

Council Offices  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG



Despatched: 08.04.20

I hereby summon you to attend the meeting of the Sevenoaks District Council to be held virtually commencing at 7.00 pm on 21 April 2020 to transact the under-mentioned business.

Chief Executive

## AGENDA

There are no fire drills planned. If the fire alarm is activated, which is a continuous siren with a flashing red light, please leave the building immediately, following the fire exit signs.

### Apologies for absence

1. To approve as a correct record the minutes of the meeting of the Council held on 25 February 2020. (Pages 1 - 14)
2. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.
3. Chairman's Announcements.
4. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.
5. To receive any petitions submitted by members of the public under paragraph 18 of Part 2 (The Council and District Council Members) of the Constitution.
6. Matters considered by the Cabinet
  - a) COVID-19: Update Report (Pages 15 - 22)
  - b) COVID-19 Supplementary Estimates (Pages 23 - 30)
7. 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.

8. 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.
9. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting. (Pages 31 - 32)
10. Quarterly and Annual report on Special Urgency decisions. (Pages 33 - 52)
11. 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 (Pages 53 - 56)
  - b) Scrutiny Committee (Pages 57 - 60)
12. Matter considered by the Cabinet
  - a) White Oak Leisure Centre: New build and operator procurement contract awards (Pages 61 - 104)

## EXEMPT INFORMATION

### Consideration of Exempt Information

Recommendation: That, under section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting when considering Appendices C and D of Agenda Item 12 (a) above, on the grounds that likely disclosure of exempt information is involved as defined by Schedule 12A, paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information))

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.

COUNCIL

Minutes of the meeting held on 25 February 2020 commencing at 7.00 pm

Present: Cllr. Edwards-Winser (Chairman)

Cllr. Esler (Vice Chairman)

Cllrs. Abraham, Andrews, Bayley, Ball, Brown, Dr. Canet, Carroll, Cheeseman, Clack, Penny Cole, Perry Cole, Coleman, Collins, Dickins, Eyre, Firth, Fleming, Foster, Fothergill, Griffiths, Grint, Harrison, Hogarth, Hudson, Hunter, Layland, London, Maskell, McArthur, McGarvey, Nelson, Osborne-Jackson, Parkin, Pender, Piper, Purves, Raikes, Reay, Roy, Thornton and Waterton

Apologies for absence were received from Cllrs. Barnes, Barnett, Clayton, G. Darrington, P. Darrington, Dyball, Kitchener, McGregor, Mrs. Morris, Pett and Williamson

37. To approve as a correct record the minutes of the meeting of the Council held on 19 November 2019.

Resolved: That the Minutes of the meeting of the Council held on 19 November 2019 be approved, and signed as a correct record.

38. 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.

39. Chairman's Announcements.

The Chairman reported the sad news that the former Liberal Democrat Councillor and member for Eysnford from 1973 to 1995, Eric Syddique; and former conservative Councillor, past Chairman and Leader of the Council Alison Cook, had both passed away. The current ward Councillor and Leader of the Council spoke of Alison Cooke, her work and their memories of her.

Members held a moment's silence in their memory.

The Chairman reported that over the Christmas period he had enjoyed visiting patients in Sevenoaks Hospital, spending time in the CCTV room and having lunch with Age UK at Hollybush with elderly residents who would otherwise have been on their own.

He had recently hosted an enjoyable event at Hollybush Bowls Club, with figures indicating a figure in excess of £400 raised for his charity, and he would be sending out invitations shortly to his Civic Service on Saturday 18 April at St Bartholmew's Church in Otford.

On behalf of Members he bid farewell to Lesley Bowles who was leaving after over 20 years of invaluable service to the Council. The Leader of the Council thanked her and Members expressed their appreciation.

40. 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.

41. 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:

The Sevenoaks Society had submitted a petition with 1463 signatures in the following terms:

“We the undersigned petition the council to make a Compulsory Purchase Order to enable the District Council to acquire the site of the former Farmers public house opposite the Sevenoaks Railway Station on London Road so as to bring it into productive use at an early date with a residential development which includes affordable housing.

Permission was first given in 2005 on appeal for the demolition of the Farmers, a much loved local pub, and the construction of 23 flats and maisonettes. In 2015 a second permission was given, again on appeal, for a revised scheme, the construction of 39 flats together with retail units on the ground floor. During all that time the site has lain as it remains today, unused and unkempt, an eyesore surrounded by scruffy hoardings contributing no rates or Council Tax.

It is time for the Council to follow up what they have said in the Local Plan about getting vacant sites into development and act to put an end to this eyesore. In collaboration with the right development partner or housing association much needed homes could be provided on this site including an element of affordable housing.”

David Green, the Chairman of the Sevenoaks Society, addressed the Council in support of the petition.

The Leader stated that he shared the frustration but often what seemed like simple solutions were far from that, and briefly outlined the planning history of the site and explained the issues faced and the financial risk of any Compulsory Purchase Order (CPO).

He moved the following motion, seconded by Councillor Dickins:

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‘That the council seeks a definitive statement from the owner of their timelines to dispose of the site or to fully implement the planning permission. I also move that the council pursues the owner for the full CIL payment due.’

Speaking to the motion he advised that his preferred course of action remained finding another developer interested in taking over the site and developing it with a more sympathetic scheme than the one which was approved on appeal, as it was a real landmark site and deserved the very best architectural solution. He would not want to proceed with the current scheme which he believed was seriously deficient in terms of design, and so would need a masterplan, a consultation, a planning application followed by a CPO resolution, a possible Inquiry and negotiation on a price. A conservative timeline would be around 3 years but could be more. So whilst a CPO might look appealing it was not a course of action he could recommend at the current time.

Councillor Purves queried how much longer the town had to wait and that a fair price could be agreed at the lands tribunal. It was a scruffy site with a detrimental impact on the town when it could have much need affordable housing on it with joint partnerships with local housing associations.

In response it was stated that if there was a landlord/housing association willing to take on the site the council would be very interested. Some discussion was held on the shared feelings of frustration, and the suitability of a CPO for the site.

The motion was put to the vote and it was

Resolved: That

- a) a definitive statement be sought from the owner of the former Farmers public house site, of their timelines to dispose of the site or to fully implement the planning permission; and
- b) the owner be pursued for the full community infrastructure levy (CIL) payment due.

42. Matters considered by the Cabinet

- a) Calculation of Council Tax Base and other tax setting issues

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought approval the calculation of the District’s tax base for Council tax setting purposes.

Resolved: That

- a) the report of the Chief Officer Finance & Trading for the calculation of the Council’s tax base for the year 2020/21 be approved;

- b) pursuant to the report of the Chief Officer Finance & Trading and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the amount calculated by the Sevenoaks District Council as its Council tax base for the whole area for the year 2020/21 shall be 51,207.88;
- c) pursuant to the report of the Chief Officer Finance & Trading and in accordance with the Local Authorities (Calculation of Council Tax Base) Regulations 1992 (as amended) the amount calculated by the Sevenoaks District Council as the Council tax base for 2020/21 for the calculation of local precepts shall be:

<u>Parish</u>	<u>Tax Base</u>
Ash-cum-Ridley	2,459.75
Badgers Mount	334.98
Brasted	778.10
Chevening	1,456.01
Chiddingstone	604.75
Cowden	449.88
Crockenhill	659.12
Dunton Green	1,321.92
Edenbridge	3,697.28
Eynsford	948.87
Farningham	666.28
Fawkham	292.04
Halstead	778.40
Hartley	2,556.57
Hever	620.75
Hextable	1,698.15
Horton Kirby & South Darent	1,302.24
Kemsing	1,853.31
Knockholt	634.27
Leigh	961.50
Otford	1,720.71
Penshurst	837.74
Riverhead	1,247.77
Seal	1,303.53
Sevenoaks Town	9,690.61

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Sevenoaks Weald	617.77
Shoreham	683.97
Sundridge	937.54
Swanley	5,663.91
Westerham	2,066.03
West Kingsdown	2,364.13

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

b) Treasury Management Strategy 2020/21

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought adoption of Treasury Management Strategy 2020/21.

Resolved: That the Treasury Management Strategy for 2020/21 be approved.

c) Capital Strategy 2020/21

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought approval of the Capital Strategy report 2020/21.

Resolved: That the Capital Strategy for 2020/21 be approved.

d) Budget and Council Tax Setting 2020/21

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought approval of the proposed budget and required level of Council Tax for 2020/21. The net expenditure budget for 2020/21 would be £15.6m with the District's Council Tax increasing by 2.3% resulting in Band D Council Tax being £219.96, an increase of £4.95. Provision had also been made for setting up the Net Zero Transition Fund.

The Leader spoke to the motion stating that Members had before them another balanced 10 year budget, 10 years on from the first, an achievement that remained unique within Local Government and had laid the foundation for the bold budget in front of them tonight. He could guarantee, with absolute certainty that the budget would be unique across local government in the positivity of its messages: continued investment in services, not cuts; increased investment in

assets not cuts; and the most significant capital programme in living memory, delivering investment in and for the District's communities.

