

COUNCIL

Minutes of the meeting held on 21 April 2020 commencing at 7.00 pm

Present: Cllr. Edwards-Winser (Chairman)

Cllr. Esler (Vice Chairman)

Cllrs. Abraham, Andrews, Bayley, Ball, Barnes, Barnett, Dr. Canet, Carroll, Cheeseman, Clack, Clayton, Penny Cole, Perry Cole, Coleman, Collins, G. Darrington, P. Darrington, Dickins, Dyball, Esler, Eyre, Firth, Fleming, Foster, Fothergill, Griffiths, Grint, Harrison, Hogarth, Hudson, Hunter, Kitchener, Layland, London, Maskell, McArthur, McGarvey, McGregor, Mrs. Morris, Nelson, Osborne-Jackson, Parkin, Pender, Pett, Piper, Purves, Raikes, Reay, Roy, Thornton and Waterton

An apology for absence was received from Cllr. Brown.

48. To approve as a correct record the minutes of the meeting of the Council held on 25 February 2020.

Resolved: That the Minutes of the meeting of the Council held on 25 February 2020 be approved, and signed as a correct record.

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

No additional declarations of interest were received.

50. Chairman's Announcements.

The Chairman reported that the coronavirus pandemic and the measures being taken by Government, the NHS, Councils and communities across the UK were unprecedented.

More than 2,000 residents in the District were following the Government's shielding advice and are being asked to stay in their homes for a total of 12 weeks and many others are also finding themselves in difficult circumstances as everyone was asked to remain in their homes for another three weeks.

An incredible 1,400 people had registered as volunteers to support those people, with many more also opting to register for the NHS volunteer responder scheme. This included many of the District's Councillors and Town and Parish representatives.

Council - 21 April 2020

The community led response had been astonishing and, on behalf of the Council, he wanted the Council's sincere thanks to everyone involved in the effort to support the vulnerable and those in need, formally recorded.

He also expressed his thanks to Council Officers who he knew had been working incredibly hard to support the most vulnerable, keeping services running, collecting rubbish and recycling every single week and distributing more than £17m of financial support to businesses.

For as long as these necessary measures were in place, he hoped people would continue to follow the guidance that was protecting the NHS and helping to save lives and he thanked residents across the District for the sacrifices they were making and the key workers in the NHS, social care and those that were keeping shops and other services running for their incredible efforts.

He further announced that Annual Council had been cancelled and that he would remain as Chairman with Councillor Esler as his Vice Chairman until May 2021. All current positions on committees and outside bodies would remain as they were although there may be some opportunity to make changes during the year. It was anticipated that all meetings until September would be held virtually and possibly in the afternoon rather than the evening.

Finally he asked Members to join him in extending his best wishes to her Majesty, the Queen, on her 94th birthday.

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

No questions had been received.

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

A petition with 2063 verified signatures had been submitted in the following terms:

“We the undersigned (live, work or study in the district) call on Sevenoaks District Council to:

- i) Not adopt the council's current plan,
- ii) Consider adopting an alternative plan,
- iii) Fully consult with residents and White Oak users on new proposals,
- iv) Develop a new plan that meets the requirements of residents and White Oak users.

Sevenoaks District Council plan to replace the White Oak sports and leisure centre with a small activity centre containing a half size pool, no deep water, no sports hall, no practice hall and less studios/party/meeting rooms. There will be a game of limited age range popularity called TAG Active, which is found alongside bowling alleys, trampoline centres and soft play areas.

Council - 21 April 2020

The new centre is not fit for purpose, is not supported by Sport England and breaches many government and local policies (NPPF). More than 18 sports clubs face closure making 900+ members 'homeless', of which 400+ are young people.

We, the White Oak Clubs Committee, have prepared alternative plans professionally costed at £7.54m and £13.2m compared to the council's £20m. Our plans include space for all or nearly all of the activities and sports currently available and more, and all on the White Oak site.

We believe our plans represent value for the council tax payers money - OUR money.'

Gary Allen addressed the Council in support of the petition.

