
	2.30	<p>Remove text from paragraph 2.30 as follows:</p> <p>2.30 The importance of the wider landscape character of the District is recognised by the extent of the High Weald and Kent Downs Areas of Outstanding Natural Beauty. The AONB designation gives these areas the highest protection in terms of their landscape and scenic beauty and highlights the importance of the conservation of the wildlife and the cultural heritage of these landscapes. The character of the AONB's will be conserved and enhanced primarily through Core Strategy Policy LO8 - Countryside and the Rural Economy. Proposals in AONBs will be assessed against Policy LO8 and the detailed development management policies which support this overarching policy, such as Policy SC1 Sustainable Development and Policy GI1 Green Infrastructure and New Development. Any proposal within the AONB must take into account the guidance laid out in the appropriate AONB Management Plan and any relevant more specific AONB guidance for example Kent Downs AONB Farmstead Guidance, 2012 and Managing Land for Horses, 2011.</p>	text is now incorporated in new paragraph 2.32.
	EN5 and EN6	<p>Rename Policies:</p> <p>Policy EN5 – Outdoor Lighting to become Policy EN6 – Outdoor Lighting</p> <p>Policy EN6 – Noise Pollution to become Policy EN7 – Noise Pollution</p>	Due to new landscape policy

Chapter	Para no./ Policy no.	Amendment	Reason
		<p>Additional performance indicator and targets to be included in the box titled “Performance Indicators for the Environment” Add <u>Progress in implementing countryside projects in the District, including AONB Management Plan projects affecting the District. (CS indicator)</u></p> <p>Following “Performance of new housing against the building for life criteria add <u>Target: All developments within the AONB to achieve full marks on criterion 5 (Character) and 6 (Working with the site and context)</u></p>	For new landscape policy
	Paragraph 2.34	New Paragraph 2.34: <u>In assessing the impact of lighting that affects the outdoor environment or neighbouring uses, the current level of lighting will be taken into account in accordance with advice in the National Planning Practice Guidance.</u>	Clarification of existing wording by cross referencing national guidance
	EN5 (a)	Alterations to text: a) <u>where associated with a wider development, the proposal would be well integrated within the a wider related development scheme;</u>	Clarification of existing wording
	EN6(a)	Alterations to text: a) development would not have an unacceptable impact when considered against the indoor and outdoor acoustic environment <u>including of surrounding occupiers or occupiers of any future units within the scheme existing and future occupiers of the development and the amenities of existing and future occupants of nearby properties::</u>	Clarification of existing wording by substituting wording from existing policy EN2.
Housing and Mixed Development	3.5 (pre-sub)	Delete ‘As at 1 st April 2012, the completions (2006-2012) and permissions amount to 2,330 units.’ Replace with ‘As at 1 st April 2013, the completions (2006-2013) and permissions amount to 2,463 units.’	Factual update

Chapter	Para no./ Policy no.	Amendment	Reason
	3.8 (pre-sub)	Delete '1 st April 2012' and replace with '1 st April 2013'.	Factual update
	3.8 (pre-sub)	Delete '3540' and replace with '3697'	Factual update
	3.8 (pre-sub)	Delete '240' and replace with '400'	Factual update
	3.8 table (pre-sub)	Delete 'as at 1 April 2012' and replace with '1 April 2013'	Factual update
	3.8 table (pre-sub)	Delete 'Permissions 01.04.2012' and replace with 'Permissions 01.04.2013'	Factual update
	3.8 table (pre-sub)	Delete '970' and replace with '962'	Factual update
	3.8 table (pre-sub)	Delete table line: 'Permissions granted on Proposed Allocations since 01.04.2012 - 44'	Factual update
	3.8 table (pre-sub)	Delete 'Small Sites 2017 - 2026'	Factual update
	3.8 table (pre-sub)	Delete '432' and replace with '500'	Factual update
	3.8 table (pre-sub)	Delete '3540' and replace with '3697'	Factual update
	3.8 Footnote (pre-sub)	Delete '[The NPPF sets out how Local Planning Authorities should demonstrate their housing supply. Windfall sites are permitted to be included within the first 5 years of the housing supply if there is "compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens." Windfalls are defined in Sevenoaks as housing units which are expected to be delivered on sites below the allocation threshold (< 0.2ha). The allowance is calculated by averaging the number of units on previously developed land (not including garden land) provided each year for	Factual update

Chapter	Para no./ Policy no.	Amendment	Reason
		past 6 years. Allowance has not been included in the first five years, but is made for the final 10 years to reflect the unallocated planning permissions (currently 48 dwellings per year from 2017/18 to 2025/26)]' and replace with ' <i>[A windfall allowance has been added to the housing land supply based on past contributions to reflect a more accurate assessment of housing supply and the consequent demand on infrastructure.]'</i>	
	Para 3.19	Minor amendment to include reference to Core Strategy Policy SP5 within the supporting text for Housing for Older People, including Those with special needs 3.19 The Council strongly supports the provision of housing to meet the requirements of people in special need of help or supervision where they are fully integrated into existing communities and located in sustainable locations, <u>as set out in Core Strategy Policy SP5</u> . The development guidance accompanying each site at Appendix 3 <u>and Appendix 5</u> identifies sites that are particularly suitable for this form of housing due to their proximity to facilities or the gentle topography of the area.	To add clarity and linkages to the adopted Core Strategy
3 - Housing	Para 3.25	Substitute the words 'could lead to' for 'would result in' to read: <i>Where proposals could lead to <u>would result in</u> the creation of a new self contained dwelling...</i>	To add clarity
3 - Housing	Policy H2	Insert the following words at the end of the second paragraph of Policy H2 (Mixed Use Development Allocations) <i>These sites will provide for a range <u>of</u> employment, retail and community</i>	To add clarity

Chapter	Para no./ Policy no.	Amendment	Reason
	Policy H2 and Appendix 5	<p><i>facilities in addition to housing types, density, mix and tenure considered appropriate. <u>For further details on the appropriate mix of uses on these sites, please see the development guidance at Appendix 5. Allocations will be subject to the site areas and design guidance as set out in Appendix 5.</u></i></p> <p>Add the following words under the names of the sites in Policy H2. Add the same words into the 'Proposed Allocation' box at the top right hand corner of the Development Guide pages, delete the existing text and add the following text for clarification:</p> <p><i>H2(a) BT Exchange, South Park, Sevenoaks. <u>Mixed use - residential and retail (town centre site)</u></i></p> <p><i>H2(b) United House, Goldsel Road, Swanley. <u>Mixed use - residential and B1(a) office</u></i></p> <p><i>H2(c) Swanley Centre, Nightingale Way, Swanley. <u>Mixed use - retail, community facilities, residential and employment (town centre site)</u></i></p> <p><i>H2(d) Station Approach, Edenbridge. <u>Mixed use - residential and employment</u></i></p> <p><i>H2(e) New Ash Green Village Centre. <u>Mixed use – retail, employment, community facilities and residential (village centre site)</u></i></p> <p><i>H2(f) Powder Mills (Former GSK Site), Leigh.</i></p>	

Chapter	Para no./ Policy no.	Amendment	Reason
		<i>Mixed use - residential and employment</i>	
4 - Economy	4.8 (pre-sub)	Insert 'The first three sites are also located within the Kent Downs AONB' after 'previously set out in PPG2'	Factual correction. Responds to ADMPS48, ADMPS56, ADMPS57, ADMPS58, ADMPS221.
	4.11 (pre-sub)	Insert 'and AONB' between 'with Green Belt' and 'policy will be supported.'	Factual correction. Responds to ADMPS48, ADMPS56, ADMPS57, ADMPS58 and ADMPS221.
	4.15 (pre-sub)	Delete '2016' and replace with '2017/18'	Factual update.
	EMP3 (pre-sub)	Insert 'and listed buildings' between 'Scheduled Ancient Monument' and 'into the development with improved access and setting.'	Factual correction. Responds to ADMPS241.
	EMP3 (pre-sub)	Delete 'and' between 'protection' and 'enhancement'. Insert 'and management' between 'enhancement' and 'of biodiversity'	To more accurately reflect the NPPF. Responds to ADMPS108, ADMPS138 and ADMPS241
4 - Economy	EMP1	Amend as per below In accordance with Policy SP8 of the Core Strategy the following existing employment sites, as defined in Appendix 4, will be retained, intensified and regenerated for B1 - B8 uses. Appropriate new B1 - B8 development within	To address concerns raised by The Co-operative Group

Chapter	Para no./ Policy no.	Amendment	Reason
		these areas, including the The provision of sites for small and medium size businesses and “start-up” facilities, will <u>also</u> be supported <u>in these locations</u> .	
4 - Economy	EMP5 (4.33)	<i>Insert the following paragraph as 4.22</i> <i>4.33 Policy EMP5 requires non-allocated lawful business premises and sites to have been unsuccessfully marketed for employment use for a period of at least 6 months before alternative uses are considered. The Council will expect marketing to have been undertaken proactively, for appropriate business uses of the site (including through both re-use and redevelopment) and at the appropriate rental or purchase price for the type of business land and/or buildings.</i>	To address concerns raised by Eynsford Parish Council
Town and Local Centres	5.5 – Town and Local Centre Definitions box (pre-sub)	Delete ‘Primary shopping area - defined area where retail development is concentrated (generally comprising the primary and those secondary frontages which are adjoining and closely related to the primary shopping frontage.’	Factual correction.
	TLC4 (pre-sub)	Insert ‘neighbourhood and’ between ‘upper floors of units within’ and ‘village centres will be encouraged’	Factual correction to clarify where the policy is to be applied.
5 – Town and Local Centres	Town and Local Centre Definitions on P.47	Should the Inspector consider that primary shopping areas should be defined then paragraphs 3.10, 3.25, 3.38 of the Town and Local Centres Topic Paper set out the Council’s suggested areas.	To address concerns raised by the Co-operative Group, if these are shared by the Inspector.
Green	6.5 (pre-sub)	Delete ‘banks’ and replace with ‘corridors’. Delete ‘or artificial’ and ‘skateboard parks’	Factual correction. Responds to ADMPS194

Chapter	Para no./ Policy no.	Amendment	Reason
Infrastructure and Open Spaces	6.5 (pre-sub)	Delete bullet point 'River and canal corridors'	To avoid repetition. Responds to ADMPS194
	6.6 (pre-sub)	Delete 'Historic' and replace with 'Registered'	Factual correction. Responds to ADMPS194
	6.6 (pre-sub)	Insert bullet point ' <i>Kent Downs and High Weald Areas of Outstanding Natural Beauty (AONB)</i> '	Factual correct. Responds to ADMPS226.
	6.6 (pre-sub)	Insert ' <i>Historic</i> ' before 'Parks and Gardens'	Factual correction. Responds to ADMPS194
	6.6 – Map 1 Legend (pre-sub)	Delete 'Historic' and replace with 'Registered'	Factual correction. Responds to ADMPS194.
	6.12 (pre-sub)	Insert ' <i>and historic features</i> ' between 'trees and hedgerows' and 'can help development to be'	To ensure internal consistency within the plan. Responds to ADMPS194.
	6.20 (pre-sub)	Insert bullet point ' <i>enhancing the character of developments by preserving local heritage features</i> '	To ensure internal consistency within the plan. Responds to ADMPS194.
Green Belt	7.9 (pre-sub)	Insert bullet point ' <i>local needs housing on rural exception sites in accordance with Core Strategy Policy SP4.</i> '	To improve consistency with the Core Strategy. Responds to the objection of ADMPS30

Chapter	Para no./ Policy no.	Amendment	Reason
	GB1 (pre-sub)	Delete 'is in keeping with' and replace with ' <i>responds to</i> '	To improve consistency with Core Strategy Policy SP1 and the NPPF. Responds to ADMPS12.
Leisure and Tourism	8.14 (pre-sub)	Insert ' <i>Kent Downs AONB unit's Managing Land for Horses, 2011 will also be taken into account in determining applications within the Kent Downs AONB where relevant.</i> ' after 'in determining applications for horse related activities.'	To align with documents adopted by the Kent Downs AONB. Responds to ADMPS63.
Community Facilities	9.8 (pre-sub)	Insert ' <i>Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community.</i> ' at the start of the paragraph.	To clarify the definition of community facilities to be covered by the policy. Responds to ADMPS11
	9.8 (pre-sub)	Delete 'shops and local services' and replace with ' <i>community facilities</i> '.	To clarify the definition of community facilities to be covered by the policy. Responds to ADMPS11
9 – Community Facilities	Policy CF2 and Para 9.8-9.10	Amend the text as set out below: 'Loss of Neighbourhood Local Services and Facilities <i>9.8 Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. The provision of <u>local</u> community facilities, such as post offices,</i>	To provide clarity of meaning and interpretation of the policy

Chapter	Para no./ Policy no.	Amendment	Reason
		<p><i>banks, public houses, schools, surgeries, churches, community facilities, and public transport, help to build sustainable communities by supporting the local economy and/or providing day-to-day facilities in locations where there is less need for people to travel by car.</i></p> <p><i>9.9 Core Strategy Policy L07 seeks to retain local services and facilities within rural settlements, where possible, to maintain the sustainability of these settlements. Policy CF2 of this document extends this approach to services and facilities serving local neighbourhoods within Sevenoaks, Swanley and Edenbridge to ensure that the communities within these towns continue to have reasonable access to services that meet their day-to-day needs. Policy CF2 does not apply within Sevenoaks, Swanley or Edenbridge town and neighbourhood centres, where separate policies apply. Alongside community facilities, the policy will apply to retail units that are considered to be meeting a local need outside the town and neighbourhood centres.</i></p> <p><i>9.10 Community Right to Buy, which was introduced in the Localism Act, will give communities new powers to help them buy local facilities threatened with closure, which might offer communities an alternative option to retain community facilities.</i></p> <p><u><i>Policy CF2 - Loss of Neighbourhood – Local Services and Facilities</i></u></p> <p><i>The loss of neighbourhood local services and facilities that are within Sevenoaks, Swanley and Edenbridge urban areas will be resisted where they are serving a local need. Exceptions will be made where equivalent replacement facilities equally accessible to the population served are provided, or where it is demonstrated, through evidence submitted to the</i></p>	

Chapter	Para no./ Policy no.	Amendment	Reason
		<p><i>Council, that the continued operation of the service or facility is no longer financially'.</i></p> <p>The Council does not consider it necessary to include a definition of 'local services and facilities' in the glossary, given the description in para 9.8 (as amended), but it would not object to such a change if the Inspector considered it necessary.</p>	
Travel and Transport	T1 (pre-sub)	Insert 'and <i>tranquillity</i> ' between 'such as noise' and 'pollution and impact on amenity and health.'	To more accurately reflect the NPPF. Responds to ADMPS233.
Appendix 3 Housing	Front Page (pre-sub)	Delete 'Feb' and replace with current date	Factual update.
	H1(a) (pre-sub)	Insert ' <i>and biodiversity opportunities enhanced.</i> ' after 'Landscape features at the edge of the site should be retained'	To improve consistency with ADMP Policy GI1 and Core Strategy Policy SP11. Responds to ADMPS117 and ADMPS118
	H1(a) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste</i>	To ensure adequate sewage infrastructure is in place to serve development. Responds to

Chapter	Para no./ Policy no.	Amendment	Reason
		<i>water infrastructure.</i> ’ after ‘Bradbourne car park and would involve decking a portion of the existing car park.’	ADMPS244 and ADMPS249.
	H1(b) (pre-sub)	Insert ‘ <i>and secure a resilient green infrastructure.</i> ’ after ‘will be required to serve the development’	To improve consistency with ADMP Policy GI1 and Core Strategy Policy SP11. Responds to ADMPS119
	H1(b) (pre-sub)	Insert ‘ <i>Developers will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure.</i> ’ after ‘Contributions to CIL will be required.’	To ensure adequate sewage infrastructure is in place to serve development. Responds to ADMPS244 and ADMPS251.
	Cramptons Road Water Works, Sevenoaks H1(b)	Insert the following text in the landscape section of the development guidance set out in Appendix 3 Retention of boundary planting and provision of open space <u>and biodiversity enhancements</u> will be required to serve the development and secure a resilient green infrastructure.	To address biodiversity issues due to close proximity of SSSIs.
	H1(c) (pre-sub)	Insert the following text in the landscape section of the development guidance set out in Appendix 3	To improve consistency with ADMP Policy GI1 and Core Strategy Policy SP11. Responds to
	Sevenoaks Gasholder	Insert ‘ <i>and provide resilient green infrastructure</i> ’ after ‘Otford Road should be well landscaped’	

Chapter	Para no./ Policy no.	Amendment	Reason
	Station, Cramptons Road	The western edge of the site fronting Otford Road should be well landscaped and provide resilient green infrastructure, <u>including biodiversity enhancements.</u>	ADMPS119 To address biodiversity issues due to close proximity of SSSIs.
	H1(d) (pre-sub)	Insert ' <i>and biodiversity</i> ' between 'generally verdant character' and 'of the area.' Insert ' <i>and should enhance opportunities for biodiversity.</i> ' after 'loss or harm to any of these trees' Alter 'Estimated Development Period' from 6-10 years to 11-15 years on both sites, to read: 6-10 years (2017-2012) <u>11-15 years (2022-2026)</u>	To improve consistency with ADMP Policy GI1 and Core Strategy Policy SP11. Responds to ADMPS120 To provide more accurate information regarding proposed phasing
	H1(e) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure</i> ' after 'Contributions to CIL will be required.' Alter 'Estimated Development Period' from 6-10 years to 11-15 years on both sites, to read: 6-10 years (2017-2012) <u>11-15 years (2022-2026)</u>	To ensure adequate sewage infrastructure is in place to serve development. Responds to ADMPS244 and ADMPS255. To provide more accurate information regarding proposed

Chapter	Para no./ Policy no.	Amendment	Reason
			phasing
	H1(f) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing waste water infrastructure.</i> ' after 'This will not preclude development opportunities on this site.'	To ensure adequate sewage infrastructure is in place to serve development. Responds to ADMPS254.
	H1(g) (pre-sub)	Insert ' <i>appearance and biodiversity of the</i> ' between 'should enhance the' and 'site and the wider street scene.'	To improve consistency with ADMP Policy GI1 and Core Strategy Policy SP11. Responds to ADMPS122.
	H1(i) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water infrastructure</i> ' after 'public open space should be provided on the site'.	To ensure adequate water supply sewage infrastructure is in place to serve development. Responds to ADMPS260.
	H1(l) (pre-sub)	Insert ' <i>Site biodiversity surveys will be sought to ensure any biodiversity concerns are adequately mitigated.</i> ' after 'The existing tree screening should be maintained and enhanced.'	To improve consistency with ADMP Policy GI1 and H1(m) and Core Strategy Policy SP11. Responds to