At this point in the municipal year, stock could be taken of the year passed and the opportunities and challenges ahead. The current municipal year had seen: the completion of another major capital project - investment in the new Sevenoaks Town Car Park, which provided much needed long stay parking and support for the local economy, paid for in part with innovative capital funding through housing; the successful planning application for the new Swanley White Oak Leisure Centre - replacing a centre, although much loved, that, in the most part, has come to the end of its usable life; the work of the Council's two wholly owned companies to bring forward an exciting mixed tenure housing scheme in Westerham which would see the Council deliver the first truly affordable homes in over 30 years a promise made this time last year, and a model that we hope will see us deliver our target of 100 truly affordable homes over the next 10 years; a planning application in on one of the Council's two town centre sites in Swanley, looking to bring both housing and a business hub to the town; the scoping for the masterplan of the Council owned town centre sites in Sevenoaks, looking to bring education, arts, retail, transport, housing and other uses together over two sites; and in Edenbridge, work to see how we can move forward a refurbishment of the Leisure Centre so it can continue to play an important part in that community for many years to come. Across the district, the Council continued to show the levels of community leadership and support that could only come on the back of financial responsibility and stability, protecting those universal services that mattered most to residents. A cursory glance across our southern borders serving as a timely reminder of how fortunate as a Council to continue to have services such as refuse collection and street sweeping in house, delivering (again unique in Kent) a truly weekly service. Alongside enhanced services to those within the community who most need help and support. In the context of local government as a whole, no one looking at this track record or future plans could deny 'we are a seriously different Council'.

However there was no getting away from the fact these were incredibly difficult times for local government. In the last 10 years Sevenoaks District Council's revenue support grant has fallen by over five million pounds. In simple terms, the direct grant funding for every man, woman and child within the District had been reduced from £55.95 in 2010 to zero, absolutely nothing two years ago. The report demonstrated that on top of all of the savings made and pressures absorbed over the last 10 years, the budget had also been reduced by almost £5m or 30% in real terms, spending £1.5m less next year than 10 years ago. None of this would have been possible without the hard work and diligence put in by members and officers.

Risks however remain, the uncertainty of the fair funding review and business rate retention is real, government interference on how services are delivered all come together to mean certain parts of our financial future currently remain beyond our control. Self-sufficiency and a property portfolio were never the end of the story, they were always to give us the opportunity to make decisions which best served the communities represented.



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He strongly believed that the Council should always balance the make-up of the money available to spend. The main three pillars that remained after the removal of government support were Council Tax, Savings and Investment income, over reliance on any one of which he believed destabilised an authority and put at risk the ability to deliver the positive agenda set out. That is why above and beyond the actions set out in the budget he had set two new challenges: firstly removing the retained business rates figure from the budget; and secondly looking at treasury management and reducing the gap between returns and inflation.

He stated that despite the challenges ahead all had been done in order to place the Council in the strongest position possible for the future, to lead and serve the communities and residents. An increase in Council Tax of £4.95 per annum was proposed, taking the total Sevenoaks District Council Tax figure to £219.96 at Band D. A rise of 2.3% - everything for less than a fiver a week. 0.3% would be put into a Net Zero fund. He stated that there would undoubtedly be challenges ahead, and the future was not without risk, some of which fell outside of the Council's control, so all that could be done was to make sure the Council was fit for, ready for, and up for the challenges.

The work of members and officers at Sevenoaks District Council and the outcomes achieved had gained national and international recognition, and over the coming years the Council would need to go further, faster, and both learn from others and lead. The work done and the continuing work, supported by the balanced ten year budget before members was the solid foundation that made him believe that the Sevenoaks District would not just survive the future but thrive. He commended the budget to members.

Some Members queried the amount set aside for the Net Zero fund: whether it was enough, where would it go. It was noted that the first meeting of the working group was to take place which was the first step and the amount set aside was a step in the right direction.

The vote was taken by all those present throughout the debate.

For	Against	Abstention
Cllr. Abraham	Cllr. Dr. Canet	
Cllr. Andrews	Cllr. Fothergill	
Cllr. Ball	Cllr. Griffiths	
Cllr. Bayley	Cllr. Hudson	
Cllr. Brown	Cllr. Purves	
Cllr. Carroll		
Cllr. Cheeseman		
Cllr. Clack		
Cllr. Penny Cole		
Cllr. Perry Cole		
Cllr. Coleman		
Cllr. Collins		

Cllr. Dickins Cllr. Edwards-Winser 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. McGarvey Cllr. Nelson Cllr. Osborne-Jackson Cllr. Parkin Cllr. Pender Cllr. Piper Cllr. Raikes Cllr. Reay Cllr. Roy Cllr. Thornton Cllr. Waterton		
38	5	0

It was therefore

Resolved: That

- a) the Summary of Council Expenditure and Council Tax for 2020/21 set out in Appendix E be approved;
- b) the 10-year budget 2020/21 to 2029/30 which is the guiding framework for the detailed approval of future years' budgets set out in Appendix B to the report be approved, including the growth and savings proposals set out in Appendix C-D to the report, and that where possible any variations during and between years be met from the Budget Stabilisation Reserve;
- c) the Capital Programme 2020/23 and funding method, as set out in Appendix H to the report, be approved;
- d) the changes to reserves and provisions, as set out in Appendix J to the report, be approved;

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- e) the Local Council Tax Reduction Scheme 2019/20, be rolled forward to 2020/21, with effect from 1 April 2020, as set out in Appendix L to the report;
- f) the Capital Programme 2020/23 and Asset Maintenance 2020/21 budget of £687,000 be approved;
- g) it be noted that at the Cabinet meeting on 9 January 2020 the Council calculated its council tax base for the year 2020/21
- (i) for the whole Council area as 51,207.88 being Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended, (the “Act”); and
  - (ii) for dwellings in those parts of its area to which a parish precept relates as set out in Appendix N to the report;
- h) that the council tax requirement for the Council’s own purpose for 2020/21 (excluding Town and Parish precepts) be calculated as £219.96;
- i) the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Act:
- (i) £56,302,245 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Town and Parish Councils.
  - (ii) £40,401,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
  - (iii) £15,901,245 being the amount by which the aggregate at (i)(i) above exceeds the aggregate at (i)(ii) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year (Item R in the formula in Section 31B of the Act).
  - (iv) £310.52 being the amount at (i)(iii) above (Item R), all divided by (g)(i) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (including Town and Parish precepts).
  - (v) £4,637,560 being the aggregate amount of all special items (Town and Parish precepts) referred to in Section 34 (1) of the Act (Appendix N).

- (vi) £219.96 being the amount at (i)(iv) above, less the result given by dividing the amount at (i)(v) above by the amount at (g)(i) above (Item T), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no Town or Parish precept relates.

- j) it be noted that for the year 2020/21 the Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Towns Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated in the table below:-

<u>Valuation Bands</u>	<u>Precepting Authority</u>			
	Sevenoaks District Council £	Kent County Council £	Kent Police & C.C. £	Kent & Medway Towns Fire Authority £
A	146.64	900.84	135.43	52.86
B	171.08	1,050.98	158.01	61.67
C	195.52	1,201.12	180.58	70.48
D	219.96	1,351.26	203.15	79.29
E	268.84	1,651.54	248.29	96.91
F	317.72	1,951.82	293.44	114.53
G	366.60	2,252.10	338.58	132.15
H	439.92	2,702.52	406.30	158.58

- k) the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in Appendix Q to the report, as the amounts of council tax for the year 2020/21 for each part of its area and for each of the categories of dwellings; and
- l) the Council's basic amount of council tax for 2020/21, shown in (i)(vi) above, was not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992.

- e) Property Investment Strategy Update

Councillor Fleming proposed and Councillor Dickins seconded, the recommendation from Cabinet. The report sought approval of amendments to the Property Investment Strategy.

Resolved: That the Property Investment Strategy criteria be approved.

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43. Matters considered by other standing committees:

a) Licensing Act 2003 - Statement of Licensing Policy

Councillor Clack moved and Councillor Abraham seconded the recommendation from Licensing Committee, which sought approval of the revised Statement of Licensing Policy for adoption from 1 April 2020.

Resolved: That the ‘Statement of Licensing Principles 2020-2025’ be adopted as revised Policy from 1 April 2020, subject to the corrections identified at Licensing Committee.

b) Sexual Establishments - Statement of Licensing

Councillor Clack moved and Councillor Abraham seconded the recommendation from Licensing Committee, which sought approval of the revised Sexual Establishments Statement of Licensing Policy for adoption from 1 April 2020.

Resolved: That the Sexual Establishments Statement of Licensing Policy 2020-2023 be adopted as revised Policy from 1 April 2020.

c) Statement of Hackney Carriage & Private Hire Policy

Councillor Clack moved and Councillor Abraham seconded the recommendation from Licensing Committee, which sought approval of the revised Statement of Hackney Carriage & Private Hire Policy for adoption from 1 April 2020.

Resolved: That the Statement of Hackney Carriage & Private Hire Policy 2020/23 be adopted as revised Policy from 1 April 2020.

d) Monitoring Officer’s Annual Report

Councillor Ball moved and Councillor Raikes seconded the recommendation from Standards Committee, noting the annual Monitoring Officer’s report.

Resolved: That the Monitoring Officer’s Annual report be noted.

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

(a) Pay Policy Statement

Councillor Fleming proposed and Councillor Dickins seconded the report which set out the elements of senior officer pay that enabled the Council to attract high quality officers whilst protecting value for money to the community. Approval by Council and publication on the Council website improved transparency and accountability whilst ensuring adherence to the Localism Act 2011.

Resolved: That the Pay Policy Statement be adopted and published on the Council’s website.

45. 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.

One question had been received from a Member in accordance with paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Cllr Dr Canet

‘Portfolio Holder Decision number 13 (2018/19) committed to expend £12,840 (+VAT) from the Section 106 affordable housing planning gains to commission a housing stock and needs analysis for older people.

This was approved on the grounds that ‘With a growing older population, it is proposed to undertake an additional and more detailed study to map older people’s accommodation across the District by size/type/tenure and to assess accommodation needs at ward level going forward in to the future...to better plan for older people’s accommodation needs into the future.’