The Leader explained that the Council's project had been tested by the procured contractor Alliance Leisure Services (ALS) in line with RIBA stage 4 requirements considering the full technical design specifications and any building regulations. In comparison, the alternative plans put forward by the petitioners only provided indicative costs using the Sport England calculator, which was only a guide, and did not provide: full development appraisals; professional fees; current and future inflations costs; allowances for asbestos related works; abortive costs; additional procurement, any additional planning permissions; timings and associated costs etc. Any pre-application advice which the alternative schemes had taken had not been shared with the Council.

It was also unclear whether the suggested alternatives had taken into account many other cost issues associated with refurbishment, for example, less land would be left for disposal which was required to support borrowing. As the alternative proposals would require the temporary closure of the existing leisure centre, it could also leave the northern end of the district without any leisure facilities for residents and clubs for up to 18 months. Any closure would also cause the TUPE transfer of Sencio Leisure Trust staff to the new leisure operator to be jeopardised and would place staff at risk. If Sencio (the current operator) were forced into having to fund redundancies, it could jeopardise the leisure facilities currently provided at Edenbridge and Sevenoaks.

The Council had received a full list of clubs from Sencio that currently used the facilities at White Oak. If approved, the preferred leisure contractor would engage early on with clubs to discuss programming and timetabling. The Council had worked hard on ensuring that the new design could accommodate as many activities as possible. The Erith based diving club Highgate could no longer be accommodated, nor the district synchronised swimming club. However their land based training could continue there, and the latter still had access to the Erith Leisure Centre which they currently used. Other clubs that could no longer use the centre would be accommodated at the Orchards Academy, except for the model flying club, dog training and squash and racketball.

The Leader urged Members to note the petition.

Council - 21 April 2020

Concern was expressed about the condition of the hall at Orchard's Academy, and Members noted the amount of people who had signed the petition with queries made as to whether these alternatives had been properly investigated.

Upon clarification the Leader confirmed he was moving a motion to note the petition, which was then duly seconded by Councillor Hogarth.

The Portfolio Holder for Housing & Health, advised that the average life expectancy for the ward of Swanley St Mary's was 8.9 years lower than that of the highest in the district, and a new leisure centre would have a vital role to play in reducing the health inequalities of the area. It represented a major investment which would help local residents be healthier and more active. The proposed operator, Sports and Leisure Management (Active Leisure), were market leaders already operating 198 facilities on behalf of 61 other local authorities. They had the experience and expertise to achieve health and wellbeing goals and implement accessible programmes for all ages and genders, including weight management; cardiac rehabilitation; smoking cessation; mobility classes; cancer recovery sessions; falls prevention etc.

In debate it was queried whether the proposed facilities would be affordable to local residents, suggesting any use of the facilities would be a large percentage of a low income.

The 15 minutes for debate expired and the motion was put to the vote.

Resolved: That the petition be noted.

53. Matters considered by the Cabinet

a) Covid-19 Update

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet to note the report.

The Leader thanked the District Council staff, Parish and Town Councils, local residents and community groups for coming together over the last four weeks to support those residents most in need during the crisis.

He was particularly proud of how Council staff had turned to face the crisis head on, illustrated by the Council being one of the best performing local authorities in the country with regards to getting vital business grants out to local businesses who were eligible under the Government's. He hoped such action would help the District's local economy recover as quickly as possible.

He reported that the Council was also supporting over 1000 people in its sights classed as Tier 1, though the number being actively supported was lower, whilst offering on going support to Tier 2 and 3. Services were being maintained despite almost 200 members of staff now working from home, and at Dunbrik staff were turning up daily to do the weekly refuse and recycling collections including green waste collection.

Council - 21 April 2020

Other Members joined him in echoing their thanks to staff, parish and town councils and volunteers for their commitment over the last few weeks.

Resolved: That the report be noted.

b) COVID-19 Supplementary Estimates

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought approval to fund recent action taken to suspend car parking charges and support vulnerable people and communities from supplementary estimates, thereby amending the budget agreed by Council on 25 February 2020. It was noted that with the crisis there would have been a loss in revenue even if car parking had not been suspended.

In response to a question the Leader advised that the Council had completed its proforma making a realistic estimate of money that had been spent in the current crisis, and had submitted it to central government.