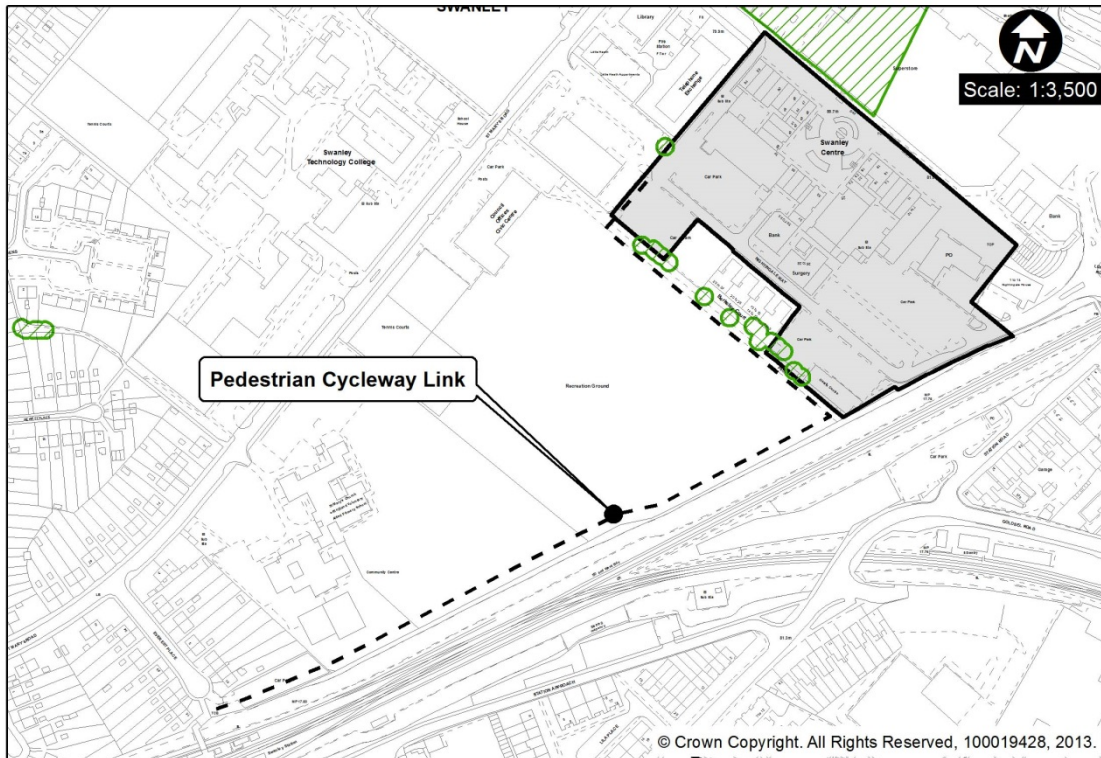
Chapter	Para no./ Policy no.	Amendment	Reason
			ADMPS126.
Appendix 4	Front Page (pre-sub)	Delete 'Feb' and replace with current date	Factual update.
Appendix 5 Mixed Use	Front Page (pre-sub)	Delete 'Feb' and replace with current date	Factual update.
	All development guidance tables for H2	Insert the word 'indicative' before 'Housing capacity'	To clarify the proposed capacities are approximate and improves consistency with the wording in Policy H2
	H2(b) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate water and waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water infrastructure.</i> ' after 'preclude development opportunities on this site.'	To ensure adequate water supply and sewage infrastructure is in place to serve development. Responds to ADMPS244 and ADMPS263.
	H2(c) (pre-sub)	Insert ' <i>There are Tree Preservation Orders on the site which should be protected and form an integral part of the scheme.</i> ' before 'The scheme should provide improvements to the town'	Factual update. Responds to ADMPS131
	H2(c) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate water and waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water infrastructure.</i> ' after 'Contributions will be required to CIL'	To ensure adequate water supply and sewage infrastructure is in place to serve development. Responds to

Chapter	Para no./ Policy no.	Amendment	Reason
			ADMPS244 and ADMPS262.
	H2(c) (pre-sub)	Insert ' <i>Principal</i> ' between 'Delivery' and site owner' Insert ' <i>The site could come forward in incremental phases provided no one phase of development would prejudice the development of the area as a whole.</i> ' after 'promoting site for redevelopment'	To reflect the fact that the site is under more than one ownership and to allow flexibility over delivery, therefore more accurately reflecting the NPPF. Responds to ADMPS273.
	H2(c) (pre-sub)	Replace existing map, with map on page 28.	Factual update to demonstrate Tree Protection Orders (TPOs) on the site
	H2(d) (pre-sub)	Insert ' <i>and provide benefits to biodiversity</i> ' between 'to protect residential amenity' and 'adjacent to the railway'	To improve consistency with ADMP Policy GI1 and Core Strategy Policy SP11. Responds to ADMPS132.
	H2(e) (pre-sub)	Insert ' <i>Developers will be required to demonstrate that there is adequate waste water capacity both on and off the site to serve the development and that it would not lead to problems for existing or new users. In some circumstances it may be necessary for developers to fund studies to ascertain whether the proposed development will lead to overloading of existing water infrastructure.</i> ' after 'Contributions will be required to CIL'	To ensure adequate sewage infrastructure is in place to serve development. Responds to ADMPS244 and ADMPS259.

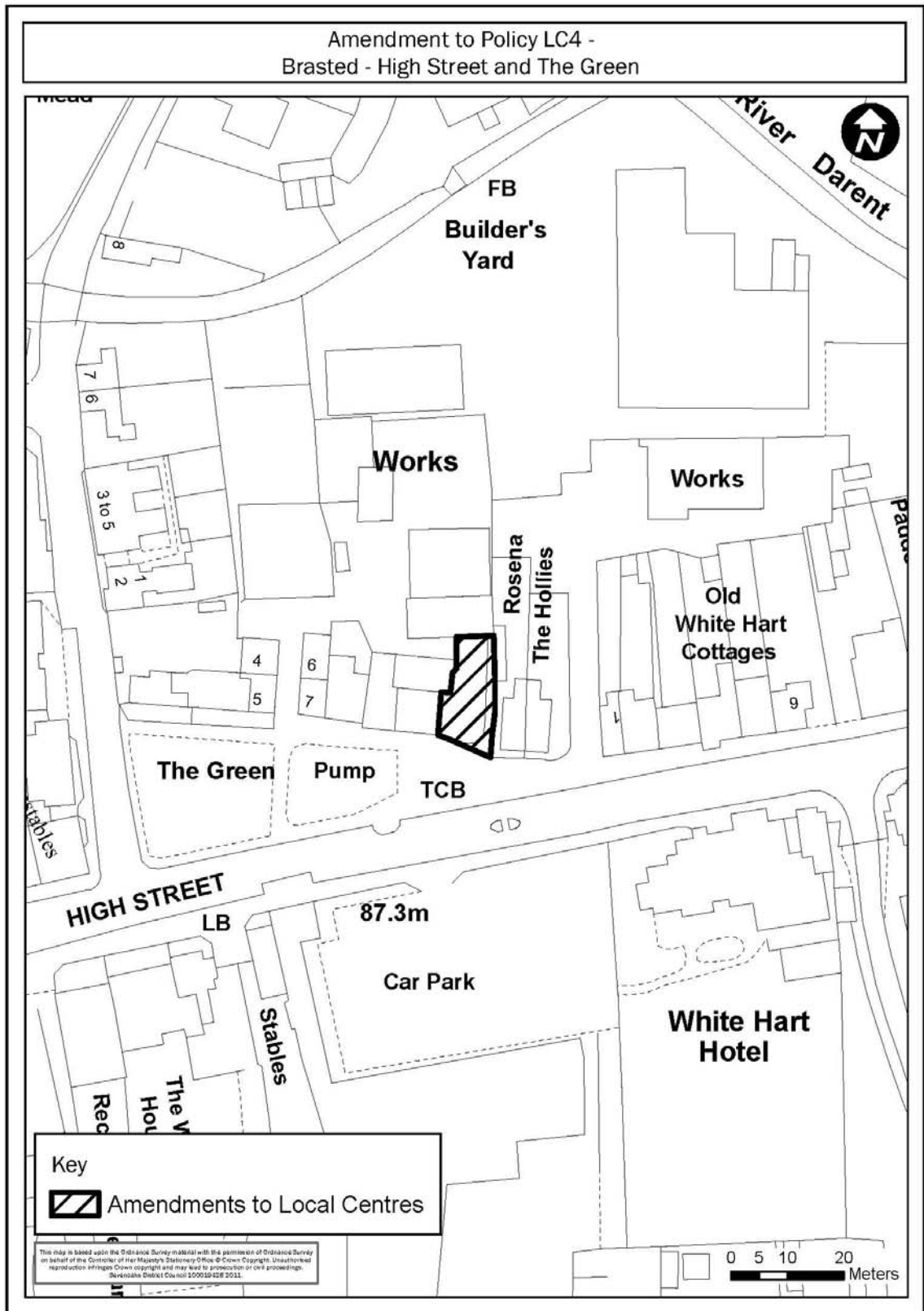
Chapter	Para no./ Policy no.	Amendment	Reason
	Powder Mills, Leigh – H2(f)	<p>Insert the following words in the Infrastructure section of the Development Guidance at Appendix 5, after the penultimate paragraph.</p> <p><u>Unless it is confirmed that the proposed foul flow will be no greater than the existing 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> <p>Delete ‘GSK’ from the development guidance</p>	<p>To address concerns regarding sewerage network capacity and the existence of a sewer on the site, as set out in rep ADMPS 78</p> <p>Factual update</p>
Appendix 6	Front Page (pre-sub)	Delete ‘Feb’ and replace with current date	Factual update.
Appendix 7	Front Page (pre-sub)	Delete ‘Feb’ and replace with current date	Factual update.
Appendix 8	Front Page (pre-sub)	Delete ‘Feb’ and replace with current date	Factual update.
	Policy TLC4 – Brasted High Street and the Green (pre-sub)	Replace the existing map, with a map incorporating the additional area shown on the map on page 29.	Factual update.
Appendix 9	Front Page (pre-sub)	Delete ‘Feb’ and replace with current date	Factual update.

N.B. The modifications that have been made to the Allocations and Development Management Plan (ADMP) are considered to be minor and do not require any amendment to the Sustainability Appraisal Report and Sustainability Appraisal Technical Appendix

Swanley Town Centre Regeneration Area - Factual Update re TPOs



Brasted High Street and the Green – Village Centre Amendment



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LOCAL DEVELOPMENT SCHEME – WORK PLAN FOR FUTURE PLANNING POLICY WORK

Cabinet – 17 July 2014

Report of	Chief Planning Officer
Status:	For Decision
Also considered by:	Local Planning and Environment Advisory Committee – 1 July 2014
Key Decision:	No

Executive Summary:

The Local Development Scheme (LDS) sets the work programme for the development of Local Plan (formerly Local Development Framework) documents. The latest formally adopted version of the Local Development Scheme was agreed by Cabinet in March 2012 and is out of date. Given current uncertainties over the timetables for the preparation of the Allocations and Development Management Plan and the Gypsy and Traveller Plan (expanded upon in the report), it is recommended that the Council postpones the agreement and adoption of a new Local Development Scheme until Autumn 2014. It is recommended that the Council now undertakes a new Strategic Housing Market Assessment to begin the process of addressing concerns expressed about the Core Strategy housing target through the Broom Hill appeal decisions and the ADMP examination.

Portfolio Holder Cllr. Piper

Contact Officer(s) Steve Craddock Ext. 7315, Hannah Gooden Ext. 7178

Recommendation to Local Planning and Environment Advisory Committee:

That the committee endorses the recommendation to Cabinet

Recommendation to Cabinet:

- a) That the Council undertakes a new Strategic Housing Market Assessment (SHMA) to identify its objectively assessed housing need, following the publication of new Government household projections later in Autumn 2014, and that this, and its comparison with the Core Strategy housing target, forms the first step in considering the need to review or partially review the Core Strategy.
- b) That the Local Development Scheme is reconsidered in Autumn 2014, once the likely timetable for the adoption of the Allocations and Development Management Plan (ADMP) is clear and once the Gypsy and Traveller Site Options consultation is closed and an initial assessment of comments has been carried out.

Reason for recommendation:

- a) This will allow the Council to begin the process of reassessing whether the Core Strategy housing target (which was carried forward from the South East Plan) remains appropriate for the District, following the appeal decisions at Broom Hill, Swanley, and the examination of the ADMP. Officers believe that the Council showing a commitment to undertake this work will increase the chances of the ADMP being found sound.
 - b) The Local Development Scheme is supposed to provide a degree of certainty for the local community and stakeholders about the timetable for the preparation of local planning documents. Given the uncertainties related to the preparation of the ADMP and the Gypsy and Traveller Plan at present, it would be very difficult to prepare a revised Local Development Scheme to provide this certainty. As a result, it is suggested that consideration of this is postponed.
-

Introduction and Background

- 1 The Local Development Scheme (LDS) sets the work programme for the development of Local Plan (formerly Local Development Framework) documents. The latest formally adopted version of the Local Development Scheme was agreed by Cabinet in March 2012. It establishes that the Council will prepare an Allocations and Development Management Plan and a Gypsy and Traveller Plan, amongst other documents. The timetable from the adopted Local Development Scheme is set out in appendix A.
- 2 The Local Development Scheme needs to be updated to reflect the current timetable for the preparation of local planning documents. In January 2014, a report of the Chief Planning Officer was taken to the Local Planning and Environment Advisory Committee (LPEAC) to propose that the LDS be updated to include the timetable set out in appendix B. This meeting was held inquorate.
- 3 A Cabinet decision is needed to amend the Local Development Scheme. In January 2014, it was considered that it would make more sense for Cabinet to consider the update once the timetable for the remaining stages of the preparation of the ADMP became clear following the examination (which is driven by the Inspector rather than the Council) rather than risk an update becoming quickly out of date.

Allocations and Development Management Plan (ADMP)

Background

- 4 The ADMP was agreed by Full Council for submission for examination by the Planning Inspectorate in February 2013. Since then the ADMP has been:
 - published for interested parties to make comments on (between March and May 2013);
 - submitted for examination (in November 2013); and

- examined through hearings (March 2014).
- 5 Whilst the hearings have now closed, the examination remains open until we receive the Inspector's report. Since the plan was submitted for examination we have also received the decision on the public inquiry held to consider the Broom Hill appeals (January 2014), where the Inspector granted permissions to residential developments because evidence suggests that the District's housing need is greater than the Core Strategy target.
- 6 The ADMP supplements the Core Strategy. The Core Strategy, rather than the ADMP, sets a housing target for the District. The ADMP identifies housing allocations (which the Core Strategy does not), areas of employment land that should be protected where they are still needed and important areas of open space. It also sets out new development management policies, which will replace the remaining 'saved' policies from the Local Plan 2000.

Consideration of Housing Targets

- 7 Officers have argued through the examination process that the ADMP is not intended to establish a housing target for the District. Other parties argued that the ADMP was not consistent with the NPPF and, therefore, could not be adopted because it did not contain a strategy for meeting the objectively assessed housing need for the area and was instead based on a South East Plan housing target which has now been abolished. The inability of the Council to show that it has a strategy for meeting NPPF-compliant 'Objectively Assessed Needs' for housing was an important factor in it losing the four appeals at Broom Hill and deciding not to defend the reasons for refusal at the re-opened Brendoncare appeal, on the reserve land in Edenbridge.
- 8 This challenge represents a risk to the soundness of the ADMP. During the examination, the Inspector asked Council officers to suggest how they would recommend to Members that the appropriateness of the Core Strategy housing target be reconsidered. The following steps were suggested (and the first and second form part of the recommendation to this committee):
- 1) The Council should carry out an NPPF-compliant objective assessment of housing need, having regard to the latest CLG housing projections for the area. In order to comply with the Duty to Co-operate, the Council should work with neighbouring and nearby local authorities to identify common methodological principles for carrying this out and, where interest exists, commission a study jointly with other authorities. In particular the Council should continue discussions with Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and other Kent authorities (through the Kent Planning Officers Group).
 - 2) Identify the extent of the difference between the objective assessment of housing need and the Core Strategy target.
 - 3) Consider and keep under review the Secretary of State / Planning Inspectorate's interpretation of the balance to be made between meeting housing needs and protecting the Green Belt / conserving and enhancing

Agenda Item 10

the AONB under para 14 of the NPPF, following the Planning Minister's letter of 3 March 2014.

- 4) Undertake discussions with neighbouring and nearby authorities, at officer and member level, to identify opportunities for needs arising in Sevenoaks District being met in less constrained areas, in accordance with the Duty to Cooperate. Undertake a new Strategic Housing Land Availability Assessment (SHLAA) to identify how needs can be met. In order to comply with the Duty to Co-operate, the Council should work with neighbouring and nearby local authorities to identify common methodological principles for carrying this out and, where interest exists, commission a study jointly with other authorities.
 - 5) Following consideration of the above steps, the Council should determine the need for the LDS to set out a detailed timetable for the adoption of a revised Core Strategy / Local Plan (including considering the opportunity for a partial review), taking forward what the Council and other stakeholders consider continue to be sound from the existing Core Strategy and Allocations and Development Management Plan. This timetable should have regard to the potential need to update employment land, retail, transport and infrastructure studies, amongst others, to identify the implications of the Council adopting (if necessary) higher housing targets.
- 9 It is recommended that step 1 above is undertaken once the Government publishes its latest household projections for districts in Autumn 2014, which officers understand will be the first projections to fully take account of the 2011 Census. It is important to note that the recommendation does not go so far as suggesting that the Core Strategy will definitely need to be reviewed. Following the completion of steps 1 and 2, a review of the Local Development Scheme should confirm whether there is a need to undertake a review of the Core Strategy. As well as undertaking these steps, Council officers will continue to discuss planning policy issues, including the methodologies being used to prepare evidence, as part of the Duty to Co-operate (relevant to step 3). Officers will also follow relevant Planning Inspector and Secretary of State decisions and policy statements (relevant to step 4).

The Inspector's 'main modifications' and post-hearing questions

- 10 Following the ADMP examination hearings, the Inspector wrote to the Council to set out his initial findings and the 'main modifications' necessary to make the plan sound. A separate report on this agenda addresses the issues raised by these and recommends that the Council consults on the modifications and passes comments to the Inspector so that he can decide whether the modifications are in fact necessary and appropriate. The time that the Inspector may require to do this depends on the number and complexity of responses received and is, therefore, an unknown.
- 11 Following the Inspector's issue of his initial findings and 'main modifications', he has asked the Council to consider the implications of a recent High Court decision (Gallagher Homes and Lincourt Homes v Solihull BC) that quashed Solihull BC's adoption of its Local Plan. The High Court decided that, amongst other things, the plan should be quashed 'because it is not based on a strategy which seeks to meet objectively assessed development requirements nor is it consistent with the

NPPF'. The Council has sought legal advice on this matter. However, the Inspector's consideration of this issue, and other forthcoming high court challenges, provide a degree of uncertainty that makes identifying a timetable for the adoption of the plan difficult.

- 12 There would be nothing to stop the Council adopting the ADMP in advance of, or alongside, a review of the Local Development Scheme in Autumn 2014, if the programme progresses as was expected in the draft LDS from January 2014.
- 13 The Green Belt SPD, proposed in the existing Local Development Scheme and January 2014 draft, will provide further guidance on how the Council will interpret policies in the Green Belt chapter of the ADMP. Given this, it can not be adopted by the Council until the ADMP is adopted. The Green Belt SPD was subject to consultation in March-May 2013.

Gypsy and Traveller Plan

- 14 Cabinet resolved to publish a Gypsy and Traveller Plan: Site Options consultation document on 10 April 2014. The consultation on the document runs between 23 May 2014 and 4 July 2014. The opportunity for interested parties to suggest additional site options runs until 18 July 2014.
- 15 The Site Options consultation document itself and the covering report made it clear that is an 'early' consultation stage, that the consultation is on 'potential site options' and that the document can be given very little weight in the planning process at this stage. This is consistent with the NPPF and it remains the case.
- 16 The Site Options consultation has generated a significant level of interest, many comments on the sites proposed and a number of general points, such as the distribution of existing and proposed sites across the District. The call for sites remains open until 18 July. Many suggestions have already been put forward and officers will need to carry out an initial assessment of the willingness of landowners to allow Gypsy and Traveller pitches on these sites and of the planning constraints and opportunities that exist.
- 17 It has previously been suggested that this timetable is followed to prepare the Gypsy and Traveller Plan, from the close of the current consultation:

Autumn 2014	<p>Consideration of the 'pre-submission' version of the Gypsy and Traveller Plan by Local Planning and Environment Advisory Committee, Cabinet and Full Council.</p> <p>Note: The pre-submission version of the plan should be agreed as the Council wish to see it adopted and as officers should defend it at examination.</p>
Autumn / Winter 2014	Publication of the 'pre-submission' version of the plan for the public and stakeholders to submit comments on.
Spring 2015	Submission of the Gypsy and Traveller Plan for examination.