Portfolio Holder decision signed by Cllrs Lowe and Piper on 28 December 2018. Could the Council advise

- a) Whether this analysis has yet taken place
- b) If it was not proceeded with why, and was this decision reported back to the Councillors?
- c) Was the earmarked money expended on another project?
- d) How do the Council intend to accurately assess and provide the older population’s housing accommodation needs?

[Portfolio Holder Decision number 13 \(2018/19\)](#)

Response of the Leader of the Council:

Thank you Cllr Dr Canet, in response to your question the analysis has not yet taken place, although there is already a considerable amount of information available on these requirements.

He understood that the Portfolio Holder at the time was made aware of the delay which was due to a number of national and local changes. This included the National Planning Policy Framework (NPPF), which was subsequently updated in 2019, and then several changes at national Government level and also a planned Social Housing White Paper, which had been delayed several times, but officers thought was key to understanding before going ahead with commissioning a survey. This white paper was now due later in 2020. The District Council had also just taken part in the County Council’s Affordable Housing Select Committee and would be of likely value to also await the outcome of that work before finalising the project brief for such a study. As it was a one-off pot of funding secured to undertake a study with no future such funding available, officers had wanted to make sure that when the money was spent it gained the most useful information possible and all of these changes had to be thought through properly to make sure the work was done. Updates were not typically given, but he could request that

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Officers send out update emails. He understood that the Housing Policy Manager had given previous assurances that Councillor Dr Canet would be invited to participate in the project, once it commenced, both in her role as a District Councillor and with the added input of the Sevenoaks Seniors' Action Forum.

Which, he responded, answered the next query that no, the money had not been spent elsewhere and was still set aside for this study with the prospective consultants still on board.

Finally you have asked how the Council intends to accurately assess and provide the older population's housing accommodation needs - as you are aware - full Council agreed the current Housing Strategy in July 2017 and it set out priorities relating to the provision of suitable housing and related support services for older people. Housing for older people forms a routine and significant part of every housing development considered and explored.

The 2016 Sevenoaks Local Housing Needs Survey also provided a considerable amount of information housing requirements in the district and as with all documents of this nature, the survey forms part of the evidence base for the emerging local plan and a material consideration in the determination of planning applications.

Supplementary question: Cllr Dr Canet

Councillor Dr Canet advised that she would like to take the offer of email updates and her supplementary question referred to the expected timescale.

Response of the Leader of the Council:

The Leader responded that there was already a large amount of information currently used when determining planning applications and available in the already mentioned documents which included: the majority of older people (67.4%) wanted to stay in their own homes with help and support when needed and around a quarter (24.4%) would consider buying a property on the open market; and sheltered accommodation and Extra Care housing were both considered attractive options, with slightly more people preferring the option to purchase rather than rent.

46. 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.

47. 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 4 November 2019 to 7 February 2020.

THE MEETING WAS CONCLUDED AT 8.07 PM

CHAIRMAN



**Item 6a - COVID-19: Update Report**

The attached report was considered by the Cabinet on 16 April 2020.  
At the time of printing the agenda the relevant Minute extract was not available.

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## COVID-19 UPDATE

Council - 21 April 2020

Report of	Chief Executive
Status	For consideration
Also considered by	Cabinet - 16 April 2020
Key Decision	No

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**Portfolio Holder** Cllr. Peter Fleming

**Contact Officer** Dr Pav Ramewal, Ext. 7298

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**Recommendation to Cabinet:** That Members note the report.

**Recommendation to Council:** That Members note the report.

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**Reason for recommendation:** To update Members on the measures the Council is taking surrounding the Coronavirus pandemic (COVID-19).

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### Introduction

- 1 The outbreak of Coronavirus / COVID-19 has had a significant impact nationally and globally. The Council has adapted quickly to continue delivering services that residents and local businesses rely upon, to provide additional services to support people in most need and respond to additional demands placed on it by Government.
- 2 A useful summary of some of the advice, guidance and support being provided to assist residents and businesses can be seen on a dedicated section of the Council's website at [www.sevenoaks.gov.uk/coronavirus](http://www.sevenoaks.gov.uk/coronavirus)
- 3 Members will note the action already taken under urgency procedures which are included in a separate report.
- 4 This information in this report is correct as of Thursday 2 April. The coronavirus outbreak and the Council's response has been fast-moving and Members will be updated on any further development and actions at the meeting.

### Staffing and Business Continuity

- 5 Business Impact Assessments have been reviewed for all services. This has enabled the Council to put in place detailed plans, on a service by service

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basis, to seek to ensure they continue for as long as possible. The plans are specific to the coronavirus outbreak and focus on what the Council will do if, over time, more staff become unable to work, or if supply chains that support Council business begin to fail. The Business Impact Assessments are continuing to be reviewed using the experience gained in recent weeks.

- 6 The Strategic Management Team and Cabinet Members have worked together to establish a list of priority services provided by Argyle Road staff that are essential to the COVID-19 response. The functions provided by Direct Services at the Dunbrik Depot have also been prioritised so that it is clear which services will continue depending on the number of staff available.
- 7 Following the guidance issued by the Prime Minister on 23 March 2020, a significant number of staff based at the Argyle Road offices are now working from home. Prior to that, it was arranged for all staff at the highest risk of severe illness to work from home. Staff are continuing to work effectively and productively to continue to deliver our services. The Argyle Road reception was closed as of 25 March 2020 and public access to Dunbrik Depot was also stopped at the same time. These changes were effectively communicated to our residents and there have been no reports of customers arriving at reception expecting a service.
- 8 At Dunbrik Depot, staffing levels are continuing to hold up well. However, a small number of absences is having an impact on the delivery of services that are a lower priority in the current situation. Qualified and trained drivers are integral to our crews being able to be out and about in the District. As these staff have fallen unwell, drivers have been moved from lower priority services to ensure higher priority services are continued. As a result, this means that the bulky waste service has been withdrawn. All bookings that had been made were honoured, but no new bookings are being taken.
- 9 The green waste service is continuing. As it is likely this service will come under increased pressure from lack of resources, and with many shops closed which means customers can no longer buy garden waste sacks, the decision has been made to not accept new customers to buy garden waste bins. This will help to prolong this service for as long as possible for existing customers with the resources available to us.

### **Support for businesses**

- 10 The Council has written to all 4,000 businesses in the District telling them about the business rate relief and business rate holidays that may be available to them.
- 11 The Council's website is also being kept up to date with the wider package of support that is available to businesses. A dedicated page can be seen at [https://www.sevenoaks.gov.uk/info/20004/business/511/coronavirus\\_covid-19\\_advice\\_for\\_businesses](https://www.sevenoaks.gov.uk/info/20004/business/511/coronavirus_covid-19_advice_for_businesses)

- 12 It has been an extremely busy time for the Business Rates team as the Government has continued to announce significant changes which impact on the vast majority of businesses. The team are continuing to process everything that is being sent to ensure that no bills are inadvertently sent to businesses that are no longer required to pay business rates this year.
- 13 Many businesses in the retail, hospitality and leisure sectors will receive grants of £10,000 or £25,000 and the intention is to get these sent out as soon as possible.
- 14 As of Thursday 2 April more than £100,000 in grants had been paid, with substantially greater sums due to be paid to businesses in the days that followed.
- 15 In addition, working with colleagues across the County, a dedicated business support line for Coronavirus-related issues has been launched. The service is being delivered by the Kent & Medway Growth Hub and is available from Monday to Friday, 8.30am to 6pm.

#### **Support for residents**

- 16 As well as continuing to urge our residents to follow Government advice, Council services are adapting to ensure they are supportive of residents' needs as the coronavirus outbreak affects more families. Decisions have been taken to automatically extend discretionary housing payments, to those already in receipt, to help them stay in their homes. Those contacting us with issues about paying their council tax are being offered new flexibilities according to individual circumstances.
- 17 The Council has suspended all parking charges across the District. This is designed to support not only businesses that remain open, but keyworkers that still need to travel to work and to help those residents that need to go out for essential shopping or services.
- 18 The HERO team and the housing advice service are continuing to support as many residents as possible with advice. Although face to face contact has stopped, comprehensive support is still being provided over the telephone and by email where it is appropriate.
- 19 The Government has also made it clear that the Council must work with any rough sleepers in the District to find them temporary accommodation which the Council is continuing to do.
- 20 The Council has worked incredibly quickly to set up a scheme to safely register volunteers and match them with residents in need of support. Working closely with the Care for our Community group of volunteers, colleagues in the voluntary and community sector and Town & Parish Councils. In excess of 1,000 volunteers have been registered and more than 400 residents have been helped with their basic needs. This includes advice, befriending, mental health, family support and food deliveries.

## Agenda Item 6a

- 21 A priority has been to put in place arrangements to support the proportion of the 1.5m people that the Government has identified as being at extreme risk of severe illness from coronavirus that live in our District. This group of people have been asked to stay in their homes for the next 12 weeks, and over the first four weeks of that period the Government will be scaling up its own door-to-door food deliveries. In the meantime the Council, working with its community and voluntary partners, is ensuring that residents receive the food and support they need.
- 22 Inside a day, Sevenoaks Leisure Centre was prepared to act as a distribution centre. The first food delivery from the Government was received on Saturday 28 March 2020 which provided sufficient supplies for 16 people. Council staff have worked incredibly hard, and resourcefully, to purchase its own food supply to ensure that residents do not go without.
- 23 As of 2 April 2020 there were 232 people across our District that had registered for support from the Government. The Council has contacted each of them to assess their immediate needs, ensured they have the food that they need, and where appropriate registered them with the Care for our Community volunteering scheme for additional support.

### **Key Implications**

#### Financial

There are expected to be adverse financial implications of COVID-19 which are likely to consist of additional expenditure, reduced income and cash flow implications of Government decisions.