Resolved: That supplementary estimates of £758,000 for suspension of car parking charges and £100,000 to support vulnerable people and communities be funded from the Budget Stabilisation Reserve.

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

No questions had been received.

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

No motions had been received.

56. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period 10 February 2020 to 27 March 2020.

57. Quarterly and Annual report on Special Urgency decisions.

Members considered quarter and annual report on special urgency decisions.

Resolved: That the report be noted.

58. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting.

a) Audit Committee

Members noted the report presented by the Chairman of the Audit Committee, Councillor McGarvey. He advised Members that the report had been written in

advance and before the pandemic and lockdown, therefore the training scheduled for March had not yet taken place and would be rescheduled to a future date.

b) Scrutiny Committee

Members noted the report presented by the Vice Chairman of the Scrutiny Committee, Councillor London.

59. Matter considered by the Cabinet

a) White Oak Leisure Centre: New Build and operator procurement contract awards

Councillor Fleming proposed and Councillor Dyball seconded, the recommendation from Cabinet. The report sought approval to construct a new leisure centre, demolish the existing White Oak Leisure Centre and appoint a leisure operator for the new centre, along with provision of some enhancements to the Orchards Academy sports hall in Swanley in order to accommodate sports clubs who required a 4 court sports hall.

The Leader stated the report brought together more than five years work, and was the single largest capital project and investment the Council had carried out in over 30 years. He explained the history of searching for a viable site as it had always been the intention to keep a facility open and running throughout any build.

Working with consultants, plans had been drawn up and engagement undertaken resulting in changes to the plans being made throughout an interactive process. These had included a larger multi-purpose hall, an increase in size of the multi-use rooms and the inclusion of pool side seating to allow the swimming club to run their first galas and competitions in their home pool. No commitment had ever been made to build a like for like replacement.

The majority of the existing building had been constructed in 1967 and had come to the end of its serviceable life, supported over the last five years with short term measures, put in place to keep the building safe. Whilst the sports hall was 'only' 45 years old, he did not believe it made sense to graft a new modern facility onto it, even if it were possible. He believed that Swanley and the northern parishes deserved the massive investment in the new modern facility for generations to come.

£20m was the single largest investment anywhere in the district for over 30 years. The Council's project was fully costed and updated in light of the current pandemic, and was the result of a full market analysis. The plans had both a full updated risk assessment with contingencies built in, and the contract was a fixed price within usual parameters.

The preferred leisure operator had tendered for the contract based on the proposed centre design and facilities, which would help maximise flexibility of space, usage, income and support changing customer needs. He advised that many more clubs would be affected by the closure of the centre for up to 18 months if

Council - 21 April 2020

either of the alternative plans put forward in writing to Members were progressed. Following site visits and assessments, provision would be made to refurbish the Orchards Academy to ensure its suitability.

Beyond the clubs and their members, the Council had a responsibility to all its residents. The health outcomes for two of the Swanley Wards, including Swanley White Oak, were the worst in the district and amongst the worst in Kent. Residents were just not using the current facilities, which was why a modern, accessible, prominent leisure centre was needed in Swanley more than anywhere else in the district. The new centre would provide more spaces for people to meet and interact, providing an open, bright and welcoming environment. The new operator would play a key role in helping to reduce health inequalities by encouraging more people to get active.

He stated that a new purpose built leisure centre, the single largest capital investment by this council in over 30 years alongside the development of two other major sites in the town, demonstrated Sevenoaks District Council's unwavering commitment to both regenerating the town and improving the lives of those who lived there.

The Leader called for a recorded vote, due to the importance of the scheme.

More than four other Members rose from their seats and indicated their agreement with the request for a recorded vote on the main motion.

Concern was expressed during debate on the condition and suitability of Orchards Academy, the times it would be available i.e. evenings only, along with safety and security concerns.

The following amendment was moved by Cllr Clayton and seconded by Councillor Andrews, it was to precede recommendation (a) of the motion:

'Subject to the plans for provision of the alternative sports hall (Orchards Academy) meeting minimum standards required by club users, and having regard to the need identified by Sport England,'

The meeting adjourned at 8.32 p.m., due to it becoming apparent that the meeting was no longer live streaming.

The meeting reconvened at 8.33 p.m.