Agenda Item 10

Summer 2015	Examination of the Gypsy and Traveller Plan held by an independent Planning Inspector.
Autumn 2015	Publication of the Inspector's report.
Winter 2015	Local Planning and Environment Advisory Committee, Cabinet and Full Council consider whether to adopt the Gypsy and Traveller Plan with any Inspector's modifications.

- 18 If any of the sites put forward through the call for sites are found to be potentially deliverable, appropriate and preferable to those previously consulted upon, then the Council may want to consult on these as 'site options' before including them in a 'pre-submission' version of the plan. This would require a further debate by the Local Planning and Environment Advisory Committee, a decision by Cabinet, a 6 week consultation period (at least) and further time to consider comments received. If this were to be the case then the Council could not consider the 'pre-submission' version of the plan in Autumn 2014, when it would be expected that an additional site options consultation would be carried out instead.
- 19 In addition, if it is decided that any of the proposals included in the Site Options consultation are not going to be supported by the Council then more time may be needed to continue discussions with landowners to find alternative sites, if the call for sites process has not provided a sufficient number of potential deliverable pitches. Until all comments on the recent consultation document have been reviewed and an initial assessment of sites promoted through the call for sites has been carried out there is a significant risk that the adoption of a timetable for the preparation of the Gypsy and Traveller Plan through a Local Development Scheme could be misleading.
- 20 During the consultation, residents of Shoreham have written to the Secretary of State for Communities and Local Government and received a response from one of his department's civil servants. The response suggested that the Government may be publishing a consultation on amendments to national planning policy for Gypsy and Traveller sites in 'due course'. Any significant change in national policy may require a change in the Council's approach and could lead to any targets for the publication of a pre-submission version of the plan not being met.
- 21 If the issues above are resolved in time, there would be nothing to stop the Council agreeing a pre-submission version of the Gypsy and Traveller Plan in Autumn 2014, as envisaged in the draft LDS from January 2014, and reviewing the Local Development Scheme at the same time.
- 22 A report on the comments received during the Gypsy and Traveller consultation and the sites proposed through the call for sites will be presented to Local Planning and Environment Advisory Committee at its next meeting (on 23 October 2014) and the following Cabinet meeting regardless of the decision made on the Local Development Scheme.

- 23 Over 25 sites for additional pitches (including some further extensions of existing sites) have been submitted to the Council as part of the consultation, at the time of writing. This includes sites all across Sevenoaks District. As previous reports have noted, sites must be deliverable/developable if their inclusion in the plan is to be found sound. This requires a willingness of the landowner to develop the site for that use or for there to be plans for a larger development that the Council can require Gypsy and Traveller pitches as part of (without impacting housing supply). Officers are following up on the sites that have been promoted to identify and contact landowners and continue to look for and encourage additional sites to be promoted. If potential deliverable/developable sites are identified then initial (planning) site assessments will be undertaken and reported to Members at the next Local Planning and Environment Advisory Committee and then Cabinet in the Autumn. Depending on the deliverability and acceptability of sites proposed and identified by the Council, this may allow Members to rule out some sites consulted upon in the Site Options consultation, when considering responses to it in the Autumn.

Other Options Considered and/or Rejected

The Council could set a timetable for the preparation of local planning documents now, based on the draft considered by Local Planning and Environment Advisory Committee in January (subject to any modifications that Members want to make). However, given the following uncertainties, it is considered that it would be better to review the Local Development Scheme at Local Planning and Environment Advisory Committee in October and Cabinet in November:

- The uncertainty surrounding the ADMP Inspector's questions in relation to the recent High Court judgements;
- The uncertainty surrounding the timetable for the Council receiving the Inspector's report on the ADMP, given the need for further consultation before then;
- The need for officers to consider the responses received on the Gypsy and Traveller Plan;
- The uncertainty over the number and suitability of sites proposed through the Gypsy and Traveller call for sites (prior to it closing); and
- The uncertainty caused by potential changes in Government planning policy on planning for Gypsies and Travellers.

The Council could choose not to undertake a new Strategic Housing Market Assessment for the District but doing this may increase the risk of the ADMP being found unsound.

Key Implications

Financial

This report has no financial implications. The preparation of planning policy documents and evidence will be funded from existing budgets.

Agenda Item 10

Legal Implications and Risk Assessment Statement.

The Council is required to prove to an Inspector that the ADMP and the Gypsy and Traveller Plan are sound before they can be adopted. Setting a timetable that enables issues to be properly considered and evidence thoroughly prepared will increase the chances of this.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	Equalities Impact Assessments have been carried out previously for the preparation of the Allocations and Development Management Plan. The decision on the timetable for the preparation of these documents does not have a bearing on these.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

Conclusions

This report has identified the current uncertainties that are affecting the timetable for the preparation of the ADMP and the Gypsy and Traveller Plan. It is proposed that the Local Development Scheme is reconsidered in Autumn 2014, once the likely timetable for the adoption of the ADMP is clear and once the Gypsy and Traveller Site Options consultation has closed and an initial assessment of comments has been carried out.

Appendices

Appendix A – Local Development Scheme Timetable (March 2012)

Appendix B – Draft Local Development Scheme Timetable as considered by Local Planning and Environment Advisory Committee (January 2014)

Richard Morris
Chief Planning Officer

Appendix A - Local Development Scheme Timetable (March 2012)

3 TIMETABLE FOR PRODUCTION OF DPDS

3.1 The following is an indicative timetable for the production of the Local Development Framework. Whilst the Council is no longer required to include SPDs within the timetable, they are included for information purposes. Priority will be given to the preparation of DPDs. The District will support the preparation of Neighbourhood Plans but they are not included as their preparation is led by local parish and town councils. Planning Briefs for other key development sites identified in the Core Strategy may also be required. If needed these will be added to the schedule for completion during the LDS period.

	2012												2013												2014											
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Development Plan Documents																																				
Allocations & Development Management Policies DPD	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█												
CIL Charging Schedule	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█												
Gypsy and Traveller DPD																																				
Supplementary Planning Documents																																				
Residential Character Areas SPD - Sevenoaks	█	█	█	█	█	█	█	█	█	█	█	█																								
Residential Character Areas SPD - Swanley																																				
Residential Character Areas SPD - Edenbridge																																				
Green Belt SPD	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█	█												
Horsiculture SPD																																				

Development Plan Documents

- █ Preparation (Regulation 25)
- █ Informal Consultation (Regulation 25)
- █ Pre-Submission Publication (Regulation 27)
- █ Cabinet/Committee Approval
- █ Submission (Regulation 30) - Key Milestone

- █ Pre-Hearing Meeting
- █ Hearing
- █ Inspector's Report
- █ Adoption - Key Milestone

Supplementary Planning Documents

- █ Preparation
- █ Consultation
- █ Adoption

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3 TIMETABLE FOR PRODUCTION OF DPDS

3.1 The following is an indicative timetable for the production of the Local Plan. Whilst the Council is no longer required to include SPDs within the timetable, they are included for information purposes. Priority will be given to the preparation of DPDS. The District will support the preparation of Neighbourhood Plans but they are not included as their preparation is led by local parish and town councils. Planning Briefs for other key development sites identified in the Core Strategy may also be required.

	2013			2014												2015											
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Development Plan Documents																											
Allocations & Development Management Plan																											
CIL Charging Schedule																											
Gypsy and Traveller DPD																											
Supplementary Planning Documents																											
Residential Character Areas SPD - Swanley																											
Residential Character Areas SPD - Edenbridge																											
Green Belt SPD																											
Fort Halstead Development Brief SPD																											
Statement of Community Involvement																											
Horsiculture SPD																											

Development Plan Documents

- Preparation
- Informal Consultation (Regulation 18)
- Pre-Submission Publication (Regulation 19)
- Cabinet/Committee Approval
- Submission (Regulation 22) - Key Milestone

- Pre-Hearing Meeting
- Hearing
- Inspector's Report
- Adoption - Key Milestone

Supplementary Planning Documents

- Preparation
- Consultation
- Adoption

COMMUNICATIONS STRATEGY AND 2013/14 WORK PLAN

Cabinet – 17 July 2014

Report of Chief Executive

Status: For Consideration

Also considered by: Strategy & Performance Advisory Committee – 24 June 2014

Key Decision: No

This report supports the Council’s promise to provide value for money

Portfolio Holder Cllr. Fleming

Contact Officer(s) Lee Banks, Ext 7161.

Recommendation to Strategy and Performance Advisory Committee:

- a) To review the Communications Strategy and 2014/15 work plan; and
- b) Subject to any amendments or recommendations identified by the Advisory Committee, recommend that Cabinet adopt the Council’s Communications Strategy and endorse the 2014/15 Communications work plan.

Recommendation to Cabinet:

Adopt the Council’s Communications Strategy and endorse the 2014/15 Communications work plan.

Reason for recommendation: To ensure that the Council’s Communication Strategy and work plan is in accordance with Members priorities and is making the most effective use of the Council’s resources.

Introduction and Background

- 1 Communications activity across local government has seen a significant rise in profile in recent years as Council’s manage the impact of funding cuts. As a result local authorities have sought to increase dialogue with their residents, local businesses and other stakeholders to prioritise savings and efficiencies that reflect community wants and needs and also ensuring the community is well informed about services and the value provided by the local authority.
- 2 The Council’s Communication Strategy and Work Plan have been reviewed in recent years to reflect the changing priorities for the Council and have been improved to clearly reflect the purpose of all communications activity for the Council and set a clear framework for the remit of the Communications team.

Agenda Item 11

- 3 In response to this changing environment for local authority communications it is considered important that Members consider the current strategy (provided as Appendix A) and work plan (provided at Appendix B) and set out recommendations as to how the Council's communications function should be shaped and what activity it should prioritise in the coming year.

Other Options Considered and/or Rejected

None

Key Implications

Financial

None. Delivery of the Communications Strategy and work plan are within the existing financial resources allocated to the team.

Legal Implications and Risk Assessment Statement

There are no legal implications from this report. The risk of not having a properly considered and documented Strategy and work plan for communications activity may result in resources being directed at areas that are not a priority for the Council.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	There are no equality impacts arising from this report.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

Conclusions

The Communications Strategy and Work Plan for 2014/15 are reported to Members to review and ask for the advice and recommendations to ensure that the focus of the Communications team is in appropriate and priority areas for the Council.

Appendices

Appendix A – Communications Strategy

Appendix B – Communications Work Plan 2014/15

Background Papers:

None.

**Dr Pav Ramewal
Chief Executive**

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Sevenoaks District Council

Communications Strategy



Communications Strategy

This strategy sets out how the Council will effectively communicate with its residents, local businesses, stakeholders, staff and Members.

The Strategy is reviewed annually by the Council's Strategic Management Team and updated as necessary to reflect emerging issues, changes in priorities and developments in best practice.

We are always interested in ways to improve our approach to communications and welcome your suggestions.

Contact us

Communications Team
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent TN13 1HG

01732 227000
communications@sevenoaks.gov.uk

Publication details

Purpose of the Communications Strategy

To ensure that the Council communicates the right information to its customers, its staff and its members, at the right time and in an effective and cost efficient manner.

Publication date

July 2014

Contents

	Page
1. Background & Introduction	1
■ Introduction	1
■ Council Vision & Promises	1
2. Communications at Sevenoaks District Council	2
■ The Communications Team	2
■ Our responsibilities	2
■ Value for money services	2
■ Working with Members	3
3. Reaching our audience	4
■ Our audience	4
■ Residents	4
■ Businesses and landlords	4
■ Stakeholders	4
■ Staff	5
4. Measuring our results	6
■ Growing the Council's reputation	6
■ Targets and outcomes	6
5. Additional information	7
■ Links to plans and strategies	7
■ Guidance for officers	7
■ Guidance for Members	7

1. Background & Introduction

Introduction

The Communications Strategy sets out Sevenoaks District Council's approach to communications with its residents, local businesses, stakeholders, staff and Members.

Reviewed annually, this Strategy builds on the achievements of the previous Corporate Communications Objectives and Work Plan which, following an external review of the communications service in 2010, introduced improved ways of working.

The on going improvements in service delivery and the successful completion of previous work plans has resulted in more focused and proactive communications from the Council and higher levels of resident satisfaction.

Council Vision & Promises

The Council's communications have one common goal – to improve the reputation of the Council by communicating the Council Vision and Promises – its corporate narrative.

The Council's Vision is to take:

“Pride in the District of Sevenoaks by working with the Community as a whole, to sustain and develop a fair, safe and thriving local economy.”

The Council's promises are to:

- Provide value for money;
- Work in partnership to keep the District of Sevenoaks safe;
- Continue to collect rubbish efficiently and effectively;
- Protect the Green Belt; and
- Support and develop the local economy.

The principal aim of this document is to set out a strategy that enables the Council to effectively communicate activity against these promises and work undertaken to deliver the vision for the District.

In a time of unprecedented financial pressure the Communications Team is there to support the Council in being transparent, to help it explain what service changes it is making and why and to contribute to the Council's long-term aspiration of becoming financially self-sufficient through the marketing of the Council's commercial services.

To deliver the Council's message effectively it is important to build trust with local people, local businesses, staff, Members and other community leaders.

2. Communications at Sevenoaks District Council

The Communications Team

Responsibility for Communications falls within the Portfolio for Strategy & Performance. Cllr Peter Fleming, the Leader of the Council is the current Portfolio Holder.

The Communications Team has been reduced in size since 2010 and is now regarded as the smallest team in the County for the responsibilities it holds.

Communications is part of the Transformation & Strategy team and comprises:

- 1 FTE Communications Manager;
- 1 FTE Communications Officer;
- 0.2 FTE Policy and Communications Assistant; and
- Graduate Interns on an ad-hoc basis.

The Communications Team is supported by a Corporate Communications Group. The Group meets 6 times a year, acting in a planned way to deal with communication issues and advise and support Strategic Management Team and other staff about relevant matters.

Task and finish groups are formed as necessary to support individual projects or to review and improve communications activity across the Council.

During 2013 a Members Communications Working Group provided significant support to the Council in reviewing its Communications Strategy.

Our Responsibilities

The main responsibilities of the Communications Team include:

- Management of the Council website;
- Production and editing of In Shape, the Council's resident magazine;
- Management of the Council's social media presence on Twitter, Facebook, Pinterest & Linked In;
- Media relations;
- Campaigns & marketing; and
- Internal communications, including management of the intranet.

Value for money services

The Communications Team is determined to deliver a low cost, high quality communications service to the Council.

Reductions have been made in staffing levels, partnership working is being delivered through the Council website and opportunities to maximise income through advertising space are continually explored.

We are committed to:

- Working smarter;
- Maximising capacity;
- Sharing resources;
- Shared working across organisations;
- Partnership working;
- Raising income; and
- Empowering, involving and informing residents to support savings elsewhere in the Council.

2. Communications at Sevenoaks District Council (continued)

Working with Members

All roles within the Communications Team are apolitical.

The team will only advise Members on media relations and will not suggest content for media releases.

The democratic mandate (elected Members) is what makes Local Government different among public services. The Communications Team tells the Council's story to the media and acts as an advocate for the local community.

The Communications Team has clear guidelines when working with Members, these are:

- Officers must be apolitical;
- To provide support to Members in their role as community leaders and as advocates for the Council;
- To provide support to both the decision making and scrutiny functions;
- To support and advise all Members regarding the media;
- To always inform and be transparent;
- With Members, demonstrating to the local community that they have a voice when the Council is faced with making important decisions.

Within the Council's governance arrangements it has been agreed that Members in particular roles have an active role in the Council's communications. These are as follows.

■ Cabinet – Leader & Portfolio Holders

These Members are accountable for many day-to-day Council decisions. Some decisions will be taken collectively by the Cabinet and others by the Leader of the

Council or by individual Cabinet portfolio holders. In all cases, decisions are recorded and published on a regular basis. The Leader and Portfolio Holders will be the 'public face' of the Council and will be the first point of reference for comments on key decisions.

■ Advisory Committees, Scrutiny, Standards & other committees

From time-to-time, issues arise when committees other than Cabinet make recommendations or take decisions, which require a formal Council comment. In these circumstances it will fall to the relevant Chairman to make such comment either orally or within a news release.

Further information and detail is available within the Council's 'Public and media relations guidelines'.

3. Reaching our audience

Our audience

The audience for the Council's communications are local residents, local businesses, elected Members and staff.

Effective communications and media relations assist the Council in building trust with the local community, raises awareness of the services the Council provides and promotes the Council's value for money credentials.

Effective internal communications assists with retaining staff as advocates during a time of significant change in public service funding.

In addition the Government audience is essential as a good reputation can aid opportunities to secure external funding and enable the Council's voice to be more clearly heard on the national stage.

Reaching our audience

■ Residents

The 2011 census recorded Sevenoaks District as having a population of 114,893, occupying 47,020 homes.

- 51.5% of the population are female;
- The average age in the District is 41;
- 19% of the population are aged over 65; and
- The BME population makes up 4.2% of the District.

It is our objective to communicate the Council's Vision and Promises. In doing so we will clearly explain the services the Council provides and underline the level and quality of services provided.

We will approach this through campaigning and a balanced mix of media and

marketing, and use the following communications methods:

- Commitment to the brand value;
- Effective branding;
- Effective media relations;
- Campaigning through multiple media;
- Using In Shape, the Council's magazine;
- Direct marketing; and
- Social media.

■ Businesses and landlords

At 1 April 2014 a total of 3,816 business properties were listed for Sevenoaks District.

The District has a diverse mix of businesses. In addition to encouraging new businesses in to the area it is a priority to help our current businesses grow.

It is our objective to communicate the Council's promise to 'support and develop the local economy'. In doing so we will seek to encourage businesses and landlords to invest in the District, be supportive of economic development and growth in the right areas and promote sustaining employment for local people.

We will approach this through targeted media and marketing events and seeking to create new opportunities for dialogue with businesses. To do so we will work strongly in partnership with the Council's Economic Development team, and use the following communications methods:

- Effective media relations;
- Email newsletter for businesses;
- Campaigning through multiple media;
- Publicising SDC involvement in local business meetings and events; and
- Marketing and publishing.

3. Reaching our audience (continued)

■ Stakeholders

Services are provided across Sevenoaks District by a wide range of service providers including Town and Parish Councils, Kent County Council, Police, Fire and Health Authorities and numerous third sector and charity organisations. We want our stakeholders, including Members, partners and the local media to be advocates for the Council.

It is our objective to communicate the Council's Vision and Promises, but also to empower and engage people in supporting the Council's communication plan.

We will approach this by direct communication, by seeking participation in Council communications activity and providing media style briefings on important issues through traditional communications routes.

■ Staff

The Council employs 350 full time equivalent staff. It is critical to the Council's performance that staff are engaged in the overall direction of the Council and are highly satisfied in their work.

It is our objective to communicate the Council's Vision and Promises. In doing so we will make it clear how services and individuals make a contribution to achieving the Vision and Promises. Through our communication with staff we want to empower them to promote the quality of services they provide and support the Council in growing its reputation.