These will be closely monitored, and details will be provided in later reports.

#### Legal Implications and Risk Assessment Statement

None directly arising from this report.

#### Equality Assessment

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

### **Conclusions**

Members are asked to note this report. The Chief Executive will continue to provide regular email updates to Members.

**Appendices**                      None

**Background Papers**            None

**Dr Pav Ramewal**

**Chief Executive**

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**Item 6b - COVID-19 Supplementary Estimates**

The attached report was considered by the Cabinet on 16 April 2020.  
At the time of printing the agenda the relevant Minute extract was not available.

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## COVID-19 SUPPLEMENTARY ESTIMATES

Council - 21 April 2020

Report of Chief Officer - Finance and Trading

Status: For consideration

Also considered by Cabinet - 16 April 2020

Key Decision: No

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

Portfolio Holder Cllr. Matthew Dickins

Contact Officer Adrian Rowbotham, Ext. 7153

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**Recommendation to Cabinet:** Cabinet support the recommendation to Council.

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

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**Reason for recommendation:** Sound financial governance of the Council.

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### Introduction & Background

- 1 Following the outbreak of Coronavirus / COVID-19 it has been necessary to make amendments to the budget agreed by Council on 25 February 2020.
- 2 Further to reporting procedures set out in Appendix D (Financial Procedure Rules) 2(d) paragraphs 2.32 and 2.33 of the Council's Constitution, when expenditure has been agreed by the Chief Executive and S151 Officer/Chief Officer - Finance & Trading a report is required on whether or not the expenditure can be met from within the current budget framework.
- 3 As noted in a previous report on this agenda, three decisions have been made using the above Financial Procedure Rules.

## Agenda Item 6b

- 4 Two of the three decisions, ‘Temporary Suspension of Car Parking Charges’ and ‘Allocation of funding to support vulnerable people and communities’ have an adverse impact on the revenue budget.
- 5 Details of the three decisions are detailed below.

### Temporary Suspension of Car Parking Charges

- 6 The following actions have been put in place for three months from 23 March 2020:
  - Suspension of on-street parking charges.
  - Suspension of off-street parking charges.
  - Suspension of car parking season tickets.
  - Parking restrictions will continue to be enforced (e.g. time limits in car parks)
- 7 Season ticket holders have been contacted and signage has been placed in car parks and on parking machines.

#### Financial Impact

- 8 The potential loss of income for three months is £758,000.
- 9 The above figures are based on April 2019 income levels. However, it should be noted that actual usage of available parking has significantly reduced over recent weeks so the actual income that is likely to be received if these actions were not implemented would be significantly less.

### Expanded Retail Discount Scheme

- 10 On 27 January 2020 the Government increased the existing Retail Discount for 2020/2021 from 33% of the net rates bill to 50% and extended the scope of the discount to include cinemas and live music venues.
- 11 In response to the coronavirus, In the budget on 11 March 2020 the Government further increased the Retail Discount for 2020/2021 from 50% to 100% and extended the scope of the discount to encompass the leisure and hospitality sectors.
- 12 On 17 March 2020 the rateable value limit of £51,000 which was previously in place was lifted to allow any occupied qualifying business to receive the discount, regardless of rateable value.
- 13 It is for individual billing authorities to adopt a local scheme and to determine in each individual case when, having regard to the guidance issued on 18 March 2020, to grant relief using discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended).

- 14 It is imperative that we deliver much needed support to the business community in the form of rate relief to preserve the local economy

Financial Impact

- 15 Since 1 April 2013 all discretionary relief granted has come under the provisions of the business rates retention scheme.
- 16 The cost of relief is initially shared between central government (50%) and local authorities (50%). Of this Sevenoaks District Council is required to fund 40%. However, due to the complexities of business rates retention, the actual impact is likely to be significantly lower.
- 17 Central government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme of the relief that falls within the definitions in the guidance set out at  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/875613/Expanded\\_Retail\\_Discount\\_Guidance\\_25.03.20.doc.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/875613/Expanded_Retail_Discount_Guidance_25.03.20.doc.pdf).
- 18 Reimbursement will be by way of a grant under section 31 of the Local Government Act 2003.

**Allocation of funding to support vulnerable people and communities**

- 19 The Ministry of Housing, Communities and Local Government (MHCLG) has directed for COVID-19 community co-ordination hubs to be urgently established to provide targeted support for those most at risk during the coronavirus outbreak. This is being led by Kent Resilience Forum's 'Vulnerable People and Communities Cell', who are working with the 12 borough and district councils across the county.
- 20 The hub will manage and co-ordinate the re-deployment of staff, community volunteers and resources to meet that demand, on behalf of the public sector. It will also pass on general offers of help and will work alongside existing voluntary and community groups to help maximise support for our local communities.
- 21 The hub aims to match people who can offer their time and specific skills with those who have been advised to self-isolate.
- 22 The Chief Officer - People and Places has requested investment of £100,000 to be made available to support the district's vulnerable people and communities, including the emergency set up and delivery of community co-ordination hubs.
- 23 The funding will:
- Support the establishment of local community hub(s), which will be set up as the main spokes across the district, including support such as:

## Agenda Item 6b

- Direct funding to hubs;
  - Volunteering directory;
  - Staff resources;
  - Free parking permits to key workers, volunteers and health professionals;
  - Printing facilities (inc. ID badges, passes etc) to support local communications needed in our local community hubs;
  - Vehicles and drivers to support critical activities;
  - Warehousing and storage capacity; and
  - Community supplies.
- Provide funding to the voluntary and community sector, where a critical needs or gap in service provision to the community is identified. This will assist them to mobilise frontline services.

### Financial Impact

- 24 £100,000 has been made available to support the district's vulnerable people and communities, including the emergency set up and delivery of community co-ordination hubs.

### **Key Implications**

#### Financial

The decisions made will have the following impact on the Council's revenue budget over 2019/20 and 2020/21:

	£
Temporary suspension of car parking charges	758,000
Expanded retail discount scheme	-
Support vulnerable people and communities	100,000
Total	858,000

It is proposed that £858,000 will be removed from the Budget Stabilisation Reserve to fund these items.

The Budget Stabilisation Reserve is used to support the balanced 10-year budget. By reducing this reserve, further budget decisions may be required as part of the next annual budget setting process to ensure that the Council continues to have a balanced 10-year budget.

The financial implications for each decision are set out elsewhere in this report. This report complies with the reporting procedures set out in Appendix D (Financial Procedure Rules) 2(d) paragraphs 2.32 and 2.33 of the Council's Constitution.

Legal Implications and Risk Assessment Statement.



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## Cllr Fleming - Leader's Report

Date: 10 February 2020 - 27 March 2020

February 2020	Event
11 February	<ul style="list-style-type: none"> <li>Meeting re White Oak Leisure Centre - SDC</li> </ul>
12 February	<ul style="list-style-type: none"> <li>Meeting re KCC Draft 5 Year Plan - SDC</li> </ul>
13 February	<ul style="list-style-type: none"> <li>Strategic Head Role Interview by phone</li> </ul>
14 February	<ul style="list-style-type: none"> <li>Speaker at LGA Data &amp; Digital Masterclass - London</li> </ul>
17 February	<ul style="list-style-type: none"> <li>Meeting with Sevenoaks Town Council re Sevenoaks Markets - SDC</li> </ul>
18 February	<ul style="list-style-type: none"> <li>Strategic Programme Board - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Quercus Cars Meeting - SDC</li> </ul>
19 February	<ul style="list-style-type: none"> <li>Meeting re Strategic Head Applications - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Meeting with Paul Dossett, Grant Thornton - SDC</li> </ul>
20 February	<ul style="list-style-type: none"> <li>Telecon with David Covill of SEEC</li> </ul>
21 February	<ul style="list-style-type: none"> <li>Telecon with Sarah Nurden re SELEP Ltd</li> </ul>
	<ul style="list-style-type: none"> <li>Meeting with Laura Trott, MP</li> </ul>
25 February	<ul style="list-style-type: none"> <li>Council - SDC</li> </ul>
26 February	<ul style="list-style-type: none"> <li>Strategic Head Long Listing Interview - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Net Zero 2030 Cabinet Working Group Meeting - SDC</li> </ul>
27 February	<ul style="list-style-type: none"> <li>Chair of LGA Behavioural Insights Conference - London</li> </ul>
	<ul style="list-style-type: none"> <li>Improvement &amp; Innovation Advisory Committee - SDC</li> </ul>
28 February	<ul style="list-style-type: none"> <li>Meeting re Reception Redesign - SDC</li> </ul>
March 2020	
2 March	<ul style="list-style-type: none"> <li>Edenbridge Town Council Annual Meeting - Edenbridge</li> </ul>
3 March	<ul style="list-style-type: none"> <li>Meeting with Arlingclose - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Speaker at Local Government Commercialisation Conference - London</li> </ul>
4 March	<ul style="list-style-type: none"> <li>Co-host LGA Commercial Skills for Councillors Conference - Birmingham</li> </ul>
	<ul style="list-style-type: none"> <li>Leadership Centre Alumni Event - London</li> </ul>
5 March	<ul style="list-style-type: none"> <li>LGA Improvement &amp; Innovation Board Lead Members' Meeting - London</li> </ul>
	<ul style="list-style-type: none"> <li>Quercus 7 Trading Board &amp; Quercus Housing Guarantor Board - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Cabinet - SDC</li> </ul>
9 March	<ul style="list-style-type: none"> <li>Fly the Flag for the Commonwealth - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Meeting re Economic Development strategy - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>Strategic Head Interview - SDC</li> </ul>
10 March	<ul style="list-style-type: none"> <li>Presentation Skills Course for staff - SDC</li> </ul>
12 March	<ul style="list-style-type: none"> <li>LGA Councillors' Forum - London</li> </ul>
	<ul style="list-style-type: none"> <li>LGA Executive Advisory Board - London</li> </ul>