The Chairman went to call a vote on the amendment.

The meeting adjourned again at 8.34 p.m., as again the meeting was no longer live streaming.

The meeting reconvened again at 8.35 p.m.

Council - 21 April 2020

The amendment was then put to the vote, to ensure clarity due to it being a virtual meeting, a roll call was taken. There was a clear majority vote against the proposed amendment, which was therefore lost.

Debate continued on the motion.

The motion before Members was put to the vote and a recorded vote taken of those present.

For	Against	Abstention
Cllr Abraham	Cllr Andrews	Cllr Mrs Morris
Cllr Ball	Cllr Barnes	
Cllr Barnett	Cllr Dr Canet	
Cllr Bayley	Cllr Clayton	
Cllr Clack	Cllr G Darrington	
Cllr Penny Cole	Cllr P Darrington	
Cllr Perry Cole	Cllr Fothergill	
Cllr Coleman	Cllr Griffiths	
Cllr Collins	Cllr Hudson	
Cllr Dickins	Cllr Kitchener	
Cllr Dyball	Cllr McGarvey	
Cllr Edwards-Winser	Cllr Purves	
Cllr Esler		
Cllr Eyre		
Cllr Firth		
Cllr Fleming		
Cllr Foster		
Cllr Grint		
Cllr Harrison		
Cllr Hogarth		
Cllr Hunter		
Cllr Layland		
Cllr London		
Cllr Maskell		
Cllr McArthur		
Cllr McGregor		
Cllr Nelson		
Cllr Osborne-Jackson		
Cllr Parkin		
Cllr Pender		
Cllr Pett		
Cllr Piper		
Cllr Raikes		
Cllr Reay		
Cllr Roy		
Cllr Thornton		
Cllr Waterton		
37	12	1

It was therefore

Resolved: That

- a) a Development Management Agreement be entered into with Alliance Leisure Services Limited (ALS) for the construction of a new leisure centre and demolition of the existing White Oak Leisure Centre, at a cost of £19,852,464 including improvements to the 4 court sports hall at Orchards Academy; in addition, the sum of £147,536 be used by the Council for any ancillary work outside the ALS contract, making a project total of £20m as set out below;

Cost details	
Construction Costs (ISG)	£17,336,000
Tag Active & Toddlers Play Equipment (Play Revolution)	£600,000
Fitness Suite Equipment (Technogym)	£327,205
Feel Good Suite Equipment (Shapemaster)	£70,550
Misc Furniture, Fittings & Equipment	£54,803
ALS Delivery fee	£284,919
UK Leisure Framework access fee	£57,405
Project Management fee	£424,810
Clerk of Works	£35,000
Principal Designer fee	£22,000
Client Contingency	£509,772
Orchards Academy sports hall work	£130,000
Ancillary works and contingency outside main contract	£147,536
Total	£20,000,000

- b) a Leisure Operating Contract be entered into with Sport and Leisure Management Ltd (SLM), the preferred operator, to operate the new White Oak Leisure Centre providing income of £7.623m over 15 years. The income from that Leisure Operating Contract to be used to service the loan taken out for the purposes of building the leisure centre;
- c) the development and subsequent disposal of the following sites in Swanley: White Oak Leisure Centre; Bevan Place; Alder Way; Russett Way; 27-37 High Street; and Woodlands, be approved, the proceeds of which to be earmarked within the Council's capital receipts to fund the cost of the leisure centre;
- d) the funding for the scheme be approved as follows
- i) CIL funding £0.9m
 - ii) Capital receipts £10.63m
 - iii) External borrowing £8.0m

Council - 21 April 2020

iv) Total £19.53m

noting that the split of funding may change due to actual development and disposal proceeds and the cost of borrowing at the time loans were taken out, and that additional funding may be required if the above amounts were not achieved; and

e) authority be delegated to the Chief Executive in consultation with the Leader of the Council to make necessary changes to the Development Management Agreement with Alliance Leisure Services (ALS), to the Leisure Operating Contract and to the funding of the project provided that such changes do not place any financial burden on the Council other than the use of those sources mentioned in the report.

THE MEETING WAS CONCLUDED AT 9.09 PM

CHAIRMAN