We will approach this through sustaining excellent communications, delivering the Council's key messages and provide positive examples of achievements towards

the Council's Vision and Promises. We will use the following communications methods:

- grapeVine email bulletin for all staff;
- Direct News bulletin for staff working at Dunbrik depot;
- Using In Shape, the Council's magazine;
- In Site, the staff intranet;
- Staff Briefings and meetings; and
- Notes from Strategic Management Team meetings.

4. Measuring our results

Growing the Council's reputation

A survey undertaken in 2010 found that resident satisfaction with the Council was 70%. The same survey also found that the 50% of residents believe that the Council delivers Value for Money.

When measured again in 2013 residents told us that satisfaction with the Council had increased to 88% and belief that the Council provides Value for Money had increased to 58%.

Importantly, when measured for the first time, 80% of residents told us that they trusted the Council.

Levels of trust and satisfaction with the Council demonstrate exceptionally strong performance. The challenge for the Council's communications is support the organisation to at least maintain these levels of performance.

Although the Council is performing well in terms of value for money compared to other councils, 26% of residents are undecided on their view.

The challenge for the Council and the work of the Communications Team is to more clearly articulate the work of the Council to determine whether this can increase the proportion of residents satisfied with the Council and decrease the proportion who are undecided.

A new resident survey will be undertaken in 2015, on a similar basis to the survey carried out in 2013, which amongst other things will enable the Communications Team to assess the impact of its strategy and action plans over the period.

Targets and outcomes

In assessing the performance of the Council's Communications Team the following targets and outcomes are measured against.

- 1) Continue to build the reputation of Sevenoaks District Council as an organisation that can be trusted, that provides good value quality services and improves local residents' lives.
- 2) A focus on media relations that is targeted and supports two /three campaigns per year.
- 3) A target of 95% balanced or favourable coverage in the local print media.
- 4) Effective internal communications that builds trust between the Council and its staff and supports high levels of morale and job satisfaction.
- 5) Targeted consultation which empowers residents and the business community to inform and influence Council policies and services.

6. Additional Information

Links to plans and strategies

The Council's Communications Strategy is closely aligned to the commitments in the Council's Corporate Plan and the Vision and Promises it set out. It is also designed to compliment and support a number of other Council plans and strategies. These include the:

- Corporate & Service Plans;
- Human Resources Strategy;
- Equality Statement;
- Financial Strategy; and
- IT Strategy.

Guidance for officers

Further communications guidance is available on the Council's Intranet. This information includes:

- The Communications Work plan;
- Public and media guidelines; and
- Advertising Policy.

Guidance for Members

Further communications guidance is available to Members from the Council's Communications Team. This information includes:

- The Communications Work plan;
- Public and media guidelines; and
- From the Council's Constitution (Appendix W) 'Guidance on the Disclosure of Confidential Information by Members'.

Sevenoaks District Council

Communications Strategy

If you have any comments about this document or require further copies, please contact:

**Communications Team
Sevenoaks District Council
Argyle Road
Sevenoaks
Kent
TN13 1HG**

Telephone **01732 227000**

E-mail
communications@sevenoaks.gov.uk

Other formats:

This publication is available in large print and can be explained in other languages by calling 01732 227000.

www.sevenoaks.gov.uk

July 2014



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Work plan 1 April 2014 to 31 March 2015

Action	Milestones	Due Date	Lead Officer(s)	Progress Update
1. Enhance the Council's existing website or deliver a new site with a focus on improved content, self-service and increasing the range of transactional services available	<ul style="list-style-type: none"> ■ Work with Customer Services and IT Services to deliver improvements 	1 January 2015	Amy Wilton Daniel Whitmarsh Communications Working Group	
2. To develop and deliver strategies to increase the number of followers of the Council's social media accounts	<ul style="list-style-type: none"> ■ Increase the number of followers on Twitter to at least 2,000 and the number of Facebook likes to at least 350 	31 March 2015	Daniel Whitmarsh	
3. Deliver and embed new Branding Guidelines	<ul style="list-style-type: none"> ■ New guidelines and procedures introduced to ensure a more consistent use of the Council's visual identity and tone of voice across all communications channels 	1 October 2014	Pat Smith Daniel Whitmarsh Graham Upton	
4. Support Chief Officers to develop and deliver strategies to improve engagement with Members	<ul style="list-style-type: none"> ■ Work with the Members' Communications Group and Democratic Services to meet the communications needs of Members as identified by the on-going review of communications 	31 March 2015	Daniel Whitmarsh Michael Laver-Smith Philippa Gibbs	
5. To enhance the promotion and visibility of the work of the Council Chairman	<ul style="list-style-type: none"> ■ Promote the Chairman's activities in the local media. ■ Set up a new Twitter account for the Chairman and provide training and support 	From May 2014	Daniel Whitmarsh	Twitter account set up. Chairman is being supported

Action	Milestones	Due Date	Lead Officer(s)	Progress Update
<p>6. In recognition of the Council's long-term aspiration to become more financially self-sufficient, develop marketing plans for key commercial services</p>	<ul style="list-style-type: none"> ■ Develop and implement marketing plans for: <ul style="list-style-type: none"> • Pest control • Garden Waste • MOTs • Print and design services • Commercial (trade) waste collection for paper and cardboard • Cesspool emptying • Household bulky waste and white goods collection 	<p>31 March 2015</p>	<p>Daniel Whitmarsh Service Managers</p>	
<p>7. Maximise opportunities for generating income from communications activities</p>	<ul style="list-style-type: none"> ■ Review the Council's current arrangements for advertising and introduce an advertising policy and schedule of fees. 	<p>31 March 2015</p>	<p>Lee Banks Daniel Whitmarsh</p>	
<p>8. Campaigns</p>	<ul style="list-style-type: none"> ■ External communication campaigns for 2014/15 are proposed to focus on: <ul style="list-style-type: none"> • Local Heroes; • Channel shift and self service; and • Sevenoaks Switch and Save. ■ An internal communication campaign for 2014/15 is proposed to focus on: <ul style="list-style-type: none"> • Brand value, branding & style guide 	<p>31 March 2015</p>	<p>Daniel Whitmarsh</p>	

PEST CONTROL SERVICE – RESULTS OF COMPETITION EXERCISE

Cabinet – 17 July 2014

Report of	Chief Officer Environmental and Operational Services
Status:	For recommendation to Cabinet
Also considered by:	Local Planning and Environment Advisory Committee – 1 July 2014
Key Decision:	No

Executive Summary: Following the decision of Cabinet on 5 December 2013 the Pest Control Service has been exposed to competition with quotations invited to be submitted by 4 June 2014. This report details the outcome of the competitive process and recommends a way forward for future service delivery.

This report supports the Key Aim of Safe and Caring Communities, Greener and Healthy Environment and Effective Management of Council Resources.

Portfolio Holder Cllr. Robert Piper

Contact Officer(s) Ian Finch – Head of Direct Services Tel: 01959 567351

Recommendation to Advisory Committee:

It be resolved that it be recommended to Cabinet, that following the evaluation of the competition exercise for the Pest Control Service, the service continue to be delivered by Sevenoaks Direct Services.

Recommendation to Cabinet:

It be resolved that following the evaluation of the competition exercise for the Pest Control Service, the service continue to be delivered by Sevenoaks Direct Services.

Reason for recommendation: Following the evaluation of the competition exercise, the offer made by Sevenoaks Direct Services provides the most economically advantageous tender.

Introduction and Background

- 1 At the Cabinet meeting on 5 December 2013, following a recommendation from the Local Planning and Environment Advisory Committee at its meeting on 19 November 2013, it was resolved that the Pest Control Services be exposed to

Agenda Item 12

competitive tender, for a three year contract and that the results of the tender be reported to the Planning and Environment Advisory Committee for consideration.

- 2 Quotations for the provision of Pest Control Services were invited from companies or persons experienced in the provision of Pest Control Services for return by 4 June 2014. The quotations were opened by the Portfolio Holder on 4 June 2014. A quotation was submitted by the in-house Pest Control team (Direct Services).

Evaluation of Quotations

- 3 In evaluating the quotations received the following were considered, in descending order of priority:
 - i) Price
 - ii) Compliance with specification
 - iii) Technical merit and quality factors
 - iv) All information supplied by the provider in support of their application including method statement and questionnaire.
 - v) Acceptance of contract conditions
 - vi) Completeness of response
 - (a) Assessed completeness of response
 - (b) Assessed capability of the provider to support all elements of the contract.

Weighting

- (i) Value for money – 60%
 - (ii) Completeness of response, technical merit, assessed capability, concessionary rates, questionnaire responses and any other relevant information – 40%.
- 4 The invitation for quotations was advertised externally on the South East Business Portal.
- 5 A full copy of the tender documentation, including service specification is provided as an appendix. The quotation is based on the provider setting and retaining all charges for pest control treatments.
- 6 The quotation could be a charge, or payment, to the Council for providing the service.

Quotation Evaluation Results

- 7 Three quotations were received from:

MITIE Pest Control
Noah's Ark Environmental Services
Sevenoaks Direct Services
- 8 The summary of the results are provided as an appendix. The max score available was 305 points with 183 (60%) on price and 122 (40%) on other factors, compliance, technical merit etc.

9 The results were as follows:

First -	Sevenoaks District Services	228 points (75%)
Second -	MITIE Pest Control	226 points (74%)
Third -	Noah's Ark Environmental Services	203 points (67%)

10 It should be noted that the quotation submitted by Sevenoaks Direct Services was for a charge of £7,000 per annum whereas the quotation for MITIE Pest Control offered a small payment to the Council for each treatment provided. For example £9 for all wasp treatments or £24 for all rat treatments. However, this had to be evaluated alongside the charges quoted by the provider to the customer. For example, MITIE's charge for a rat or mice treatment is 31% higher than Direct Services' charge and 20% higher for a bedbug treatment.

11 Accepting this quotation would increase the charges for several pest control treatments (particularly rats and mice) to residents of the District.

12 If it was agreed to move to an external contract arrangement for delivery of the Pest Control Service, particularly where payments will be due to the Council, officers will be obliged to oversee the contractors performance in delivery of the service and ensure receipt of all due payments in accordance with Contract and Finance procedure rules. It would be necessary to validate payment/treatment data supplied by the contractor and to retain accurate records to support an audit trail.

13 The in-house service provision carries low support overheads. Apart from direct employee, treatment supply costs and transport operating costs there is an annual charge for the depot and fixed transport charges as well as an administrative support charge equivalent to 1.5 hours/month. No other officer time is recovered from the pest control service account. Therefore there is no budget provision for the enhanced level of officer time necessitated by appointment of an external service provider.

14 Annual savings realised less income lost through cessation of in-house service:

Budgeted 2014/15 operating expenditure saved = £75,805 /annum

Budgeted 2014/15 pest control income to Direct Services = £67,686 /annum

£8,119 /annum

15 Costs currently recovered through in-house service provision that will remain:

Depot Recharge = £2,500.00 /annum

Unrecovered Fixed Transport charges = £4,361.12 /annum

Administrative support as 1% proportion of officer salary = £270.00 /annum

£7,131.12 /annum

Agenda Item 12

16 Additional contract support costs:

Administrative support =	2 days/month	£2,700	/annum	
Finance & Admin Manager =	1 hr/week	£1,405	/annum	
Head of Service =	1 hr/month	£440	/annum	
		<table border="1"><tr><td>£4,545.00</td></tr></table>	£4,545.00	/annum
£4,545.00				

Estimated additional contract support costs =

£3,557

17 Contract Income:

Estimated income from external provider =

£9,981.00

 /annum

Est. income less estimated additional contract support costs =

£6,424

 /annum

18 Therefore it can be seen that if the contract was awarded to an external provider, costs would remain to the Council of £3,557.

19 Receiving an income of £9,981 (estimated) per annum would be offset by a saving of only £6,424 to the Council.

Key Implications

Financial

In addition to the financial implications mentioned above relating to awarding the contract to an external provider, if Sevenoaks Direct Services cease providing the service redundancy costs amounting to £28,269 would be applicable if the two existing pest control officers were paid redundancy payments.

Although the Pest Control Services trading account realised a deficit of £17,010 in 2013/14 this was easily absorbed in the overall Direct Services trading accounts which realised a surplus of £229,768 in 2013/14.

In the current year (2014/15) – April to May 2014, the surplus realised on the trading accounts is £71,166.

Legal Implications and Risk Assessment Statement.

There is no statutory duty to provide a Pest Control Service, although the Council does have duties under the Prevention of Damage by Pests Act 1949, to take such steps as are necessary to secure, as far as practicable, that the District is kept free from rats and mice.

Ceasing the existing in-house service would result in higher charges being made for certain Pest Control treatments, particularly rats and mice, to the residents of the Sevenoaks District.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	Yes	Ceasing delivery of the service may have a detrimental effect on residents receiving means tested benefits as discounts may not be available leading to pest infestations remaining untreated for families on low incomes.
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		The competition process allowed providers to offer discounts on treatment prices for residents on means tested benefits.

Conclusions

The quotation offered by Sevenoaks Direct Services is the most economically advantageous tender of the three quotations received.

There is no statutory duty to provide a Pest Control Service.

Moving to an external provider would result in increased charges for certain pests for the residents of the District.

Awarding a contract where payments will be due to the Council would require resources to be allocated to oversee the contractors performance in delivery of the service and ensure receipt of all due payments.

Appendices

Appendix A – Tender Documentation

Appendix B – Quotation Score Summary

Background Papers:

Full Quotation Evaluation

[Report to Local Planning and Environment Advisory Committee – 19 November 2013](#)

Richard Wilson
Chief Officer Environmental and Operational Services

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Quotation for the provision of Pest Control Services

Prepared by:

Sevenoaks District Council
Direct Services
Dunbrik Depot
2 Main Road
Sevenoaks
Kent
TN14 6EP

July 2014

CONTENTS

	Page Number
General Information and Instructions for Quoting	3
Declaration	7
Form of Quotation	12
Method Statement	13
Quotation Questionnaire	14
Articles of Agreement and Conditions of Contract	37
Specification	48
Appendix A	58

SEVENOAKS DISTRICT COUNCIL

INVITATION TO QUOTE FOR THE PROVISION OF PEST CONTROL SERVICESGeneral Information and Instructions for QuotingInvitation to Quote

1. Sevenoaks District Council (the Council) invites quotations from companies or persons experienced in the provision of pest control services.
2. The Council requires the provision of chargeable pest control services to residents of the Sevenoaks District Council area in accordance with the detailed specification attached hereto.
3. Companies or persons selected to submit quotations are advised to ensure that they are fully familiar with the nature and extent of the obligations required of them. Any claim for under-recovery shall be rejected without consideration.
4. Should a person selected to submit a quotation be in doubt as to the interpretation of any part of the quotation document they should contact the nominated officer, the Head of Direct Services (Ian Finch) who will endeavour to answer written enquiries prior to such quotations being submitted. Ian Finch can be contacted by email at ian.finch@sevenoaks.gov.uk or by telephone on 01959-567350.
5. Every quotation received by the Council shall be deemed to have been made subject to the terms and conditions of the quotation documents unless the Council shall previously have expressly agreed in writing to the contrary. Any alternative terms or conditions (which must be submitted on a separate form) offered on behalf of a provider shall if inconsistent with the terms and conditions of the quotation documents be deemed to have been rejected by the Council unless expressly accepted in writing.
6. No servant or agent of the Council has authority to vary or waive any part of the quotation documents other than the Authorised Officer nominated by the Council and who shall do so only in writing.
7. Preparation of Quotation

It is the responsibility of Providers to obtain for themselves at their own expense all information necessary for the preparation of their quotations.
8. Information supplied by the Council (whether in these quotation documents or otherwise) is supplied for general guidance in the preparation of the quotation. Providers must satisfy themselves by their own investigations with regard to the accuracy of any such information and no responsibility is accepted by the Council for any inaccurate information obtained by Providers.
9. All information contained in this Quotation (and associated documentation) or in connection with this Invitation to Quote shall be regarded as confidential by the Provider and the Council, except where such disclosure is necessary by the Council pursuant to the Council's obligations under the Freedom of Information Act 2000 or such information is disclosed by the Provider for the purpose of obtaining guarantors and quotes necessary for the preparation of the quotation. Providers should indicate in their quotation response, areas that they consider are confidential.
10. The quotation documents are and shall remain the property of the Council and must be returned upon demand.

11. Quotations must be submitted for the provision of all the services as detailed in the Specification and upon the terms set out in the Contract. Quotations for part only of the specification will be rejected.
 12. The Quotation should be made on the Forms of Quotation incorporated herein. They should be signed by the Provider and submitted in the manner and by the date and time stated in condition 19.2 below. The Provider must also sign and submit:
 - 12.1 the Certificate that the Quotation is bona fide duly signed;
 - 12.2 the completed Questionnaire (and all documents incorporated therein);
 - 12.3 the completed Method Statement.
 13. All documents requiring a signature must be signed;
 - 13.1 where the provider is an individual, by that individual;
 - 13.2 where the provider is a partnership, by two duly authorised partners;
 - 13.3 where the provider is a company, by two directors or by a director and the secretary of the company, such persons being duly authorised for that purpose.
 14. The Provider will supply an itemised quotation showing the costs chargeable to the customer for the required pest control services as well as the amount of any concessionary rates to be offered for those on recognised benefits.
 15. The Council will look to accept the most economically advantageous compliant Quotation but the Council is not bound to accept the lowest or any quotation.
 16. Evaluation of Quotations:

In evaluating quotations the Council will consider the following in descending order of priority, where possible:

 - (i) Price,
 - (ii) Compliance with specification,
 - (iii) Technical merit, and quality factors,
 - (iv) All information supplied by the Provider in support of their application including Method statements and Questionnaire.
 - (v) Acceptance of Contract conditions.
 - (vi) Completeness of Response
 - a) Assessed completeness of response.
 - b) Assessed capability of the Provider to support all elements of the Contract
- 16.1 Weighting
- (i) Value for Money: 60%
 - (ii) Completeness of response, technical merit, assessed capability, concessionary rates, questionnaire response and any other relevant information: 40%

16.2 Evaluation Process

- (i) Officers appointed on behalf of the Chief Executive of the Council will undertake the evaluation process and their recommendation will be reported to the Council's Environment Portfolio-holder for a decision on the preferred supplier.
- (ii) The evaluation process will commence after the quotation return date.
- (iii) The Provider may be asked to supply details of other public authorities that they have provided pest control services for.

17. The successful provider will be required to execute a formal Agreement incorporating as a minimum the conditions set down in the form attached hereto.

18. Until the execution of that formal Agreement the matter will remain subject to contract.

19 Quotation Submission

19.1 The Quotation should be made on the Forms of Quotation incorporated herein. It should be signed by the Provider and submitted in the manner and by the date and time stated below with the following additional documentation:

19.2 This quotation must be placed in a plain sealed envelope bearing no other markings. The potential Provider should stick the yellow label marked "Quotation for Pest Control Services" provided on the front of the envelope having first removed a small corner of the label and adhered it to the rear of the envelope. Quotations must then be sent by registered post, recorded delivery or delivered by hand to the Democratic Services Manager, Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent, TN13 1HG, so as to arrive no later than midday on the 4th day of June 2014.

20. The Council will not consider requests for extension of the closing date and time specified.

21. The Council may at its own absolute discretion extend the closing date and time specified.

22. The Provider is expected to keep his quotation valid for acceptance for a period of 90 days from the quotation return date.

23. The Provider should detail any additional services that they offer on a separate submission.

24. The successful Provider will be required to commence delivery of the specified Pest Control services no later than 1st October 2014.

25. The Provider is required to complete the Method Statements attached hereto in order to illustrate how they will comply with the quotation requirements and specification.