## Agenda Item 9

	<ul style="list-style-type: none"> <li>• LGA Business Rates Retention &amp; Fair Funding Review Task and Finish Group - London</li> </ul>
16 March	<ul style="list-style-type: none"> <li>• Strategic Head Interviews by phone</li> </ul>
	<ul style="list-style-type: none"> <li>• Telephone meeting with QC re Local Plan</li> </ul>
	<ul style="list-style-type: none"> <li>• Telephone meeting with Laura Trott MP</li> </ul>
	<ul style="list-style-type: none"> <li>• Telephone meeting with Chief Executive/SMT members</li> </ul>
17 March	<ul style="list-style-type: none"> <li>• Coronavirus telephone update meeting with Chief Executive</li> </ul>
18 March	<ul style="list-style-type: none"> <li>• Coronavirus telephone update meeting with Chief Executive</li> </ul>
19 March	<ul style="list-style-type: none"> <li>• Strategic Head Interview by phone</li> </ul>
	<ul style="list-style-type: none"> <li>• Cabinet Coronavirus Update by phone with Chief Executive</li> </ul>
20 March	<ul style="list-style-type: none"> <li>• Cabinet/SMT Coronavirus Update Teleconference</li> </ul>
	<ul style="list-style-type: none"> <li>• MHCLG Teleconference re Coronavirus</li> </ul>
23 March	<ul style="list-style-type: none"> <li>• Cabinet/SMT Coronavirus Update Teleconference - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• Recording of Volunteer Video for website - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• DCN District Leaders' Teleconference</li> </ul>
	<ul style="list-style-type: none"> <li>• Feedback on Strategic Head Candidates - SDC</li> </ul>
24 March	<ul style="list-style-type: none"> <li>• Cabinet/SMT Coronavirus Update Teleconference - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• MHCLG Teleconference re Coronavirus - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• Telephone update with Laura Trott MP</li> </ul>
	<ul style="list-style-type: none"> <li>• Testing of Zoom facility to Councillors</li> </ul>
25 March	<ul style="list-style-type: none"> <li>• Investment Advisory Board Teleconference</li> </ul>
	<ul style="list-style-type: none"> <li>• Cabinet/SMT Coronavirus Update Teleconference - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• DCN Members' Board Conference Call</li> </ul>
26 March	<ul style="list-style-type: none"> <li>• Chair LGA Improvement &amp; Innovation Board by phone</li> </ul>
	<ul style="list-style-type: none"> <li>• Cabinet/SMT Coronavirus Update Teleconference - SDC</li> </ul>
27 March	<ul style="list-style-type: none"> <li>• Cabinet/SMT Coronavirus Update Teleconference - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• Introductory telecon with Richard King - Economic Development - SDC</li> </ul>
	<ul style="list-style-type: none"> <li>• MHCLG Teleconference re Coronavirus - SDC</li> </ul>

**REPORT ON SPECIAL URGENCY DECISIONS (QUARTER AND ANNUAL)**

**Council - 21 April 2020**

Report of Chief Executive  
 Status For consideration  
 Key Decision No

**Portfolio Holder** Cllr. Peter Fleming  
**Contact Officer** Vanessa Etheridge, Ext.7199

**Recommendation to Cabinet:** That Members note the report.

**Reason for recommendation:** To comply with the Council’s governance arrangements.

**Background**

- 1 This report satisfies the requirement of quarterly and annually reporting on Special Urgency Decisions as set out in Appendix A - Access to Information Procedure Rules, paragraph 18.3  
  
 ‘In any event the Leader will submit a quarterly report to the Council on the Cabinet decisions taken in the circumstances set out in Rule 17 (special urgency) or annually where there have been none. The report will include particulars of each decision made and a summary of the matters in respect of when each decision was made.’
- 2 It also satisfies the requirement as set out in Appendix C - Scrutiny Committee Procedure Rules paragraph 18.17, that decisions ‘taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

**Introduction**

- 2 A total of three urgency decisions have been taken, which have been reported to Cabinet, and are attached as Appendices A, B and C:
  - Officer Decision 01 (2019/20) - Temporary Suspension of Car Parking Charges
  - Officer Decision 02 (2019/20) - Expanded Retail Discount Scheme

## Agenda Item 10

- Officer Decision 03 (2019/20) - COVID-19 - Allocation of funding to support vulnerable people and communities

3 Each decision sets out its reasons for urgency.

### Key Implications

#### Financial

Non directly arising from this report. A report elsewhere on this agenda complies with the reporting procedures set out in Appendix D (Financial Procedure Rules) 2(d) paragraphs 2.32 and 2.33 of the Council's Constitution.

#### Legal Implications and Risk Assessment Statement

All relevant legislation and constitutional requirements were adhered to. Each decision sets out its reason for urgency.

#### Equality Assessment

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

### Conclusions

In compliance with the Council's Constitution Members are asked to note this report.

### Appendices

Appendix A - Officer Decision 01 (2019/20) -  
Temporary Suspension of Car Parking Charges

Appendix B - Officer Decision 02 (2019/20) -

Appendix C - Officer Decision 03 (2019/20) -

### Background Papers

[Council's Constitution](#)

.

Dr Pav Ramewal

Chief Executive

## Officer Decision Statement

### Openness of Local Government Bodies Regulations 2014/2095

<b>Subject:</b>	Temporary Suspension of Car Parking Charges
<b>Key Decision</b>	Yes
<b>Notice of the Key Decision</b>	Notice has been given as per Regulation 11 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012
<b>Details of Decision taken</b>	<p>That car parking charges be suspended in order to help the local community during these difficult times.</p> <p>The following actions will be put in place:</p> <ol style="list-style-type: none"> <li>1. Suspension of on-street parking charges.</li> <li>2. Suspension of off-street parking charges.</li> <li>3. Suspension of car parking season tickets.</li> <li>4. Parking restrictions will continue to be enforced (e.g. time limits in car parks)</li> </ol> <p>These actions will be implemented for 3 months commencing on 23 March 2020 Season ticket holders will be contacted, and signage will be placed in car parks and on parking machines.</p>
<b>Reason for Decision</b>	With the special circumstances surrounding the impact on residents of the coronavirus (Covid 19), the Council wants to take measures to help alleviate the financial burdens of its residents and businesses.
<b>Reason for Urgency</b>	<p>In order to have a positive and immediate impact it is not possible to wait until the next meeting of Cabinet on 16 April 2020 and following government advice, prudent to avoid unnecessary meetings of groups of people. Instant action is required due to the real and present financial impact on residents of the spread of the virus and the measures required to contain that spread, and any delay increases that impact.</p> <p>Pursuant to Appendix C, paragraph 18 of the Council's Constitution, it is deemed that the decision proposed is reasonable in these circumstances to be treated as a matter of urgency and the call-in procedure does not apply.</p>

**All Documents considered:**

Background information attached.

**Details of any alternative options considered and rejected by the Officer when making the Decision:** None.

**Financial implications**

The potential loss of income for three months is as follows:

	£
Suspension of on-street parking charges	116,000
Suspension of off-street parking charges	534,000
Suspension of car parking season tickets	108,000
<b>Total</b>	<b>758,000</b>

The above figures are based on April 2019 income levels however, it should be noted that actual usage of available parking has significantly reduced over the last week so the actual income that is likely to be received if these actions were not implemented would be significantly less.


**Legal Implications and Risk Assessment Statement**

This decision is taken by the Chief Executive acting in accordance with Paragraph 12 (d) of Part 13 of the Constitution, which authorises him as follows:

(d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and, where possible, the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.

Furthermore, this being an urgent Key Decision, Notice has been duly given and the agreement of the Chairman of the Scrutiny Committee has been sought to enable the decision to proceed as per Regulation 11(1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

Furthermore, this being an urgent Key Decision, the agreement of the Chairman of the Council has been sought to disapply the call-in procedure set out in Paragraph 18 of Appendix C of the Constitution, for the reasons set out in Paragraphs 18.13 - 18.18.

<b>Equality Assessment</b>	
The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.	
<b>Local Member(s), Portfolio Holders and/or Chief Officer/Heads of Service Consulted</b>	
Councillors Fleming, Dickins and McArthur. Chief Officer - Finance and Trading	
<b>Agreement of Chairman of Scrutiny Committee pursuant to 11 (1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, obtained on: 20 March 2020</b>	
<b>Agreement of the Chairman of the Council pursuant to Appendix C, para.18.16 of the Council’s Constitution, obtained on: 20 March 2020</b>	
<b>Details of any conflicts of interest</b>	
a) declared by any member who was consulted or was part of the body giving specific express authorisation	
b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict	
<b>Decision taken by:</b>	Dr. Pav Ramewal, Chief Executive
<b>Signed by Officer</b>	
<b>Date of Decision</b>	20.03.20
<b>Record made by:</b>	Vanessa Etheridge
<b>Date of record:</b>	20.03.20

**This decision takes immediate effect**

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## Background Information for Emergency Expenditure Request

Emergency:            Coronavirus 2020  
Subject:               Suspension of Car Parking Charges  
Date:                   19 March 2020  
Chief Officer:        Adrian Rowbotham

### Council Constitution

#### Appendix D - Financial Procedure Rules

#### 2d. Emergency Expenditure

##### Why is this important?

The Council needs to have in place a procedure for meeting immediate needs in the case of an emergency situation arising in the District.

##### General

**2.32** The Chief Executive and s.151 Officer/Chief Finance Officer shall have the authority to approve expenditure on any item which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Full Council depending on whether or not the expenditure can be met from within the current budget framework.