26. Completion of the attached questionnaire is required.

27. The Certificate that the Provider is bona fide duly signed

28. The Council reserves the right to disregard quotations that are submitted incorrectly.

29. Basis of Quotations:

Quotations are invited from external Providers (advertised externally South East Business Portal) and the Council's own Direct Services Organisation on the basis that: -

29.1 The Council consider that the Transfer of Undertakings (Protection of Employment) Regulations 2006 (the Regulations) may apply to any externally successful provider. If that is the case the undertaking will transfer, and the

Council's employees engaged on the Service will transfer to the successful Provider pursuant to the Regulations.

- 29.2 The successful Provider will be required to interview and consider for employment any of the Council's existing staff who want to be employed by it.
- 29.3 The successful Provider will be required to give details of the terms of the employment that they would be prepared to offer to those of the Council's existing staff who elect to leave the Council's service and join the successful Provider.
- 29.4 As stated potential Providers are advised that that the Regulations may apply to this service. Providers should seek their own legal advice in this regard. In the event of the Regulations applying to the service the Provider will assume the risk of and will be presumed to have knowledge of the consequences of the application of the Regulations.
- 29.5 If the Regulations are considered to apply the Provider will be expected to provide pension arrangements broadly comparable with the Local Government Pension Scheme.
- 29.6 The Council will (upon request) provide such information to a prospective Provider as it obliged to give to an employee under section 1 of the Employment Rights Act 1996 for any employees who may transfer as part of the service.
- 29.7 In the event that TUPE is considered to apply the Contract with the successful Provider will provide that the Provider shall be liable for and indemnify and keep indemnified the Council against any failure to meet all remuneration, benefits entitlements and outgoings for the Transferring employee{s}.

Potential Providers who quote for the service should note that the Council does not offer any indemnity to any person against any costs that may be incurred should the provisions of Acquired Rights Directive 77/187 and 2001/23 EC and the Regulations apply.

30. Health and Safety

The successful Provider shall be required to provide updated copies of its Health & Safety Policy and all relevant risk assessments and safe working practices.

31. Contract

The Council reserves the right to make changes of a minor drafting nature to the Contract documentation. Such changes will be accepted by the successful Contractor without reservation.

Declaration to be completed by Quotee.

Pursuant to the Public Contract Regulations 2006 (SI 2006 No 5) (the Regulations) and regulation 23 thereof a contracting Council shall treat as ineligible and shall not select an economic operator in accordance with the Regulations if the contracting Council has actual knowledge that the economic operator or its directors or any other person who has powers of presentation, decision or control of the economic operator has been convicted of any of the following offences—

1. Conspiracy within the meaning of section 1 of the Criminal Law Act 1977(a) where that conspiracy relates to participation in a criminal organisation as defined in Article 2(1) of Council Joint Action 98/733/JHA(b);
2. Corruption within the meaning of section 1 of the Public Bodies Corrupt Practices Act 1889(c) or section 1 of the Prevention of Corruption Act 1906(d);
3. The offence of bribery;
4. Fraud, where the offence relates to fraud affecting the financial interests of the European Communities as defined by Article 1 of the Convention relating to the protection of the financial interests of the European Union, within the meaning of—
 - (i) the offence of cheating the Revenue;
 - (ii) the offence of conspiracy to defraud;
 - (iii) fraud or theft within the meaning of the Theft Act 1968(a) and the Theft Act 1978(b);
 - (iv) fraudulent trading within the meaning of section 458 of the Companies Act 1985(c);
 - (v) defrauding the Customs within the meaning of the Customs and Excise Management Act 1979(d) and the Value Added Tax Act 1994(e);
 - (vi) an offence in connection with taxation in the European Community within the meaning of section 71 of the Criminal Justice Act 1993(f); or
 - (vii) destroying, defacing or concealing of documents or procuring the extension of a valuable security within the meaning of section 20 of the Theft Act 1968;
5. Money laundering within the meaning of the Money Laundering Regulations 2003(g); or
6. Any other offence within the meaning of Article 45(1) of the Public Sector Directive as defined by the national law of any relevant State.

Furthermore, paragraphs 3 and 4 of Regulation 23 state that;

7. A contracting Council may apply to the relevant competent authority to obtain further information regarding the economic operator and in particular details of convictions of the offences listed in paragraph (1) if it considers it needs such information to decide on any exclusion referred to in that paragraph.
8. A contracting Council may treat an economic operator as ineligible or decide not to select an economic operator in accordance with these Regulations on one or more of the following grounds, namely that the economic operator—

- 8.1 being an individual is bankrupt or has had a receiving order or administration order or bankruptcy restrictions order made against him or has made any composition or arrangement with or for the benefit of his creditors or has made any conveyance or assignment for the benefit of his creditors or appears unable to pay, or to have no reasonable prospect of being able to pay, a debt within the meaning of section 268 of the Insolvency Act 1986(h), or article 242 of the Insolvency (Northern Ireland) Order 1989(i), or in Scotland has granted a trust deed for creditors or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of his estate, or is the subject of any similar procedure under the law of any other state;
- 8.2 being a partnership constituted under Scots law has granted a trust deed or become otherwise apparently insolvent, or is the subject of a petition presented for sequestration of its estate;
- 8.3 being a company or any other entity within the meaning of section 255 of the Enterprise Act 2002(a) has passed a resolution or is the subject of an order by the court for the company's winding up otherwise than for the purpose of bona fide reconstruction or amalgamation, or has had a receiver, manager or administrator on behalf of a creditor appointed in respect of the company's business or any part thereof or is the subject of the above procedures or is the subject of similar procedures under the law of any other state;
- 8.4 has been convicted of a criminal offence relating to the conduct of his business or profession;
- 8.5 has committed an act of grave misconduct in the course of his business or profession;
- 8.6 has not fulfilled obligations relating to the payment of social security contributions under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;
- 8.7 has not fulfilled obligations relating to the payment of taxes under the law of any part of the United Kingdom or of the relevant State in which the economic operator is established;
- 8.8 is guilty of serious misrepresentation in providing any information required of him under this regulation.

This summary is intended as a guide only and organisations should refer to the relevant statute for further guidance on ineligibility. The Council may request further information from the organisation or from competent authorities if such information is required to decide on any exclusion referred to above.

Declaration

I can confirm that the organisation is not ineligible to quote under the Public Contract Regulations 2006, regulation 23(1), nor are there grounds upon which the Council could treat the organisation as ineligible under 23(4) and that I have checked that all questions have been answered where applicable and the supporting documents are enclosed as requested.

Where the organisation considers it may either be ineligible under Regulation 23(1) or grounds may exist under Regulation 23(4) the contracting Council will require the economic operator to provide such information as it needs upon the Quote submission to enable the Council to make an evaluation. Subsequent discovery by the Council of any non-disclosure will be grounds for the Council to set aside any contract award decision or to terminate the Contract should they choose to do so.

- a. We quote to provide the Services in accordance with the details set out in this quote.
- b. We agree that this quotation, together with the Councils written acceptance will constitute a contract between us. We undertake that this quote remains open as an offer of contract for a period of 90 days.

- c. We confirm that the prices set out in this quote exclude VAT.
- d. We certify that this is a bona fide quotation and that we have not fixed or adjusted the amount of the quote in accordance with any arrangement with any third party.
- e. We certify that we have not done and we agreed not to do at any time before the quotation closing date any of the following:
 - i) communicating to any person the amount or approximate amount of the quotation except where the confidential disclosure of the amount of the quotation is necessary to obtain insurance quotations required in connection with the preparation of the quotation;
 - ii) entering into any agreement or arrangement with any other person or organisation that he/it should refrain from quoting or as to the amount of any quotation to be submitted; or
 - iii) pay, give offer to pay or give any sum of money, inducement or other valuable consideration directly or indirectly to any person for doing or having done or causing or having caused to be done in relation to any other quotation or proposed quotation for supplies any act or thing of the sort described at i) or ii) above.
- f. We further certify that the principles described in paragraphs e. (i) (ii) and (iii) above have been, or will be, brought to the attention of all sub-contractors, suppliers and associated companies providing services or materials connected with the quotation and any contract entered into with such sub-contractors, suppliers or associated companies will be made on the basis of compliance with the above principles by all parties.
- g. In this certificate, the word “individuals” includes any individuals and any body or association, corporate or unincorporated; “any agreement or arrangement” includes any transaction, formal or informal and whether legally binding or not; and “the Supplies” means the Goods and/or services in relation to which this quotation is made.
- h. I further certify that the information supplied in the Pre Qualifying Questionnaire is accurate to the best of my knowledge and that I accept the conditions and undertakings requested in the questionnaire. I understand and accept that false information could result in rejection of our application to quote.

Dated this _____ day of _____ 2014

Signature _____ in the capacity of _____

Duly authorised to certify the contents of this Declaration for and on behalf of:

(Company Name) _____

Postal Address

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SEVENOAKS DISTRICT COUNCIL

FORM OF QUOTATION

FOR THE PROVISION OF PEST CONTROL SERVICES

To: The Chairman and Members of the Sevenoaks District Council

I/We the undersigned having examined the Specification, conditions of Contract and other documents annexed hereto for the provision of pest control services hereby offer to provide the services in accordance with the said Specification, and Conditions of Contract commencing 1st October 2014.

My/Our quotation is for the following price (exc. VAT) being a Charge* or Payment* to the Council

* Please delete the non-applicable

Provision of Pest Control Services per annum. *Note: The Provider may refer to the Price Schedules at the end of this document*

£	
---	--

I/We undertake to begin mobilisation to commence service provision from 1st October 2014 immediately the Council give their written authority to commence work.

I/We declare that this offer is open for acceptance for a period of 90 days from the date of the quotation.

I/We understand that the Council is not bound to accept the lowest or any quotation which may be received and until a formal agreement is concluded between the Council and the successful provider the matter remains subject to contract.

Quotees Signature:

Print name(s) in full:.....

Date:.....

Name and Address of firm:

.....

This Form of Quotation and all accompanying documents shall be enclosed in a sealed envelope giving no indication either in franking or otherwise of the identity of the sender. The Quotee should stick the yellow label provided endorsed "Quotation for Pest Control Services" on the front of the envelope having first removed a small corner of the label and adhered to the rear of the envelope. Such envelope is to be delivered to the Democratic Services Manager, Sevenoaks District Council, Council Offices, Argyle Road, Sevenoaks, Kent, TN13 1HG by no later than midday on the 4th day of June 2014.

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SEVENOAKS DISTRICT COUNCIL

METHOD STATEMENT

Provision of Pest Control Services

Please state whether or not you can comply with all the requirements of the Specification as listed on pages 48-57 of this document.

Please confirm compliance: Yes/No*

* Please delete the non-applicable

If No, specifically detail requirements your organisation cannot comply with:
Please use a separate sheet if necessary.



QUOTATION

QUESTIONNAIRE

QUESTIONNAIRE

INSTRUCTIONS FOR COMPLETION

The information disclosed in this form will be used in the evaluation process. Any invitation to quote based on this questionnaire, however, does not imply any representation by the Council as to your financial stability, technical competence or ability in any way to carry out the Services. The right to return to these matters as part of the formal quotation evaluation process is hereby reserved to the Council.

1. Please note that whenever used in this questionnaire, the term “Firm” refers to a sole proprietor, partnership, incorporated company, co-operative, as appropriate, and the term “Officer” refers to any director, company secretary, partner, associate or other person occupying a position of authority or responsibility within the Firm.
2. Unless instructed otherwise when answering the questions, please give details which specifically relate to your Firm, not to the whole of the group if your Firm forms part of a group.
3. Please answer all questions as indicated, continuing on a separate sheet of paper if necessary. Each such sheet and all supporting documents sent should be clearly marked with the numbers of the sections and questions to which they relate.
4. Please do not include general marketing or promotional material for your Firm, either as answers to any of the following questions, or for any other reason.
5. The Specification which was advertised under the provisions of the Local Government Act 1988 details the Council’s requirements for the Services to be performed. This should be borne in mind when answering the questions and should resolve any ambiguities.
6. The completed questionnaire must be returned, together with the quotation and supporting documents in a plain unmarked envelope using the provided address label.

SECTION A - THE IDENTITY OF THE APPLICANT

1. Name and address of your Firm. This should be the Firm which will submit the quotation, if it is selected. (See Instructions for Completion on page 1 for the definition of "Firm").

2. Details of any other relevant addresses. You should state, for example, the registered office and/or other premises from which you propose to administer this Contract.

3. Name of person making application on your behalf, and their position in the Firm.

4. Address for correspondence and telephone and fax number.

5. Are you a sole trader, partnership, company or other body? Please specify.

6. List the full names of every Officer. (See Instructions for Completion on page 1 for the definition of "Officer").

- 7. Have any of the **Officers** been bankrupt or involved in any Firm which has gone into liquidation or receivership? (If so, please give details).

- 8. Has any Officer been employed by this Council? (If so, please give details).

- 9. Please state if any Officer has a relative(s) who is a Member of or is employed by the Council at a senior level. (If so, please give details).

- 10. Please state the names of Officers of your Firm who have any involvement in other Firms who provide services to the Council.

Questions for partnerships and sole traders

Partnerships only

- 11. Please give the full names (including all forenames) of all equity partners.

- 12. What is the total number of partners?

Partnerships and sole traders

13. When was the Firm formed?

14. Is the Firm a member of a group including other Firms?

15. If yes, please give the names and addresses of all the other members of the group; where a partnership, the total number of equity partners in each Firm; the date when those Firms were formed; and full details of the structure of the group indicating, for example, whether it is a partnership itself or a collection of separate partnerships sharing services.

Questions only for companies

16. Registration number, and date of registration under the Companies Act 1985 or (if applicable) the Industrial Provident Societies Acts 1965 to 1978.

17. If your Firm is a member of a group, please describe (with a diagram if necessary) its relationship with the group.

18. If your Firm is a member of a group, please state the names and addresses of the ultimate holding company and all other subsidiaries.

19. Would the group or the ultimate holding company be prepared to guarantee, as its subsidiary, your Firm's contract performance?

YES	
NO	

Tick as appropriate

SECTION B - FINANCIAL STANDING

1. What is the name of the person in the Firm responsible for financial matters? What position does that person hold?

--

2. Please enclose copies of all audited accounts and annual reports for the last three full years of trading as submitted to the Inland Revenue. Please ensure that these include:-
- (a) balance sheet
 - (b) profit and loss accounts or income and expenditure accounts
 - (c) full notes to the accounts
 - (d) managing partner's or director's report, and auditor's report.

Enclosed	YES	
	NO	

Tick as appropriate

3. If the accounts you are submitting include none for a financial year ending less than 10 months ago, can you confirm that the trading position now is similar?

--

4. If no, please give full details.

--

5. If yes to 3, please enclose a statement of turnover since the last published accounts.

Enclosed	YES	
	NO	

Tick as appropriate

6. Please provide the name and address of your bankers at paragraph 12 below, and confirm by means of a letter on your headed notepaper in the form set out in Schedule 1, signed by an authorised signatory, that we may obtain references from them.

Enclosed	YES	
	NO	

Tick as appropriate

7. Please provide details of your Firm's current turnover for each type of work in which you are interested.

--

8. Please give details on a separate sheet, of any outstanding claims or litigation against the Firm.

Enclosed	YES	
	NO	

Tick as appropriate

Taxation

9. VAT Registration Number

--

Fraud

10.1 Please state whether any Directors (including Company Secretary) or any other person who have control within the Firm have ever been convicted of any of the following offences (unless they are spent convictions within the meaning of the Rehabilitations of Offenders Act 1974) :-

- Cheating the Revenue;
- Conspiracy to defraud;

- Fraud;
- Money laundering.
- Bribery

YES		NO	
-----	--	----	--

10.2 If the answer to 10.1 above is Yes, Please give details of the person, their position at the Firm, when the offence was committed and details of the offence.

Insurance

11. Please give details of insurance as indicated below, supplying in each case a copy of the policy held by you in relation to that insurance.

11.1 Employers Liability Insurance held.

INSURER	
POLICY NO.	
EXTENT OF COVER	
EXPIRY DATE	

Enclosed	YES	
	NO	

Tick as appropriate

11.2 Public Liability (Third Party) Insurance held.

INSURER	
POLICY NO.	
EXTENT OF COVER	
EXPIRY DATE	

Enclosed	YES	
	NO	

Tick as appropriate

11.3. Professional Indemnity Insurance held.

INSURER	
POLICY NO.	

EXTENT OF COVER	
EXPIRY DATE	

Enclosed	YES	
	NO	

Tick as appropriate

11.4 Please enclose full details of any claims in excess of (£15,000) made under your Firm’s professional indemnity policy within the last three years.

Enclosed	YES	
	NO	

Tick as appropriate

Bank Details

12 Please give the name and address of your firm’s bankers from whom references can be sought

SECTION C - TECHNICAL CAPACITY AND ABILITY

The following questions are intended to indicate your Firm's general technical capacity and ability. Where necessary, please expand your answers to cover any particular arrangements which would apply to some only of the work advertised, or to the different types of work in which you are interested.

1. Please indicate below the name and reference of the Contract for which you are applying.

2. Has your Firm ever suffered a deduction for liquidated and ascertained damages in respect of any contract within the last 3 years?

3. Has your Firm ever had a contract terminated or your employment determined under the terms of a contract?

4. Has your Firm ever not had a contract renewed for failure to perform to the terms of a contract?

5. Have any of your Firm's contracts ended early by mutual agreement following allegations of default on your Firm's part?

If the answer to any of questions 2-5 above is yes, please enclose details.

Enclosed	YES	
	NO	

Tick as appropriate

6. How has your Firm assessed the suitability and competence of the staff who will be allocated to this work? (Please specify. For example, job descriptions, qualifications, etc).

--

7. State the approximate number of your Firm’s staff who will be engaged in the specific type of contract for which you are applying.

Type of Staff	Numbers
* Equity partners or equivalent	
* “Salaried” partners or equivalent	
Professionals of more than 10 years post qualification experience	
* Professionals of more than 5 years post qualification experience	
* Trainee professionals, including part-qualifieds	

8. Ability and experience of similar work.

Please list below the full names, addresses and other details requested of principal organisations for which your Firm has provided Pest Control Services at any time during the three years beginning 1st April 2011

Name and Address of Organisation	Contact Name	Contract Reference	Quotation Price (£)	Value to Date (£)	Nature of Work	Date of Contract
1						

(NB. You may use additional sheets if necessary, but please mark clearly “Question 8”).

Name and Address of Organisation	Contact Name	Contract Reference	Quotation Price (£)	Value to Date (£)	Nature of Work	Date of Contract
2						
3						
4						
5						
6						

9. Complete the table below to show your Firm's annual turnover.

YEAR	ANNUAL TURNOVER
2010-2011	
2011-2012	
2012-2013	
2013-2014 (estimated)	

10. In relation to any work performed in the past by the staff who are likely to be allocated to the Council's work, has your Firm:

had a client refuse to pay a bill? (If so, please give details).

been the subject of judicial criticism or ordered to pay costs because of default of the Firm? (If so, please give details).

11. In the last five years have any adverse complaints been made against your Firm to any professional body in respect of any work of the Firm (ie not restricted to the staff or unit which could be performing this work)? (If so, please give full details).

12. Are any staff within the Firm (ie not restricted to the staff or unit which could be performing this work) subject to any qualification or limitation on their practising certificates? (If so, please give details).

13. Are any staff within the Firm (ie not restricted to the staff or unit which could be performing this work) currently acting or likely to act for clients who may wish to bring an action against the Council during the life of the Contract? (If so, please give details). Is any other work being undertaken or likely to be undertaken which could give rise to any other conflict of interest?

--

14. If yes to 13, please give details on a separate sheet of how you propose to handle these conflicts of interest?

Enclosed	YES	
	NO	

Tick as appropriate

15. Please enclose details of how your Firm will ensure that a quality service is delivered and maintained. Have you obtained, for example, certification under BS EN ISO9000 or some other similar quality assurance system?

Enclosed	YES	
	NO	

Tick as appropriate

16. Please enclose a statement detailing how your Firm deals with complaints.

Enclosed	YES	
	NO	

Tick as appropriate

17. Please enclose details of how your Firm would deal with conflicts of interest were any to arise during the course of the Contract.

Enclosed	YES	
	NO	

Tick as appropriate

18. Please **enclose** a statement explaining how you would organise your Firm in order to deliver this particular type of service to the Council. Attach any diagrams which help to explain your approach. Show how this type of work, and your potential for the Council's work, relate to your business and market development plans.

Enclosed	YES	
	NO	

Tick as appropriate

SECTION D - EQUAL OPPORTUNITIES

Questionnaire

<p>6 Do you have an equal opportunities or 'equality policy'?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Please provide a copy of your policy</p>
<p>7 Is it your policy as an employer to comply with your statutory obligations under the current legislation relating to equality and accordingly, your practice not to treat one group less favourably than others because of their gender, race, ethnic background, religion or belief, disability, sexual orientation or age, in decisions to recruit, train or promote employees?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>8 In the last three years has any finding of unlawful discrimination or other breach of the discrimination laws been made against your organisation by any court or industrial tribunal?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, what steps have been taken to address the findings?</p>
<p>9 In the last three years has your Company been the subject of a formal investigation by the former Commission for Racial Equality, the Disability Rights Commission, Equality Opportunities Commission or the current Equality and Human Rights Commission, on the grounds of alleged unlawful discrimination?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, what steps have been taken to address the findings?</p>
<p>10 Is your policy on equality opportunities set out:</p> <p>a. In instructions to those concerned with recruitment, training or promotion of employees?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide details</p> <p>b. In documents available to employees, recognised trade unions or other employee representative groups?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>c. In recruitment advertisements or other literature?</p> <p>Yes <input type="checkbox"/> Yes <input type="checkbox"/></p> <p>If yes, please provide a copy of a recent recruitment advertisement</p>
<p>11 Do you observe as far as possible the relevant equalities and non-discrimination codes of practice?</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>

SECTION E - HEALTH AND SAFETY

1. Has your Firm, during the last three years, been prosecuted for contravention of the Health and Safety at Work etc Act 1974, or equivalent national legislation? Has your Firm been the subject of a formal investigation by the Health and Safety Executive, or similar national body charged with enforcing health and safety standards? (If so, please give full details).

2. Give the name of the Officer or other person responsible for the implementation of your Firm's health and safety policy. Enclose a brief CV of this person.

Enclosed	YES	
	NO	

Tick as appropriate

3. If your Firm has more than five members of staff, please enclose a copy of the Firm's health and safety policy and/or other declaration, information, or instruction issued by your Firm, as necessary, to protect the health and safety of staff at work.

Enclosed	YES	
	NO	

Tick as appropriate

4. How are your health and safety policies and procedures conveyed to your staff and administered within your Firm? (Please supply details).

--

Enclosed	YES	
	NO	

Tick as appropriate

5. Please state the Firm's policy on the training of employees especially in relation to Health and Safety matters.

--

6. Does your Firm's Health and Safety Policy cover the following? Please enclose written details.

- (a) Procedures to be followed in case of emergency.

Enclosed	YES	
	NO	

- (b) Procedures for the reporting and recording of accidents and dangerous occurrences.

Enclosed	YES	
	NO	

- (c) First Aid and welfare provisions.

Enclosed	YES	
	NO	

- (d) Provision of appropriate protective clothing and equipment.

Enclosed	YES	
	NO	

7. Please enclose a Risk Assessment based upon the Service that is to be provided. To include the assessments required under COSHH Regulation where appropriate.

Enclosed	YES	
	NO	

SECTION F

Sustainable Procurement – Environmental Questionnaire

Quotation for Provision of Pest Control Services

ENVIRONMENTAL REQUIREMENTS

Please answer the following questions with reference, where relevant, to the goods or services you would provide under this agreement

1. Do you have a company environmental policy? YES/NO

If yes, please attach a copy

2. Do you have a dedicated Environmental Co-ordinator/Manager? YES/NO

3. Do you carry out environmental reviews or auditing? YES/NO

4. Are you accredited to ISO 14001/EMAS or equivalent? YES/NO

If not ISO/EMAS please specify

.....

5. Are you a member of an Industry Environment Association, Green Business Club, or similar business group tackling environmental issues? YES/NO

If yes, please provide brief details

.....
.....
.....

6. Do you have an Environmental Management System or equivalent? YES/NO

If yes, please provide brief details.

.....

Signed:

.....

Position in company:

.....

Date:.....

SECTION G - UNDERTAKING

When you have completed the Questionnaire, please ensure that:-

1. you have answered all appropriate questions for each service in which you are interested;
2. you have **enclosed** all documents requested;
3. you have read and signed the section below.

The Specification has been considered by my Firm in completing this questionnaire and I certify that my Firm is interested in performing the services set out in it.

I certify that the information supplied is accurate to the best of my knowledge and that I accept the conditions and undertakings requested in the questionnaire. I understand and accept that false information could result in rejection of our application to quote.

I also understand that it is a criminal offence, punishable by imprisonment, to give or offer any gift or consideration whatsoever as an inducement or reward to any servant of a Public Body. I also understand that any such action will empower the Council to cancel any Contract currently in force and will result in rejection of our application to quote.

NB. This undertaking is to be signed by a partner or authorised representative in their own name on behalf of your Firm.

Signed for and on behalf of the Firm:

Signed

Position/status in the Firm

Firm's name

Firm's address

Dated

Questionnaire - Schedule 1

Manager of

Dear Sir

BANK REFERENCE FOR SEVENOAKS DISTRICT COUNCIL

Our firm holds a number of accounts at your office under account references [] and has been asked to provide a bank reference to the above Council in respect of financial services which we are offering to that Council.

This letter hereby authorises you to provide full details of our accounts to that Council, together with a history of our banking record over the previous three years. It also authorises you to answer such other reasonable questions which they may ask for the purpose of assessing the financial and economic standing required of service providers to that local authority.

Yours faithfully

(Authorised signatory)

CONTRACT

AN AGREEMENT made the day of Two Thousand and Fourteen BETWEEN THE DISTRICT COUNCIL OF SEVENOAKS of Council Offices Argyle Road Sevenoaks Kent TN13 1HG (hereinafter called “the Council”) of the one part and

{—————} whose registered office is {—————}
 —————}(hereinafter called “the Service Provider”) of the other part

WHEREAS the Council require the provision of Pest Control Services as specified or described in the Specification which forms part of the Quotation attached hereto (hereinafter called “the Quotation”) such services to be delivered to residents of the district commencing the 1st day of October 2014. (“the Commencement Date”).

AND WHEREAS the quotation was submitted by the Service Provider to the Council and the Council has accepted the said quotation.

NOW IT IS HEREBY AGREED as follows: -

1. *THE Service Provider shall provide the pest control services described in the quotation attached hereto) at the collective price of £{—————} exclusive of VAT (the Sum) subject to the conditions and stipulations set out or referred to in the said quotation and the Conditions of Contract herein contained for the term of three years from the Commencement Date unless previously determined under the provisions herein contained.
1. *THE Council agrees to pay to the Service Provider on provision of the services specified the total sum of £{—————} plus VAT (the Sum) such Sum to be paid annually in arrears in quarterly instalments within two weeks of the presentation of each quarterly invoice following provision of the pest *control* services.

* One provision will be deleted dependent upon the bid

Provision of Services

2. In consideration of the Council paying/receiving *the Sum to/from* the Service Provider the Service Provider shall provide the Pest Control Service in the Sevenoaks District with reasonable skill and care and in accordance with these terms and conditions and the attached documentation and shall provide properly skilled staff (including adequate supervision) and all necessary equipment chemical and materials used for such purpose.

Contractual Documentation

3. It is hereby agreed and declared that all the following documents shall form the Contract:-
 - 3.1 Quotation, Specification and Prices Schedule.
 - 3.2 Conditions of Contract attached hereto,
 - 3.3 Any variation agreed in writing between the parties hereto,
 - 3.4 The requirements of any relevant UK or EU statute, regulation, directives, standard code of practice or bye-law from time to time in force which is relevant to the Service.
 - 3.5 Any recommendations or representation reasonably made by the Council,
 - 3.6 Professional standards which might reasonably be expected of the Service Provider carrying out a pest control contract.

The documents referred to above have been read and construed as one with this Agreement and shall be as binding upon the Service Provider and upon the Council as if the same had been repeated herein.

Staff

4. The Service Provider will use reasonable endeavours to provide staff to carry out the Pest Control Service who are aged 18 or over and are (so far as reasonably possible) known to the Service Provider and in respect of whom character and employment references have been checked to ensure so far as is reasonably possible that they are reliable, discreet and honest. On the written request of the Council, the Service Provider will provide the Council with a list of the names of its staff working at any particular location, their duties, the dates and times when such staff shall be at any particular location and shall keep the Council informed of all changes in such staff.

Health and Safety

5. So far as affects their staffs that perform the Pest Control Service, the Service Provider undertakes with the Council that (without limiting its duties to them) it will:
 - 5.1 in accordance with applicable law safeguard the health, safety and welfare of its staff and public in performing the Pest Control Service;
 - 5.2 bring to the notice of its staff the safety policies of both the Service Provider and the Council provided that the Council has notified the Service Provider of its safety policy in writing and in advance;
 - 5.3 provide reasonable information, training and supervision in safe working practices and the need to work safely; and
 - 5.4 have reasonable regard for the health and safety of those not employed by the Service Provider, but who may be affected by the Service Provider's work under this Agreement.

Complaints

6.
 - 6.1 Any complaint received by the Service Provider about the performance of the Pest Control Service must be passed on in writing to the Council's Head of Direct Services within two working days of the occurrence complained about and the Service Provider will take reasonable action, without cost to the Council, to investigate and if justified (unless it reasonably considers that the complaint was not justified) take reasonable remedial action.
 - 6.2 In the absence of complaint it will be assumed that the Council is satisfied with the Service Provider's performance of the Pest Control Service however nothing in this clause shall act so as to waive or limit any right or remedy either Party may have under this Agreement or as may be provided by applicable law.

Annual Percentage Increases

7.
 - 7.1 If the Service Provider has elected to annually increase the charges for the Pest Control Service the Service Provider may increase the same in accordance with the Prices Schedule by giving 90 days' written notice to take effect on the next due invoice after that period, but:

- 7.1.2 No such change shall be made within 12 months of the Commencement Date; and
- 7.1.3 The Council may terminate this Agreement by giving 60 days' notice in writing following written notification of intent to increase charges.

Assignment

- 8. The Service Provider may not without the prior written consent of the Council assign or dispose of the Pest Control Service or part with any interest in it, or grant any lease or license or delegate any of the rights conferred by it. The Service Provider will not engage 'self-employed' staff to work under the Pest Control Service but will provide employees engaged by it under service contracts.

Exclusion of liability and indemnity

- 9.
 - 9.1 To the extent permitted by applicable law, the Council disclaims all liability to the Service Provider in connection with the Service Provider's performance under this Agreement, including but not limited to liability for loss of profits and other consequential losses.
 - 9.2 Except in the case of death or personal injury caused by the Council's negligence, the liability of the Council under or in connection with this Agreement whether arising in contract, tort, negligence, breach of statutory duty or otherwise howsoever shall not exceed the Sum paid or received for the Service.
 - 9.3 The Service Provider shall indemnify the Council in respect of all damage to any property or injury to or death of any person and against all actions, suits, claims, demands, costs, charges and expenses arising in connection therewith which shall be occasioned by the negligence or wilful default of or breach of statutory duty by the Service Provider or any employee sub-contractor or licensee they may employ.

Insurance

- 10. Throughout the period of this Agreement the Service Provider shall maintain policies of insurance with a reputable insurance company in respect of public liability cover and employer liability cover, such cover to be not less than £5 million respectively or such other amounts as the Council may from time to time reasonably require and the Service Provider shall as and when reasonably required by the Council produce for inspection documentary

evidence that such insurances are being properly maintained and that payments have been made in respect of the last preceding premiums due thereunder.

Variation

11. This Agreement may only be amended in writing signed by duly authorised representative of each of the parties hereto.

Force majeure

12. Neither Party shall have any liability under or be deemed to be in breach of this Agreement for any delays or failures in performance of this Agreement which result from circumstances beyond the reasonable control of that Party. The Party affected by such circumstances shall promptly notify the other Party in writing when such circumstances cause a delay or failure in performance and when they cease to do so. If such circumstances continue for a continuous period of more than 6 months, either Party may terminate this Agreement by written notice to the other Party.

Gifts and inducements

13. If the Service Provider shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or having done or forborne to do any action in relation to the obtaining of this Contract or any other contract with the Council for showing or forbearing to show favour or disfavour to any person in relation to the Contract or any other contract with the Council or if the like acts shall have been done by any person employed by the Service Provider or acting on the Service Provider's behalf (whether with or without the knowledge of the Service Provider) or it in relation to the Contract or any other contract with the Council the Service Provider or any person employed by the Service Provider or acting on the Service Providers behalf shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward to any officer of the Council which shall have been exacted or accepted by such officer by virtue of his office or employment and is otherwise than such officer's proper remuneration the Council shall recover from the Service Provider the amount of any loss resulting from such termination.

Grounds for termination

14. In addition to and without prejudice to any other provisions of this Agreement the Council shall be entitled forthwith to terminate this Agreement upon the happening of the following events: -

- 14.1 The Service Provider commits any material breach of their obligations hereunder and does not remedy such breach within 21 days of a written notice by the council to do so.
- 14.2 The Service Provider becomes bankrupt or insolvent or enters into liquidation or receivership or is the subject of an application for an administration order or suffers an administrative receiver to be appointed in relation to the whole or any parts of its assets or makes a composition or arrangement with its creditors or suffers any judgement to be executed in relation to any of its property or assets.
- 14.3 If the Service Provider fails to act in a diligent manner in providing a Pest Control Services in accordance with the Specification or as subsequently agreed with the Council's Head of Direct Services then the Council may give 21 days written notice in which to rectify the default that has occurred or determine this Contract forthwith.
- 14.4 Any termination of this Agreement (whether under this clause or otherwise) shall not relieve any obligation under this Agreement that is expressed to continue after termination.

Skill and Care

15. The Service Provider warrants to the Council that the Service Provider will exercise and will continue to exercise all proper skill care and diligence that may reasonably be expected of a professional company acting in the capacity of pest control service provider within the scope of the requirements and will comply in all respects with the terms of this Contract and Specification and the Council will be deemed to have relied and to rely upon the exercise of the Service Providers skill and care.

Freedom of Information

16.

- 16.1 The Service Provider acknowledges that the Council is subject to the requirements of the Code of Practice on Access to Government Information, the Freedom of Information Act and the Environmental Information Regulations and shall assist and cooperate with the Council (at the Service Providers expense) to enable the Council to comply with these information disclosure requirements.
- 16.2 The Service Providers shall and shall ensure that any agreed sub-contractors shall: -
- 16.2.2 Provide the Council with a copy of all information in its possession or power in the form that the Council requires within five working days (or such other period as the Council may specify) of the person requesting that information; and
- 16.2.3 Provide all necessary assistance as reasonably requested by the Council to enable the Council to respond to a request for information within the time for compliance set out in Section 10 of the Freedom of Information Act 2000 or any amendment or addition thereto.
- 16.3 The Council shall be responsible for determining at its absolute discretion whether:-
- 16.3.1 The information is exempt from disclosure under the Code of Practice on Access to Government Information the FOIA and the Environmental Information Regulations;
- 16.3.2 The information is to be disclosed in response to a request for information, and in no event shall the Contractor respond directly to a request for information unless expressly authorised to do so by the Council.
- 16.3.3 The Contractor acknowledges that the Council may, acting in accordance with the Department of Constitutional Affairs' Code of Practice on the Discharge of Functions of Public Authorities under Part I of the Freedom of Information Act 2000, be obliged under the Code of Practice on Access to Government Information, the FOIA, or the Environmental Information Regulations to disclose Information:-
- 16.3.4 without consulting with the Service Provider, or

16.3.5 following consultation with the Service Provider and having taken its views into account.

16.4 The Service Provider shall ensure that all information produced in the course of the Contract or relating to the Contract is retained for disclosure and shall permit the Council to inspect such records as requested from time to time. The Service Provider acknowledges that any lists or schedules provided by it outlining Confidential Information are of indicative value only and that the Council may nevertheless be obliged to disclose Confidential Information in accordance with the above clauses.

Data Protection

17.

17.1 The Service Provider's attention is hereby drawn to the Data Protection Act 1998 and to Directive 95/46/EC and any regulations implementing it (all referred to together as the Data Protection Requirements").

17.2 The Service Provider warrants that it will duly observe all its obligations under the Data Protection Requirements which arise in connection with the contract and any information it may receive or acquire in connection with the Contract and ensure that the Council shall not be in breach of the Data Protection Requirements as a result of any act or omission of the Service Provider.

17.3 In particular without limitation the Service Provider shall:

17.3.1 Act only on instructions of the Council as data controller and take appropriate technical and organisational measures against accidental loss or destruction of and damage to any personal data

17.3.2 Not transfer any personal data outside the countries of the European Economic Area without and only to the extent of any written consent of the relevant data subject and the Council which may be refused at the contracting Council's sole discretion, and as required by Schedule 1 Part II of the Data Protection Act 1998 the Service Provider shall:

only carry out processing (as defined in the Data Protection Act 1998) on the contracting Council's instructions, and:

comply with the obligations set out in the seventh principle of Schedule 1 of the Data Protection Act 1998 in respect of all processing carried out on behalf of the contracting Council.

Without prejudice to Clause 17.2, if requested, the Service Provider is to provide a report within forty-eight (48) hours of Contract signature as to how it shall meet the Data Protection Requirements of the Council and those that are incumbent on the Service Provider and at any time shall allow the Council to audit the Service Provider's compliance with its obligations in respect of the Data Protection Requirements to include allowing access to all information and provision of assistance to employees of the Council's internal and external audit for the purposes of such audit.

Waiver

18. No failure or delay by either Party in exercising any right, power or privilege under this Agreement shall impair the same or operate as a waiver of the same nor shall any single or partial exercise of any right, power or privilege preclude any further exercise of the same or the exercise of any other right, power or privilege. The rights and remedies provided in this Agreement are cumulative and not exclusive of any rights and remedies provided by law.

Third parties

19. For the purposes of the Contracts (Rights of Third Parties) Act 1999 and notwithstanding any other provision of this Agreement] this Agreement is not intended to, and does not, give any person who is not a party to it any right to enforce any of its provisions.

Notices

20.

- 20.1 Any notice to be given under this Agreement shall be in writing and shall be sent by first class mail or air mail, or by facsimile or e-mail (confirmed by first class mail or air mail), to the address or facsimile number of the relevant Party set out overleaf, or such other address or facsimile number as that Party may from time to time notify to the other Party in accordance with this clause 20.