**2.33** The Chairman or Vice-Chairman of the Council together with the Leader or Deputy Leader of Council, having received a report from the Chief Executive and the Chief Executive and s.151 Officer/Chief Finance Officer, shall have power to incur expenditure which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972 (or other subsequent legislation) which is not otherwise authorised or where it is necessary in the Council's interest to settle legal proceedings which have been commenced against the Council. A subsequent report shall be submitted to Cabinet and/or the full Council depending on whether or not the expenditure can be met from within the current budget framework.

### Detail

Members have requested the suspension of car parking charges in order to help the local community during these difficult times.

## Agenda Item 10

The following actions will be put in place:

1. Suspension of on-street parking charges.
2. Suspension of off-street parking charges.
3. Suspension of car parking season tickets.
4. Parking restrictions will continue to be enforced (e.g. time limits in car parks)

These actions will be implemented for 3 months commencing on 23 March 2020.

Season ticket holders will be contacted, and signage will be placed in car parks and on parking machines.

### Financial Impact

The potential loss of income for three months is as follows:

	£
Suspension of on-street parking charges	116,000
Suspension of off-street parking charges	534,000
Suspension of car parking season tickets	108,000
Total	758,000

The above figures are based on April 2019 income levels. However, it should be noted that actual usage of available parking has significantly reduced over the last week so the actual income that is likely to be received if these actions were not implemented would be significantly less.

Requesting Chief Officer: Adrian Rowbotham, Chief Officer - Finance and Trading

Approval

Chief Executive:



Chief Officer - Finance and Trading:



## Officer Decision Statement

### Openness of Local Government Bodies Regulations 2014/2095

<b>Subject:</b>	<b>Expanded Retail Discount Scheme</b>
<b>Key Decision</b>	Yes
<b>Notice of the Key Decision</b>	Notice has been given as per Regulation 11 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012
<b>Details of Decision taken</b>	The endorsement of the Expanded Retail Discount Scheme providing rate relief for 2020/2021 in response to the coronavirus.
<b>Reason for Decision</b>	With the special circumstances surrounding the impact on businesses of the coronavirus (Covid 19), the Council must deliver on the Government direction quickly to support the business community.
<b>Reason for Urgency</b>	<p>In order to have a positive and immediate impact it is not possible to wait until the next meeting of Cabinet on 16 April 2020 and following government advice, prudent to avoid unnecessary meetings of groups of people.</p> <p>An urgent decision is required on the adoption of the Expanded Retail Discount Scheme. It is imperative that we deliver much needed support to the business community in the form of rate relief to preserve the local economy</p> <p>Pursuant to Appendix C, paragraph 18 of the Council's Constitution, it is deemed that the decision proposed is reasonable in these circumstances to be treated as a matter of urgency and the call-in procedure does not apply.</p>
<b>All Documents considered:</b>	Report and appendices attached
<b>Details of any alternative options considered and rejected by the Officer when making the Decision:</b>	None.

### **Financial implications**

Since 1 April 2013 all discretionary relief granted has come under the provisions of the business rates retention scheme.

The cost of relief is initially shared between central government (50%) and local authorities (50%). Of this Sevenoaks District Council is required to fund 40%. However, due to the complexities of business rates retention, the actual impact is likely to be significantly lower.

Central government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme of the relief that falls within the definitions in the guidance set out in Appendix A. Reimbursement will be by way of a grant under section 31 of the Local Government Act 2003.

### **Legal Implications and Risk Assessment Statement**

This decision is taken by the Chief Executive acting in accordance with Paragraph 12 (d) of Part 13 of the Constitution, which authorises him as follows:

(d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and, where possible, the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.

Furthermore, this being an urgent Key Decision, Notice has been duly given and the agreement of the Chairman of the Scrutiny Committee has been sought to enable the decision to proceed as per Regulation 11(1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

Furthermore, this being an urgent Key Decision, the agreement of the Chairman of the Council has been sought to disapply the call-in procedure set out in Paragraph 18 of Appendix C of the Constitution, for the reasons set out in Paragraphs 18.13 - 18.18.

### **Equality Assessment**

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


### **Local Member(s), Portfolio Holders and/or Chief Officer/Heads of Service Consulted**

Councillors Fleming and Dickins  
Chief Officer - Customer and Resources

**Agreement of Chairman of Scrutiny Committee pursuant to 11 (1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, obtained on:** On 23 March 2020

**Agreement of the Chairman of the Council pursuant to Appendix C, para.18.16 of the Council’s Constitution, obtained on:**  
On 23 March 2020

**Details of any conflicts of interest**  
**a) declared by any member who was consulted or was part of the body giving specific express authorisation**  
  
**b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict**

<b>Decision taken by:</b>	The Chief Executive
<b>Signed by Officer</b>	
<b>Date of Decision</b>	30.03.20
<b>Record made by:</b>	30.03.20
<b>Date of record:</b>	Vanessa Etheridge

**This decision takes immediate effect**

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## Background Information for Emergency Expenditure Request

Emergency:            Coronavirus 2020  
Subject:               Expanded Retail Discount Scheme  
Date:                   20 March 2020  
Chief Officer:        Jim Carrington-West

### Council Constitution

#### Appendix D - Financial Procedure Rules

#### 2d. Emergency Expenditure

##### Why is this important?

The Council needs to have in place a procedure for meeting immediate needs in the case of an emergency situation arising in the District.

##### General

**2.32** The Chief Executive and s.151 Officer/Chief Finance Officer shall have the authority to approve expenditure on any item which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Full Council depending on whether or not the expenditure can be met from within the current budget framework.

**2.33** The Chairman or Vice-Chairman of the Council together with the Leader or Deputy Leader of Council, having received a report from the Chief Executive and the Chief Executive and s.151 Officer/Chief Finance Officer, shall have power to incur expenditure which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972 (or other subsequent legislation) which is not otherwise authorised or where it is necessary in the Council's interest to settle legal proceedings which have been commenced against the Council. A subsequent report shall be submitted to Cabinet and/or the full Council depending on whether or not the expenditure can be met from within the current budget framework.

##### Detail

On 27 January 2020 the Government increased the existing Retail Discount for 2020/2021 from 33% of the net rates bill to 50% and extended the scope of the discount to include cinemas and live music venues.

## Agenda Item 10

In response to the coronavirus, In the budget on 11 March 2020 the Government further increased the Retail Discount for 2020/2021 from 50% to 100% and extended the scope of the discount to encompass the leisure and hospitality sectors.

On 17 March 2020 the rateable value limit of £51,000 which was previously in place was lifted to allow any occupied qualifying business to receive the discount, regardless of rateable value.

It is for individual billing authorities to adopt a local scheme and to determine in each individual case when, having regard to the guidance issued on 18 March 2020, to grant relief using discretionary powers under section 47 of the Local Government Finance Act 1988 (as amended).

It is imperative that we deliver much needed support to the business community in the form of rate relief to preserve the local economy

### **Financial Impact**

Since 1 April 2013 all discretionary relief granted has come under the provisions of the business rates retention scheme.

The cost of relief is initially shared between central government (50%) and local authorities (50%). Of this Sevenoaks District Council is required to fund 40%. However, due to the complexities of business rates retention, the actual impact is likely to be significantly lower.

Central government will fully reimburse billing authorities and major precepting authorities for the actual cost to them under the rates retention scheme of the relief that falls within the definitions in the guidance set out in Appendix A. Reimbursement will be by way of a grant under section 31 of the Local Government Act 2003.

Requesting Chief Officer: Jim Carrington-West - Customer and Resources

Approval

Chief Executive:



Chief Officer - Finance and Trading:





## Officer Decision Statement

### Openness of Local Government Bodies Regulations 2014/2095

<b>Subject:</b>	COVID-19 - Allocation of funding to support vulnerable people and communities
<b>Key Decision</b>	Yes
<b>Notice of the Key Decision</b>	Notice has been given as per Regulation 11 of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012
<b>Details of Decision taken</b>	Approval of £100,000 funding to support the Council's community response to COVID-19, including the emergency set up and delivery of the community co-ordination hubs within the Sevenoaks district for vulnerable people and communities.
<b>Reason for Decision</b>	With the special circumstances surrounding the impact on communities of the coronavirus (Covid 19), the Council wants to take measures to support its most vulnerable people and communities, including the emergency set up and delivery of community co-ordination hubs.
<b>Reason for Urgency</b>	<p>The Ministry of Housing, Communities and Local Government (MHCLG) has directed for COVID-19 community co-ordination hubs to be urgently established to provide targeted support for those most at risk during the coronavirus outbreak.</p> <p>Immediate action is required due to the real and present community impact on residents of the spread of the virus and the measures required to contain that spread, and any delay increases that impact.</p> <p>Pursuant to Appendix C, paragraph 18 of the Council's Constitution, it is deemed that the decision proposed is reasonable in these circumstances to be treated as a matter of urgency and the call-in procedure does not apply.</p>
<b>All Documents considered:</b>	Background information attached.

**Details of any alternative options considered and rejected by the Officer when making the Decision:** None.

**Financial implications**

Council investment of £100,000 is being sought.

**Legal Implications and Risk Assessment Statement**

This decision is taken by the Chief Executive acting in accordance with Paragraph 12 (d) of Part 13 of the Constitution, which authorises him as follows:

(d) In cases of urgency, after consultation with the Leader and Deputy Leader of the Council [and, where possible, the Leader(s) of the Opposition], to take any decision which could be taken by the Cabinet or by a Committee and to report such actions to Cabinet or Committee as appropriate.