- 20.2 Notices sent as above shall be deemed to have been received 3 working days after the day of posting (in the case of inland first class mail), or 7 working days after the date of posting (in the case of air mail), or on the next working day after transmission (in the case of facsimile messages, but only if a transmission report is generated by the sender's facsimile machine recording a message from the recipient's facsimile machine, confirming that the facsimile was sent to the number indicated above and confirming that all pages were successfully transmitted), or next working day after sending (in the case of e-mail).
- 20.3 In proving the giving of a notice it shall be sufficient to prove that the notice was left, or that the envelope containing the notice was properly addressed and posted, or that the applicable means of telecommunication was addressed and despatched and despatch of the transmission was confirmed and/or acknowledged as the case may be.

Jurisdiction

21. The validity, construction and performance of this Agreement shall be governed by English law and shall be subject to the non-exclusive jurisdiction of the English courts to which the Parties submit.

Interpretation

- 22 In this Agreement unless the context otherwise requires:

- 22.2 words importing any gender include every gender;
- 22.2 words importing the singular number include the plural number and vice versa;
- 22.3 words importing persons include firms, companies and corporations and vice versa;
- 22.4 references to numbered clauses and schedules are references to the relevant clause in or schedule to this Agreement;
- 22.5 reference in any schedule to this Agreement to numbered paragraphs relate to the numbered paragraphs of that schedule;
- 22.6 any obligation on any Party not to do or omit to do anything is to include an obligation not to allow that thing to be done or omitted to be done;
- 22.7 the headings to the clauses, schedules and paragraphs of this Agreement are not to affect the interpretation;

22.8 any reference to an enactment includes reference to that enactment as amended or replaced from time to time and to any subordinate legislation or byelaw made under that enactment; and

22.9 where the word 'including' is used in this Agreement, it shall be understood as meaning 'including without limitation'.

22.10 where there is any conflict between the Contract terms and conditions and Specification the latter shall prevail.

1

IN WITNESS whereof the Service Provider has hereunto set his hand and the Council has hereunto set its seal the day and year first above written

SIGNED AS A DEED by

{-----}

authorised representative in the presence of:-

Director

Secretary

THE COMMON SEAL of THE DISTRICT COUNCIL OF SEVENOAKS was hereunto affixed in the presence of:-

Authorised Signatory

Authorised Signatory

PROVISION OF PEST CONTROL SERVICES

1. QUOTATION SPECIFICATION

1.1. Introduction & Background

Sevenoaks District Council invites quotations to provide pest control services throughout the Council's area. The service is required to be available to all domestic premises within the boundaries of Sevenoaks District Council. A plan showing the operational area is provided for information at Appendix A.

The service is currently provided by its internal Direct Services Organisation. Residents access the service via the Council's contact centre where details of the pests are recorded and the service request referred on to a Pest Control Officer. There are two directly employed Pest Control Officers who then arrange an appointment date (but not a fixed time) with the customer.

Users of the service make payment either upon booking the appointment or where more than one treatment is required on the first visit.

1.2. Performance of Service and Hours of Operation

The Provider shall ensure the Pest Control Services are carried out in an efficient, safe and effective manner, demonstrating a high degree of courtesy and consideration to customers and the public during the performance of the services.

The agreement will be for a period of 3 years with an option to extend by one year subject to mutual agreement. The start date of the Contract will be 1st October 2014.

The service is to be provided between the hours of 08:45 and 17:15, Monday to Friday as a minimum (excluding Bank Holidays).

Current service provision allows for hourly appointment slots although service times vary in duration subject to the type and accessibility of treatment activity. The successful provider shall not provide less than this current service level.

The interval between return visits, if applicable, is required to be 7 to 12 days unless it is inconvenient to the customer.

Whilst timed appointments are not given, operatives shall provide a first morning appointment, to be undertaken no later than 09.00 to 09.30 and a last afternoon appointment between 16.45 and 17:15.

1.3. Extent of Service

Upon commencement of the agreement District Council residents contacting the Council for Pest Control services shall be referred to the Provider's service centre using the contact details supplied. No payments shall be taken by the Council on behalf of the Provider. Any complaints relating to service delivery shall be handled and resolved by the service provider.

It shall be the Provider’s responsibility to confirm with customers when the first or subsequent appointments are scheduled and to clearly record details of the appointment and subsequent treatment or advice given.

It is expected all pest control services will be subject to charge. A price schedule shall be prepared and published each year and notified in advance to the Council. The Provider shall be responsible for informing customers of all service charges and for collecting payments from customers of any such reasonable fees.

Persons in receipt of Council tax, Housing Benefit or other means-tested benefit are currently offered a reduced charge concession. Providers are to state if any such concession would be continued, be modified or would cease as part of its quotation submission.

It is expected that all payments charged shall be retained by the Provider to support continuation of a valued, cost effective and customer-focussed service. However the Provider may choose to pass a proportion of the fees collected each year back to the Council. Details of any such offer shall be included within the Provider’s quotation submission.

Treatment cases handled over a ten year period:

Year	Number of Cases - Rats		Number of Cases - Mice		Number of Cases - Wasps		Number of Cases - Others (e.g Fleas)	
	Full Price	Subsidised	Full Price	Subsidised	Full Price	Subsidised	Full Price	Subsidised
04/05	147	63	125	71	1052	212	101	18
05/06	160	75	137	63	343	57	76	21
06/07	89	65	81	54	688	98	101	13
07/08	133	107	143	105	801	156	144	24
08/09	86	30	47	18	438	66	58	6
09/10	55	17	35	6	563	90	60	4
10/11	104	19	68	17	643	90	79	6
11/12	80	16	76	5	758	61	55	4
12/13	92	10	131	7	157	12	19	3
13/14	63	5	79	4	531	48	17	1
10 year average	100	41	92	35	597	89	71	10

Pest Control Officers provide free telephone advice to residents. Although subject to seasonal variation on average each officer makes one or two advice calls per day.

Pest Control Officers also provide free identification of insect pests that residents send or bring in person. Although subject to seasonal variation on average an officer identifies one insect per week.

1.4. Provision of Services and Equipment

The service provider will supply the following:

- i. **Accommodation:**
The Provider shall provide such accommodation and facilities as are necessary for the efficient performance of the service and ensure that any associated costs have been included as appropriate in the quoted prices.
- ii. **Baits and Poisons:**
The Provider shall keep an up to date Poisons Register. Only pesticides subject to current approvals and consents shall be used and the methods of use shall comply with the procedures laid down by the Control of Pesticides Regulations 1986 or such other relevant statutes and regulations as may be in force. The Council reserves the right to prohibit or restrict methods of treatment and or the use of certain pesticides notwithstanding that they may have been cleared under the Regulations.
- iii. **Baits and Poisons Storage:**
The Provider shall store and keep all dangerous and potentially dangerous materials and equipment securely, under proper supervision and clearly and correctly identified so as not to endanger any person, animal or creature other than the pest which is to be the subject of specific control. The Provider shall at the start of the agreement supply up to date copies of its Control of Substances Hazardous to Health assessments and Material Safety Data sheets for all products used in connection with the service agreement.
- iv. **Equipment:**
The Provider shall provide and maintain in good condition all equipment deemed necessary to deliver this service to include Personal Protective Equipment (PPE) spray equipment, bait boxes, ladders and all other items normally associated with provision of a service of this nature.
- v. **Communication:**
The Provider shall provide to the Council and keep updated its service manager and operatives contact details.
- vi. **Transport:**
The Provider shall provide, maintain and use an appropriate vehicle to enable effective and safe delivery of this service. Alternative arrangements must be in place to ensure continuity of service should a vehicle breakdown or be otherwise unavailable.
- vii. **Protective clothing:**
The Provider shall provide adequate and suitable protective clothing for persons delivering the service. Such persons shall be smartly and appropriately dressed.
- viii. **Associated Issues:**
Operatives are required to report conditions thought to be associated with an infestation such as a filthy property /rubbish accumulations /building and drainage defects to the District Council's Environmental Protection team.

ix. **Business Continuity:**

The Pest Control Service provided under this agreement shall be available to residents of Sevenoaks District Council during normal working hours throughout the year. Where assigned operatives are absent due to leave, sickness or refresher training the Provider shall make appropriate arrangements for continuity of service delivery.

1.5. **Record Keeping**

The Provider will maintain records of all work carried out under this agreement as may be required by the Council.

On the first working day of every month a summary report of the number and type of each treatment delivered to Sevenoaks District Council residents during the preceding month shall be compiled and submitted to the Council for inclusion in its Performance Indicator data reports. The format of such reports shall be agreed with the Council. The Service Provider shall also provide upon request by the Council a set of annual audited accounts.

1.6. **Treatment Sheets**

The Provider shall issue to every owner or occupier of each premises where chemicals are to be laid for the control of pests, a printed information and safety data sheet of a format agreed with the Council.

At the conclusion of any treatment, the operative shall leave with the owner/occupier a customer satisfaction form in a format agreed with the Council. Results of the customer satisfaction survey shall be submitted to the Council at quarterly intervals, or such other interval as required.

1.7. **Attendance at Council Offices**

The Provider's representatives shall upon request be able to attend the Council offices with clear and comprehensive written records of all work, including location of poisons and types used in treatments provided to Sevenoaks District Council residents.

1.8. **Identity Cards**

Operatives delivering the service shall carry at all times means of identification, including a contact number for verification, to assure customers of the legitimacy of the service.

1.9. **Service Standard / Formal Complaints / Ombudsman**

The Provider shall acknowledge all service requests from residents of Sevenoaks District Council within two working days and carried out initial treatment within five working days. Only in exceptional circumstances shall such other reasonable time period be agreed with the Council.

A single treatment charge to the customer is to include for as many site visits as are necessary to eradicate one source of pest infestation.

Complaints received by the Council from Sevenoaks District Council residents regarding the Providers pest control services shall be referred to the Provider's management for prompt and mutually satisfactory resolution.

Should informal resolution by the Provider not be possible, then this Council operates a formal complaint policy accessible to the public. The Provider will be obligated to co-operate with the Council in finding a resolution to such formal complaints.

Should a complaint be referred to the Local Government Ombudsman, then if necessary, The Provider shall be liable to pay to the Council within 14 days of demand any payment made by the Council to a complainant as a result of fault by The Provider following a Local Government Ombudsman finding of maladministration causing an injustice, and under the terms of an early settlement of a complaint made to the Local Government Ombudsman without a formal investigation and report.

1.10. Monitoring

Evidence of high performance standards and customer satisfaction will be monitored. Where the service provided fails to meet standards deemed to be acceptable by this Council, this will be investigated and the contractual arrangements reviewed.

When and if required access shall be provided to enable the Council's officers to visit, examine or inspect vehicles, stores, equipment and documentation from time to time to verify general compliance with the terms of this agreement particularly with regard to approach to customers, adherence to treatment procedures and compliance with service standards.

1.11. Invoice/Payment arrangement

Where the agreement includes for the Provider to make a charge to the Council in delivery of the pest control service it should submit an invoice at the beginning of the subsequent month. Payment will be made monthly in arrears and the Council works to 30 day payment terms.

Alternatively should the agreement include for the Provider to make a payment to the Council in delivery of the pest control service the Council will submit an invoice for such payment at the beginning of the subsequent month.

1.12. Smoking

The Provider must ensure no smoking is permitted whilst delivering services on behalf of the Council.

1.13. Health & Safety

The Provider shall ensure that all necessary and reasonable health and safety precautions are taken to protect members of the public and employees in accordance with The Health and Safety at Work Act 1974 and related legislation. Up to date copies of risk assessments and safe working practices shall be provided annually or sooner where an activity changes requiring revision.

The Provider shall ensure that appropriate steps are taken in relation to the performance of the services with regard to health and safety, specifically to notify

persons who may be affected, or whose property may be affected by the use of particular substances of relevant details to include:

- Location details of where all substances are used during chemical treatment procedures
- Advice of any damage considered likely to occur
- Advice regarding risks to persons, particularly children, or to pets.
- What substances have been used
- Details of any periods of ventilation which should be allowed before re-entry etc.

1.14. Insurance

The Provider shall indemnify and keep indemnified the Council against all actions, claims, demands, proceedings, damages, costs, charges and expenses whatsoever in respect of, or in any way arising out of the provision of the Service in relation to the injury to, or death of, any person, and loss of, or damage to, any property including property belonging to the Council except and to the extent that it may arise out of the act, default or negligence of the Council, its employees or agents not being The Provider or employed by The Provider.

Without thereby limiting its responsibilities under this Condition, The Provider shall insure with an insurance company against its liabilities under this Condition. Such policies shall include cover in respect of any financial loss arising from advice given or omitted to be given by The Provider.

1.15. Training

The Provider shall ensure that every person involved in front line delivery of this service is at all times properly and sufficiently trained and instructed with regard to:

- The tasks they are performing, the use of particular substances in the performance of the services, relevant precautions and all associated effects, risks and dangers
- Requirements in relation to completing worksheets and receiving and paying in of monies.
- Relevant requirements of the Council
- Fire risks and safety precautions
- The necessity to observe high standards of courtesy and consideration to the public in order to promote and enhance both the Provider and the Council's image and reputation.

Each Pest Control operative is to be trained to a high level including an RSH Diploma, BPCA 1&2 and ATB foundation module and be holders of current certificates of competence in Wildlife Management, Safe Handling of Pesticides and Pest Control Management. Operatives should also be trained in H & S risk assessment.

1.16. Equalities

The Council seeks to ensure that all sections of the community have access to services. It also wishes businesses from all sections of the community to have a fair chance to do business with the Council. To assist in doing this, a questionnaire and monitoring form are included and form part of the quotation process.

2. PRICE SCHEDULES

The prices submitted are worth 60% of the overall evaluation. The 60% is broken down as detailed below. Please complete the schedules below as part of your quotation.

2.1. Charges to Pest Control Service Customers for each service type provided:

Service Type and Rate per Visit (<i>where more than one visit required for treatment</i>)	Quotation Evaluation Weighting %	Minimum Visits per Completed Treatment Expected	Charges to Customers (Excluding VAT)	
			Standard Charge to Customers per Treatment	Charge to Customers awarded benefits
Price per visit – no access	2%	1		
Price per visit – Advice given but no treatment undertaken	3%	1		
Price per visit to treat Wasps (including re-spray within 7 to 10 days if necessary)	10%	1 or 2		
Price to treat 2 nd and subsequent Wasp nests at same time as initial (including re-spray within 7 to 10 days if necessary)	2%	1 or 2		
Price to undertake site survey for Rats or Mice	3%	1		
Price per visit to treat for Rats = £	10%	3		
Price per visit to treat for Mice = £	5%	3		
Price per visit to treat for Rats and Mice at the same time = £	5%	3		
Price per visit to treat Bed-bugs = £	3%	3		
Price per visit to treat Fleas	2%	1		
Price per visit to treat Cockroaches = £	2%	3		
Price per visit to treat Squirrels = £	2%	3		
Price per visit to treat Ants or Cluster Flies	1%	1		

Note –The above charges to the Customer should include all costs for provision of each service but exclude VAT for quotation evaluation purposes. In practice a single treatment charge to the customer is to include for as many visits as are necessary to eradicate one source of pest infestation.

2.2. Annual or Individual Supplementary Charges or Payments to Sevenoaks District Council (SDC) for Pest Control Service Provision under this Agreement:

The Provider shall detail below the amount of any annual sum to be charged or payment to be made to SDC in consideration of Pest Control service provision under this agreement. Providers shall distinguish amounts chargeable to the Council as (+) and any amounts payable as (-).

Annual Sum to be Charged or Paid to Sevenoaks District Council

Service Provision	Quotation Evaluation Weighting %	Supplementary Annual Charges or Payments to SDC (£ Excluding VAT)	
		Standard Charge (£) or Payment to SDC	Charge (£) to SDC for Customer Benefits Subsidy
Pest Control Service	10%		

Alternatively the Provider may choose to complete the table below detailing individual supplementary charges or payments to Sevenoaks District Council for each service type delivery to customers. Any such amounts shall be inclusive of any operating costs not recoverable from the customer but shall exclude VAT for evaluation purposes.

Individual Sums Charged or Paid

Service Type and Rate per Visit <i>(where more than one visit required for treatment)</i>	Quotation Evaluation Weighting %	Minimum Visits per Completed Treatment Expected	Supplementary Charges to SDC (£ Excluding VAT)	
			Standard Charge or Payment to SDC/Treatment	Customer Benefits Subsidy per Treatment
Price per visit – no access	0%	1		
Price per visit – Advice given but no treatment undertaken	1%	1		
Price per visit to treat Wasps (including re-spray within 7 to 10 days if necessary)	3%	1 or 2		
Price to treat 2 nd and subsequent Wasp nests at same time as initial (including re-spray within 7 to 10 days if necessary)	1%	1 or 2		
Price to undertake site survey for Rats or Mice	0%	1		
Price per visit to treat for Rats = £	2%	3		
Price per visit to treat for Mice = £	2%	3		
Price per visit to treat for Rats and Mice at the same time. = £	1%	3		
Price per visit to treat Bed-bugs = £	0%	3		
Price per visit to treat Fleas	0%	1		
Price per visit to treat Cockroaches = £	0%	3		

Price per visit to treat Squirrels = £	0%	3		
Price per visit to treat Ants or Cluster Flies	0%	1		

2.3. Charges for Pest Control Services provided at Sevenoaks District Council Facilities or other public locations for which the Council is responsible:

Service Type	Quotation Evaluation Weighting %	Minimum Visits per Completed Treatment Expected	Frequency of Inspection Visits and/or Treatments	Charge to SDC per Completed Inspection and/or Treatment (£ Excluding VAT)
Rodent inspection and treatment at Dunbrik Depot, Sundridge.	0%	-	Every 6 weeks	
Rodent inspection and treatment at Hollybush Depot, Sevenoaks.	0%	-	Every 6 weeks	
Rodent inspection and treatment at Bradbourne Lakes, Sevenoaks.	0%	-	Every 8 weeks	
Ad-hoc Wasp Treatment in Council building, depot or hedgerow adjacent to public open space	0%	1 or 2	6/annum (estimated)	
Hourly consultation rate for Pest Control advice to SDC Environmental Protection Team	0%	-	-	

2.4. Annual Percentage increase to be applied to charges or payments per annum:

Pest Control Service Provision Year	Quotation Evaluation Weighting %	Provider Specified Quotation Prices Increase %	Provider may elect to apply published Consumer Price Index for preceding month to Quotation Prices.
1 st October 2014 to 30 th September 2015	0%	Fixed as Quoted	Fixed as Quoted
1 st October 2015 to 30 th September 2016	0%		Yes/No Delete as Appropriate
1 st October 2016 to 30 th September 2017	0%		Yes/No Delete as Appropriate

2.5. Transfer or Termination of Residential/Commercial Contracts:

The current internal provider of Pest Control services has 27 Residential/Commercial contracts in place. Inspection visit frequencies are either at 6 or 8 week intervals. Should the internal service provider be unsuccessful in retaining pest control services the new Provider should include below a sum payable to Sevenoaks District Council upon authorised transfer of these current client contract details.