Furthermore, this being an urgent Key Decision, Notice has been duly given and the agreement of the Chairman of the Scrutiny Committee has been sought to enable the decision to proceed as per Regulation 11(1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012.

Furthermore, this being an urgent Key Decision, the agreement of the Chairman of the Council has been sought to disapply the call-in procedure set out in Paragraph 18 of Appendix C of the Constitution, for the reasons set out in Paragraphs 18.13 - 18.18.

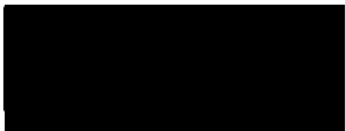
**Equality Assessment**

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

**Local Member(s), Portfolio Holders and/or Chief Officer/Heads of Service Consulted**

Councillors Dyball and Coleman.  
Chief Officer - People and Places  
Councillors Fleming and Dickins

**Agreement of Chairman of Scrutiny Committee pursuant to 11 (1)(a) of The Local Authorities (Executive Arrangements)(Meetings and Access to Information)(England) Regulations 2012, obtained on: 24 March 2020**

<p><b>Agreement of the Chairman of the Council pursuant to Appendix C, para.18.16 of the Council’s Constitution, obtained on:</b> 24 March 2020</p>	
<p><b>Details of any conflicts of interest</b> a) declared by any member who was consulted or was part of the body giving specific express authorisation</p> <p>b) and any details of dispensations granted by the Chief Executive in respect of any declared conflict</p>	
<p><b>Decision taken by:</b></p>	<p>The Chief Executive</p>
<p><b>Signed by Officer</b></p>	
<p><b>Date of Decision</b></p>	<p>30.03.20</p>
<p><b>Record made by:</b></p>	<p>30.03.20</p>
<p><b>Date of record:</b></p>	<p>Vanessa Etheridge</p>

**This decision takes immediate effect**

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## Background Information for Emergency Expenditure Request

Emergency: Coronavirus 2020  
Subject: COVID-19 - Allocation of funding to support vulnerable people and communities  
Date: 23 March 2020  
Chief Officer: Sarah Robson

### Council Constitution

#### Appendix D - Financial Procedure Rules

#### 2d. Emergency Expenditure

##### Why is this important?

The Council needs to have in place a procedure for meeting immediate needs in the case of an emergency situation arising in the District.

##### General

**2.32** The Chief Executive and s.151 Officer/Chief Finance Officer shall have the authority to approve expenditure on any item which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972, subject to a subsequent report to Cabinet and/or Full Council depending on whether or not the expenditure can be met from within the current budget framework.

**2.33** The Chairman or Vice-Chairman of the Council together with the Leader or Deputy Leader of Council, having received a report from the Chief Executive and the Chief Executive and s.151 Officer/Chief Finance Officer, shall have power to incur expenditure which is essential to meet any immediate needs created by an emergency or which is referable to Section 138 of the Local Government Act 1972 (or other subsequent legislation) which is not otherwise authorised or where it is necessary in the Council's interest to settle legal proceedings which have been commenced against the Council. A subsequent report shall be submitted to Cabinet and/or the full Council depending on whether or not the expenditure can be met from within the current budget framework.

##### Detail

The Ministry of Housing, Communities and Local Government (MHCLG) has directed for COVID-19 community co-ordination hubs to be urgently established to provide targeted support for those most at risk during the coronavirus outbreak. This is being led by Kent Resilience Forum's 'Vulnerable People and Communities Cell', who are working with the 12 borough and district councils across the county.

## Agenda Item 10

The hub will manage and co-ordinate the re-deployment of staff, community volunteers and resources to meet that demand, on behalf of the public sector. It will also pass on general offers of help and will work alongside existing voluntary and community groups to help maximise support for our local communities.

The hub aims to match people who can offer their time and specific skills with those who have been advised to self-isolate.

The Chief Officer - People and Places is requesting investment of £100,000 to be made available to support the district's vulnerable people and communities, including the emergency set up and delivery of community co-ordination hubs.

The funding will:

- Support the establishment of local community hub(s), which will be set up as the main spokes across the district, including support such as:
  - Direct funding to hubs;
  - Volunteering directory;
  - Staff resources;
  - Free parking permits to key workers, volunteers and health professionals;
  - Printing facilities (inc ID badges, passes etc) to support local communications needed in our local community hubs;
  - Vehicles and drivers to support critical activities;
  - Warehousing and storage capacity; and
  - Community supplies.
- Provide funding to the voluntary and community sector, where a critical needs or gap in service provision to the community is identified. This will assist them to mobilise frontline services.

### Financial Impact

The Chief Officer - People and Places is requesting additional Council investment of £100,000 to be made available to support the district's vulnerable people and communities, including the emergency set up and delivery of community co-ordination hubs.

Requesting Chief Officer: Sarah Robson, Chief Officer, People and Places.

Approval

Chief Executive:



Chief Officer - Finance and Trading:



## DRAFT AUDIT COMMITTEE ANNUAL REPORT 2019/20

### Audit Committee - 26 March 2020

Report of                      Cllr McGarvey, Chairman of the Audit Committee

Status:                        For Consideration

#### Introduction and Background

- 1        This is my report to the Council on the work of the Audit Committee during the year 2019/20.
- 2        The Audit Committee is responsible for discharging the functions conferred by the Accounts and Audit Regulations 2015. The key responsibilities include approving the Council's Annual Statement of Accounts, approving the Annual Governance Statement, approving the Annual Internal Audit Plan and monitoring and reviewing the work of Internal Audit, and reviewing the arrangements for the management of business risks.
- 3        In line with its Terms of Reference, the Audit Committee has met regularly (four times) during the course of the year. As Chair of the Committee, I have additionally held almost monthly briefings with Officers.  
Details of the range of issues considered by the Committee over the course of the year are set out below:

#### Internal Audit

- |                |  |
|----------------|--|
| July 2019      | <ul style="list-style-type: none"><li>• Internal Audit Annual Opinion 2018/19</li><li>• Internal Audit Update Report 2019/20</li></ul>                       |
| September 2019 | <ul style="list-style-type: none"><li>• Internal Audit Self-Assessment</li><li>• Internal Audit Update Report</li></ul>                                      |
| January 2020   | <ul style="list-style-type: none"><li>• Internal Audit Progress Report</li></ul>   |
| March 2020     | <ul style="list-style-type: none"><li>• Internal Audit Progress Report</li><li>• Internal Audit Plan 2020/21</li><li>• External Quality Assessment</li></ul> |

#### Governance, Risk & Anti-Fraud

- |           |  |
|-----------|--|
| July 2019 | <ul style="list-style-type: none"><li>• Audit Committee Terms of Reference and Member Development</li><li>• Local Code of Corporate Governance</li></ul> |
|-----------|--|

## Agenda Item 11a

- Counter Fraud and Compliance Report 2018/19
- Review of the Effectiveness of the Audit Committee 2018/19
- September 2019
  - Member Development - Public Sector Internal Audit Standards (PSIAS)
  - Risk Management Update
  - Members' Allowance Scheme Monitoring 2018/19
- January 2020
  - Member Development - Risk Management
- March 2020
  - Member Development - Understanding Local Government Accounts
  - Annual Governance Statement 2019/20

### Accounts and External Audit

- May 2019 (special meeting)
    - Statement of Accounts 2018/19 - Establishment of Member Working Group
  - July 2019
    - Statement of Accounts 2018/19
  - January 2020
    - External Audit - Housing Benefit Subsidy 2018/19
    - External Audit - Annual Audit Letter 2018/19
  - March 2020
    - External Audit - Annual Audit Plan 2019/20
    - Statement of Accounts 2019/20 - Establishment of Member Working Group
- 4 The Audit Committee maintains a constructive dialogue and effective working relationship with the Council's external auditors, Grant Thornton. The audit partner and/or audit manager from Grant Thornton have attended 3 of the 4 regular Audit Committee meetings during the year.
- 5 Training of Audit Committee Members is important so as to ensure that they can add value to the discussions at the Committee. A Member Development Proposal was presented at the July meeting and Members agreed to have regular training sessions to ensure they are knowledgeable about the items in the Committee's Terms of Reference. The following training has taken place:
- Public Sector Internal Audit Standards (PSIAS) - September 2019
  - Risk Management - January 2020



- Understanding Local Government Accounts - March 2020
- 6 Further training will be scheduled at future meetings.
  - 7 In addition to the core work of the Committee, a Member Working Group took place in June 2019 to review the draft Statement of Accounts. Its findings were reported back to the full Audit Committee at its meeting in July. The external auditors commented favourably on Members' involvement in the Annual Accounts process.
  - 8 Russell Heppleston commenced as the Interim Audit Manager in August 2018. Russell brought in some new ideas regarding the committee reports which has helped with Member engagement. The Internal Audit Service has been restructured during the year which should add more value to the Council going forward. Russell Heppleston left the Council in January 2020 and Frankie Smith is currently Interim Audit Manager. Francesca Chivers will be starting as the Audit Manager in May.
  - 9 It is my opinion that the work of the Committee has had a positive impact on the overall control environment within the Council. The Committee has developed good working relationships with officers and External Audit, and has offered constructive comments on a range of issues. The Committee continues to develop and improve its understanding of the many technical issues presented to it.
  - 10 I should like to thank all members of the Audit Committee for their personal contribution to the work of the Committee over the past year. I should also like to thank Officers, in particular Adrian Rowbotham, Russell Heppleston and Frankie Smith for the help and support they have given the Committee during the year.