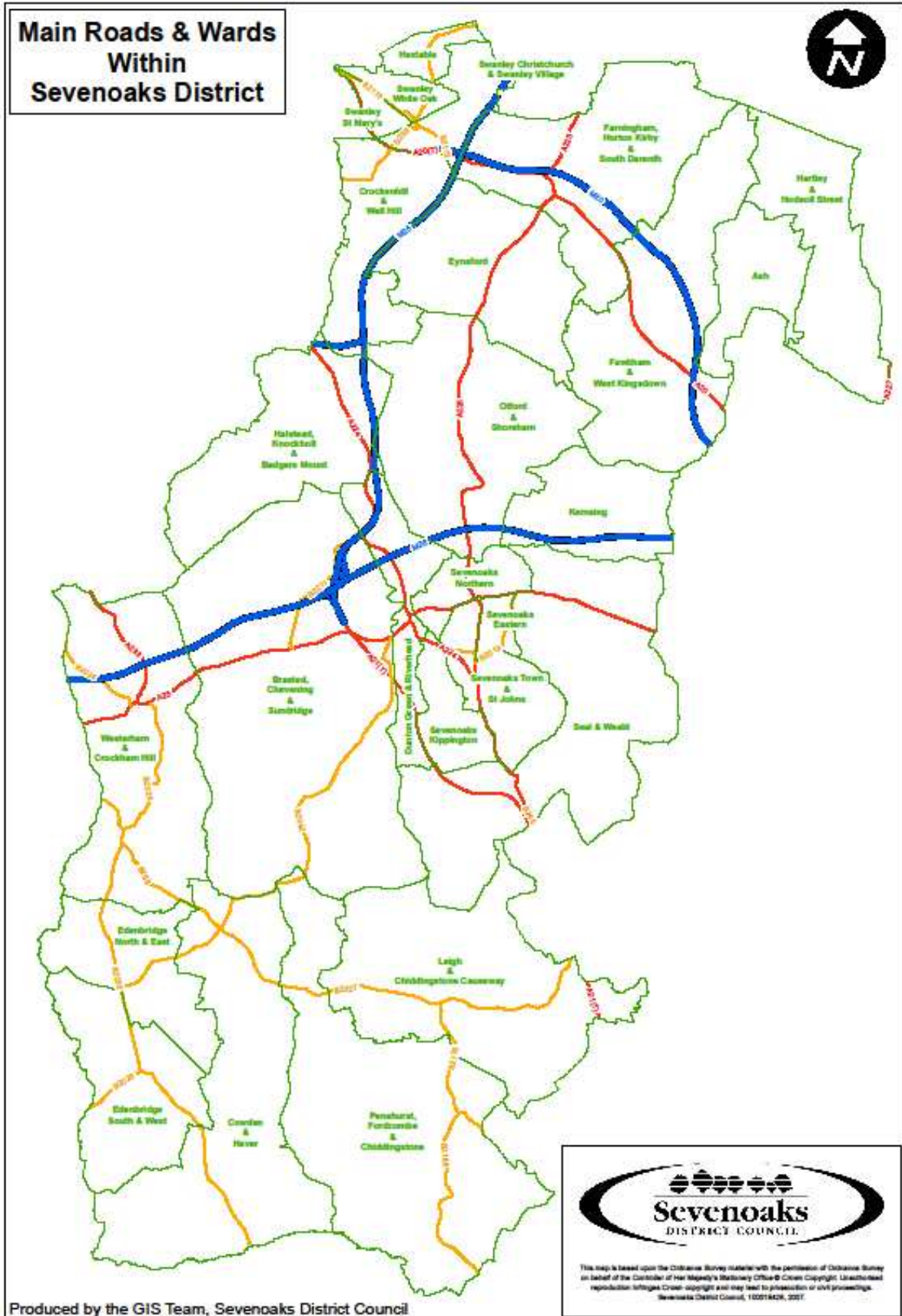
The Provider will need to negotiate transfer with each contract party. The Council does not guarantee the contract party will wish to transfer or the continuance of any transferred business.

Sum payable to Sevenoaks District Council upon transfer of details:

£

Should either the contract party or the successful provider not wish to accept transfer of the contract business details the Council will give notice of termination to each contract party and advise they should seek alternative pest control provision from 1st October 2014.

Appendix A – Plan of Sevenoaks District Council Operational Area



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Quotations Score Summary				
Price Evaluation Criteria	Score Weighting %	Maximum Score	Score Awarded	MEAT Ranking
Sevenoaks Direct Services				
Price - Schedule 2.1	60	60	35	1
Price - Schedule 2.2		33	22	
Price - Schedule 2.3		30	30	
Price - Schedule 2.4		30	20	
Price - Schedule 2.5		30	0	
Compliance	40	15	15	
Technical Merit & Quality Factors		60	59	
Information Supplied		20	20	
Acceptance of Contract Conditions		9	9	
Completeness of Response		18	18	
	100	305	228	75%
MITIE Pest Control				
Price - Schedule 2.1	60	60	38	2
Price - Schedule 2.2		33	33	
Price - Schedule 2.3		30	20	
Price - Schedule 2.4		30	30	
Price - Schedule 2.5		30	0	
Compliance	40	15	15	
Technical Merit & Quality Factors		60	47	
Information Supplied		20	16	
Acceptance of Contract Conditions		9	9	
Completeness of Response		18	18	
	100	305	226	74%
Noah's Ark Environmental Services				
Price - Schedule 2.1	60	60	53	3
Price - Schedule 2.2		33	11	
Price - Schedule 2.3		30	10	
Price - Schedule 2.4		30	10	
Price - Schedule 2.5		30	30	
Compliance	40	15	12	
Technical Merit & Quality Factors		60	38	
Information Supplied		20	18	
Acceptance of Contract Conditions		9	9	
Completeness of Response		18	12	
	100	305	203	67%

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BUCKHURST 2 CAR PARK PROPOSAL – PROJECT UPDATE & CONSULTATION RESULTS

Cabinet – 17 July 2014

Report of Chief Officer Environmental & Operational Services

Status: For Consideration

Key Decision: No

Executive Summary

At their meeting of 6 March Cabinet considered a report entitled Sevenoaks Town Centre Parking Review which provided Members with an evaluation of parking demand within Sevenoaks Town and set out a proposal to provide additional car parking capacity by installing decking at the existing Buckhurst 2 car park.

Cabinet resolved that “a planning application be submitted to provide an additional 300 car park spaces on the existing Buckhurst 2 car park by providing a two storey elevated car deck”.

To assist the Council in preparing its planning application a public consultation was carried out between 5 June and 26 June to find out the public’s views on the proposed additional parking.

A questionnaire was available online and from Sevenoaks Leisure Centre throughout the period, which received 278 responses. More than 250 people attended public consultation exhibitions held between 5 and 7 June and 16 letters were also received during the consultation period.

The report, which is to follow, will provide Members with an update on progress made in taking forward the resolution of Cabinet at their meeting on 6 March and set out for Members consideration the results of the public consultation.

To ensure that the opinions of the public are taken in to account, in so far as possible, in the design and operational of the proposed additional car parking provision at Buckhurst 2 car park in Sevenoaks Town the report will recommend that Members consider the views gathered through the consultation and provide guidance to Officers on any matters that should be incorporated in a future planning application.

Agenda Item 13

To Follow:

Report Buckhurst 2 car park proposal – project update & consultation results

Appendices Appendix A – Summary of consultation results from questionnaire

Appendix B – Summary of consultation results from public exhibition days and letters

Background Papers: Full details of consultation results received through the questionnaire.

Full details of consultation results received through public exhibition days

Contact Officer Lee Banks, Ext.7161

PERFORMANCE INDICATORS AND TARGETS FOR 2014-15

Cabinet – 17 July 2014

Report of Chief Executive

Status: For Consideration

Also considered by: Strategy & Performance Advisory Committee – 24 June 2014

Key Decision: No

This report supports the Council’s promise to provide value for money

Portfolio Holder Cllr. Fleming

Contact Officer(s) Lee Banks, Ext 7161

Recommendation to Strategy and Performance Advisory Committee:

- (a) To make recommendations to Cabinet on the performance indicators to be reported on by the council for 2014/15; and
- (b) To make recommendations to Cabinet on the performance targets to be set for 2014/15

Recommendation to Cabinet:

Approve the Council’s performance indicators and targets for 2014/15

Reason for recommendation: To ensure that the Council is measuring performance and setting appropriate targets to support the improvement of its services and to enable the Council to deliver on its vision and promises to the community.

Introduction and Background

- 1 Each year the Council undertakes a thorough review of the performance indicators it adopts and the performance targets it sets to continue to support the improvement of services and to enable the Council to deliver on its vision and promises to the community.
- 2 To ensure that performance management maintains a strong focus on service improvement and is proportionate to the resources available to manage performance monitoring, Officers have undertaken a thorough review of the local performance indicators to be reported against in 2014/15. Resultantly it is recommended that data is collected against 61 local performance indicators.

Agenda Item 14

- 3 For each performance indicator Officers have recommended a performance target for 2014/15. The proposed performance targets reflect Officers' assessment of the available resources to deliver the highest achievable quality of service.

Performance Targets

- 4 The selection of performance indicators and the setting of targets is one element of the Councils Strategic Service Planning process. Service Plans record the vision and priorities for each Council service and the key strategic objectives the service will deliver in the coming year.
- 5 Within the Service Plans, Officers also consider the resources they have available to deliver their objectives and the operational risks that may prevent objectives from being achieved. It is an assessment of these resources and the impact of any savings required of the service that informs the target setting process.
- 6 It remains the Councils ambition to deliver the highest quality services with the resources available to it and to seek new and improved ways of working to ensure that performance targets are exceeded. However, the impact of delivering financial savings is reflected in some of the performance targets recommended by Officers this year.
- 7 Set out at Appendix 1 to this report is a record of all performance indicators proposed by Officers for 2014/15. These are grouped by service and detail year end performance for 2013/14 and the performance target proposed by Officers for this year. The covering page of the appendix summarises both year end performance and the proposed changes to performance indicators and targets for 2014/15.
- 8 Members are asked to review Officers proposals and make recommendations to Cabinet on the performance indicators and targets to be adopted for this financial year.

Other Options Considered and/or Rejected

- 9 None

Key Implications

Financial

Effective performance management monitoring arrangements will assist the Council in diverting resources to areas or services where it is considered to be a greater priority.

Legal Implications and Risk Assessment Statement.

There are no legal implications arising from this report.

The Council has arrangements in place to ensure that high quality performance data is produced which can be relied upon for decision making purposes. A thorough review of indicators each year, including by Members, helps to ensure that the performance of priority services is appropriately measured.

Equality Impacts

Consideration of impacts under the Public Sector Equality Duty:		
Question	Answer	Explanation / Evidence
a. Does the decision being made or recommended through this paper have potential to disadvantage or discriminate against different groups in the community?	No	Services undertake their own equality impact assessments in relation to the services they provide. This report proposes measures and targets that measure that service activity and do not unduly influence the way those services are delivered
b. Does the decision being made or recommended through this paper have the potential to promote equality of opportunity?	No	
c. What steps can be taken to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable

Conclusions

Officers have reviewed the performance indicators they propose for collection in 2014/15 to ensure progress against the Council’s Vision and Promises and service and corporate objectives is measured. Targets have been proposed to Members for review and recommendation to Cabinet that strive to deliver the highest performance level achievable with the resources available.

Appendices

Appendix A – Performance Indicators and Targets for 2014/15

Background Papers:

None.

**Dr. Pav Ramewal
Chief Executive**

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2013/14 Performance Summary and Proposed Targets for 2014/15








Performance Summary 2013/14			Summary of proposals for 2014/15		
	Number	Percentage		Number	
Red Indicators	3	6%	2013/14 Indicators	50	
Amber Indicators	10	20%	Deleted Indicators	1	
Green Indicators	36	72%	New Indicators	12	
Late Data	1	2%	Total	61	
Exceptions Report			Draft Target Summary		
Number of days to remove fly tips			Improved Target	8	16%
Processing of planning applications: Major applications in 13 weeks			Same Target	39	80%
Percentage of planning appeals dismissed			Reduced Target	2	4%





Page 2 of 20

Agenda Item 14

Chief Officer Communities & Business proposed Performance Indicators & Targets








Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Community Development						
LPI CD 001	Percentage of Community Safety Partnership actions achieved	98%	85%		85%	
LPI CD 005	Percentage of responses to reports of Anti Social Behaviour within 25 working days	100%	100%		100%	
CD 006	Percentage of actions in the Sustainable Community Action Plan achieved	89%	80%		80%	Q3 performance was 84%. End of year data from partners being collated.
CD 013	Percentage of actions in the Economic Development Action Plan achieved	N/A	85%		75%	New action plan was developed during 2013/14 and will take effect this year.
LPI CD 017	Percentage of 'Mind the Gap' Health Inequalities Action Plan on target	76%	82%		75%	
New	Percentage of anti social behaviour cases where an improvement in behaviour is recorded	New PI for 2014/15			80%	
New	Percentage of victims of anti social behaviour that were satisfied with the action taken	New PI for 2014/15			80%	
New	Percentage of organisations awarded grants meeting performance targets	New PI for 2014/15			75%	

Chief Officer Corporate Support proposed Performance Indicators & Targets







Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Customer Services						
LPI CS 001	Percentage of phone calls answered within 20 seconds by the Contact Centre	74.67%	70.00%		70%	
LPI CS 002	Percentage of phone calls to the Contact Centre abandoned by the caller	3.65%	5%		5%	
LPI CS 003	Percentage of all queries resolved at the first point of contact by the Contact Centre	83.44%	70%		80%	
Human Resources						
HR 001	The average number of working days lost to sickness absence per FTE	8.67	9.50		9.00	

Page 217







Chief Officer Environmental & Operational Services proposed Performance Indicators & Targets

Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Building Control						
LPI BC 001	Percentage of full plans / Building Notices acknowledged within 3 working days	97.75%	90%		90%	
LPI BC 002	Percentage of full plans checked within 10 working days	83.92%	80%		80%	
Land Charges						
LPI LC 002	The percentage of local land charge searches carried out within 10 working days	92.36%	90%		90%	
Clean Streets						
LPI Clean 001	Number of justified Street Cleaning complaints	39	100		80	
LPI Clean 002	Average number of days taken to remove fly tips which the District Council has responsibility to clear	5.7	5		5	<p>919 fly tips across Sevenoaks District were reported to the Council during the year. The Council is required to investigate each report to determine who is responsible for clearing the fly tip.</p> <p>Over the year the Council was required to remove 442 of the 919 fly tips reported (48%), clearing 68.3 tonnes of waste.</p> <p>As a result of the work load the target to clear all fly tips within 5 days was missed.</p>
LPI Clean 003	Average number of days taken to remove abandoned vehicles	0.9	3		3	
LPI Clean 004	Percentage of cleaning schedules completed to agreed frequency	97.2%	90%		94%	








Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Environmental Health						
LPI EH 004	Percentage of higher risk food inspections due that was done (higher risk is categories A & B)	100%	100%	✓	100%	
LPI EH 005	Percentage of due Environmental Protection Regulation inspections completed	100%	100%	✓	100%	
LPI EH 006	Percentage of animal licences issued that were due	100%	100%	✓	100%	
LPI EH 007	Percentage of Health and Safety category A premises inspections due which were completed	100%	100%	✓	100%	
LPI EH 008	Percentage of food establishments in the area which are broadly compliant with food hygiene law	90%	85%	✓	85%	
Licensing						
LPI LIC 001	Percentage of all applications outstanding for more than one month	3.14%	10%	✓	10%	
LPI LIC 002	The percentage of valid personal licences processed within 2 weeks	98.59%	95.00%	✓	95%	
LPI LIC 003	Percentage of new and variation of premises licences processed within 2 months of validation	88%	95%	⚠	95%	
LPI LIC 004	The percentage of valid temporary event notices processed within 72 hours	99.30%	90.00%	✓	90%	
New	Percentage of taxi Operator and Driver licenses issued within 10 days of validation	New for 14/15		N/a	90%	

Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Parking & Amenity						
LPI PA 002	Percentage of Penalty Charge Notices cancelled	12.92%	12%		12%	
Waste & Recycling						
LPI Waste 001	Percentage of household waste sent for reuse, recycling and composting	32.3%	32.00%		32%	
LPI Waste 002	Number of missed collections per 100,000	7	10		10	
LPI Waste 003	Percentage of missed collections put right by the next working day	97.07%	97%		97%	
LPI Waste 004	Number of missed green waste collections	92	130		130	
LPI Waste 005	Percentage of missed green waste collections corrected by next working day	96.42%	98.00%		98%	

Chief Finance Officer proposed Performance Indicators & Targets

Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Finance						
LPI FS 001	Percentage of undisputed invoices paid within 30 days	98.8%	99%		99%	
LPI FS 003	Debts outstanding more than 61 days	£8,236	£20,000		£20,000	
Housing Benefits						
LPI HB 001	Average number of days to process new benefit claims	28	30		27	
LPI HB 006	Average number of days to process change of events	13	18		16	
Local Tax						
LPI TAX 001	The percentage of council tax collected in-year	98.5%	98.4%		98.4%	
LPI TAX 003	The percentage of business rates collected in-year	98.5%	98.5%		98.5%	

Chief Housing Officer proposed Performance Indicators & Targets






Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Housing Policy						
LPI HP 001	The number of dwellings vacant for more than six months returned to occupation or demolished	15	15		15	
LPI HP 002	Number of affordable homes delivered (gross)	60	29		77	
Housing Standards & Advice						
LPI SH 001	Total number of homelessness applications received	36	50		50	
LPI SH 002	Total number of homelessness acceptances	29	35		35	
LPI SH 004	Number of households living in temporary accommodation	4	20		20	
LPI PH 001	Number of Disabled Facilities Grants approved	81	30		80	
LPI PH 002	Number of unauthorised encampments started in the District	1	6		DELETE	
New	The number of rent in advance and deposit bonds completed	New indicator for 2014/15			50	


Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Target Commentary
New	Number of private landlord scheme properties accredited	New indicator for 2014/15			50	
New	Numbers of households who considered themselves as homeless from whom housing advice casework resolved their situation	New indicator for 2014/15			300	

Chief Officer Legal & Governance proposed Performance Indicators & Targets

Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Democratic Services						
New	Number of freedom of information requests responded to within 20 days	New indicator for 2014/15			95%	
New	Data protection subject access requests sent within 40 days of receipt of payment	New indicator for 2014/15			95%	
Legal Services						
New	Percentage of instructions that are undertaken in house	New indicator for 2014/15			80%	

Chief Planning Officer proposed Performance Indicators & Targets

Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
Development Control						
LPI DC 001	Percentage of planning applications assessed for validation in 5 days	86.04%	87.5%		87.5%	
LPI DC 002	Percentage of decisions delegated	96%	97%		97%	
Page 225 DC 007a	Processing of planning applications: Major applications in 13 weeks	70.73%	80.00%		80%	29 of 41 major planning applications were determined within 13 weeks during the year. Recognising the more complex issues with larger schemes the Council regularly agree extension of time agreements with applicants. These are not currently reflected in the performance data but enable the Council and the applicant to agree a suitable timescale for determination of major schemes, aiding the decision making process and the quality of service to the customer.
LPI DC 007b	Processing of planning applications: Minor applications in 8 weeks	75.78%	80.00%		80%	
LPI DC 007c	Processing of planning applications: Other applications in 8 weeks	88.88%	90.00%		90%	

Code	Short Name	2013/14 Value	2013/14 Target	Traffic Light	Proposed Target 2014/15	Commentary
DC 009	Percentage of appeals against planning application refusal dismissed	58.33%	75%		75%	<p>The proportion of appeals dismissed has risen this year after hitting the 75% target in 2012/13 if Member overturns are disregarded. Analysis of the appeals allowed shows that the determining issues were very wide ranging with no single issue dominant.</p> <p>Of the appeals allowed since the beginning of the year issues included residential character and amenity (which are often matters of individual judgement), Green Belt in 6 (generally extensions and replacement buildings), highway safety issues, a listed building consent, a tree application and a lawful development certificate.</p> <p>Officers continue to review appeal decisions to identify lessons for improving future practice and briefing sessions are also held on appeals for Development Control Committee Members.</p>
New	Percentage of enforcement visits undertaken within 3 days of receiving a complaint	New indicator for 2014/15			90%	
New	Percentage of enforcement notices issued within 28 days of authorisation	New indicator for 2014/15			100%	