**Cllr Philip McGarvey**  
**Chairman, Audit Committee**

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## Scrutiny Committee Annual Report to Council - 2019/20

### Remit of the Scrutiny Committee

1. As per Appendix C of the Council's constitution, "Scrutiny Committee Procedure Rules":

*1.1 The Council is required by Law to discharge certain overview and scrutiny functions. These functions are an essential component of local democracy. The Scrutiny Committee contribute to the Council's Performance and also hold the Cabinet to account for its decisions.*

*1.2 The Scrutiny Committee allows a wider involvement in Council business by involving non-councillors from the wider public section, voluntary groups and community groups to help them in their work. They may make reports and recommendations to the Cabinet and the Council as a whole on its policies, budget and service delivery.*

*1.3 The Scrutiny Committee also monitors the decisions of the Cabinet and the Scrutiny Committee can "call-in" a decision of the Cabinet which has been made but not yet implemented. They may recommend that the Cabinet reconsider their decision. They may also be consulted by the Cabinet or the Council on forthcoming decisions.*

*1.4 Scrutiny should be carried out in a constructive way and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. The Scrutiny Committee should not shy away from the need to challenge and question decisions and make constructive criticism.*

*"The Scrutiny Committee will comprise a permanent Chairman and Vice Chairman, and 9 other elected Members that follow the political proportionality of the Council. No Members of the Committee may be members of the Cabinet, their deputies or members of any of the Cabinet Advisory Committees."*

### General Approach

2. Throughout the course of 2019/20, the Scrutiny Committee has drawn up and followed a work plan that has focussed on four key areas. These are:

- **Inviting Cabinet Portfolio Holders** to each meeting of the Scrutiny Committee, on a rotational basis, to discuss particular areas of focus/challenge and concerns members may have;
- **Inviting a number of external representatives** to attend Scrutiny Committee to discuss particular areas of concern and their activities within the district;
- **Setting up In-Depth Scrutiny working groups** as task and finish groups to investigate particular areas in detail, reporting back to the Committee so that recommendations can be agreed and reported to Cabinet;

## Agenda Item 11b

- **Reviewing performance of services** in relation to agreed performance indicators, in particular focusing on red flag indicators. These are discussed at meetings, with explanations being provided by Officers. Matters of serious concern are referred to the Portfolio Holder/ Cabinet as appropriate.
3. This approach has ensured that the Committee has scrutinised both the work of SDC and other public bodies across the district, per the Committee's above terms of reference.

### Work Covered – 2019/2020

4. Based on the above approach, the following is a summary of work carried out during 2019/20 by the Scrutiny Committee.

### Portfolio Holders

5. Portfolio Holders were asked to provide an update on recent work and future challenges to the relevant meeting, and were subsequently asked a number of questions by Members of the Committee regarding specific challenges, their approach and views. Portfolio holders attended as follows:

<b>Scrutiny Committee</b>	<b>Portfolio Holder</b>	<b>Area of Committee Focus</b>
July 2019	Cllr Margot McArthur Cleaner and Greener	CCTV LED Smart Lighting Recycling Fly tipping Electric vehicles
July 2019	Cllr Peter Fleming Improvement and Innovation	Sevenoaks Town Car park Property Investment Strategy Swanley Leisure Centre Edenbridge Leisure Centre
November 2019	Cllr Matthew Dickins Finance and Investment	Budget setting Net Zero Electric vehicles Brexit impacts
January 2020	Cllr Robert Piper Housing and Health	Affordable Housing Homelessness
March 2020	Cllr Dyball People and Places	TBC
March 2020	Cllr Thornton Development and Conservation	TBC

## **External Invitees**

### July 2019

6. Representatives from Sencio Sevenoaks Community Leisure (Jane Parish – CEO, Davina Miller – Marketing Manager, Paul Jobling – Business and Sales Manager) gave a presentation on their strategic and financial objectives.
7. Members of the Committee then asked a number of questions relating to areas including:
  - Membership levels
  - Marketing approach and budget
  - Financial performance
  - Development based on the loan from the Council

### January 2020

8. Chief Inspector Jon Kirby, Sevenoaks District Commander of Kent Police was in attendance. He gave an overview of the levels of crime within the District and information regarding call handling figures to 101 and 999.
9. Members of the Committee then asked a number of questions relating to areas including:
  - Crime levels
  - Staffing resources for the District area
  - CCTV
  - Modern Slavery
10. Following concerns expressed at the July 2019 meeting, Jane Parish, CEO Sencio Leisure returned to the Committee. Members discussed a confidential report regarding the recent financial analysis of Sencio, which allayed a number of the concerns raised.

## **In-Depth Scrutiny Working Group**

11. At its November 2019 meeting, an in-depth scrutiny working group was formed to look at matters relating to the CCTV service to evaluate the effectiveness of the CCTV service in supporting the Community Safety theme within the Council Plan and its privacy impacts.
12. A final report would be brought to the Summer 2020 meeting.

## **Other**

13. The Chairman would like to thank his Vice Chairman, other committee Members and Officers for the work they have put in over the year.

Agenda Item 11b

**Councillor Cameron Brown**  
**Chairman - Scrutiny Committee**  
**31 March 2020**

**Item 12a - White Oak Leisure Centre: New Build and operator procurement**

The attached report was considered by the Cabinet on 16 April 2020. At the time of printing the agenda the relevant Minute extract was not available.

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**WHITE OAK LEISURE CENTRE: NEW BUILD AND OPERATOR PROCUREMENT**

**Cabinet - 16 April 2020**

Report of	Chief Officer, Communities & Business Chief Officer, Finance & Trading Chief Officer, People & Places
Status	For consideration and recommendation to Council
Also considered by	Improvement & Innovation Advisory Committee - 27 February 2020 People & Places Advisory Committee - 3 March 2020 <del>Finance &amp; Investment Advisory Committee - 24 March 2020</del> Council - 21 April 2020
Key Decision	No

---

**Executive Summary:** This report seeks approval, subject to the decision of the Development Control Committee (on 13 February 2020), to construct a new leisure centre, demolish the existing White Oak leisure centre and to appoint an operator for the new centre. The report also seeks approval to use income from the operator and the proceeds of identified Council-owned developments in Swanley to fund the cost of the works.

The report sets out the proposed facility mix, the need for the Centre and programme for the works. It includes the detailed costings and funding sources.

The report also seeks approval to provide some enhancements to the Orchards Academy sports hall in Swanley to accommodate sports clubs who need a 4 court sports hall.

The construction of the new leisure centre and demolition of the existing leisure centre cost, together with fees and charges, is due to be £20m. That is provided the works contractor is appointed by May 2020. A delay of one year would represent an increase in cost of some £919,000 using the BCIS All-in Tender Price Index.

Funding sources for the scheme are planned to be a combination of:

- Community Infrastructure Levy (CIL) funding;
- Capital receipts from several Council owned assets in Swanley;
- External funding paid for by income from the operator of the new leisure centre.

The funding is therefore identified to undertake the construction of the new leisure

centre and demolition of the existing leisure centre, with a margin for contingency.

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**This report supports the Key Aim of safe and caring communities, green and healthy environment and a dynamic and sustainable economy.**

**Portfolio Holder** Cllr. Peter Fleming, Improvement & Innovation

Cllr. Lesley Dyball, People & Places

Cllr. Matthew Dickins, Finance & Investments

**Contact Officers** Lesley Bowles, Ext 7335

Adrian Rowbotham, Ext 7153

Sarah Robson, Ext 7430

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**Recommendation to Improvement & Innovation Advisory Committee, People & Places Advisory Committee and ~~Finance & Investment Advisory Committee~~:** That comments on recommendations (a) to (e) below are passed to Cabinet.

**Recommendation to Cabinet:** That recommendations (a) to (e) below are recommended to Council.

**Recommendation to Council:**

- (a) Enter into a Development Management Agreement 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 to be used by the Council for any ancillary work outside the ALS contract, making a project total of £20m as set out in Table 3.
- (b) Enter into a Leisure Operating Contract 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 is to be used to service the loan taken out for the purposes of building the leisure centre.
- (c) Approve the development and subsequent disposal of sites in Swanley as set out in paragraph 53, the proceeds of which will be earmarked within the Council's capital receipts to fund the cost of the leisure centre.
- (d) To approve the funding for the of the scheme as follows:
  - CIL funding £0.9m

- Capital receipts £10.63m
- External borrowing £8.0m
- Total £19.53m

It is recognised that the split of funding may change due to actual development and disposal proceeds, also the cost of borrowing at the time loans are taken out. Additional funding may be required if the above amounts are not achieved.

- (e) To delegate authority 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 this report.

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## Introduction and Background

- 1 White Oak Leisure Centre has served generations of Swanley residents for more than 50 years. Predominantly built in 1967, the centre, due to its age and condition, has now reached the end of its serviceable life.
- 2 Following consideration by Members of the significant ongoing and expected asset maintenance requirements for the Centre, options to invest in the existing building, to do nothing or to close the leisure centre were all dismissed in favour of replacing it with a new modern, high quality centre.
- 3 During 2015 and again in 2016 during the Master Vision for Swanley work a number of sites were identified and considered for the location of the new centre. Four sites were identified as being deliverable in terms of planning. These included 8 further sites which were investigated and considered to be undeliverable in planning terms. This work concluded with the site next to the current White Oak Leisure Centre being the only available and practical solution.
- 4 Community engagement in Swanley and the surrounding areas took place in 2016 as part of the Master Vision for Swanley and reaffirmed the need for a leisure and swimming facility. Retaining a central location was important to people. Household surveys, also as part of the Master Vision, of 9,403 households and 397 businesses, identified that retaining leisure facilities was important to 96% of respondents.
- 5 In July 2017 a report by Strategic Leisure Ltd also identified the need to consider future provision of the White Oak Leisure Centre.
- 6 In 2018, Alliance Leisure Services Ltd (ALS) were procured via the UK Leisure Framework to scope:
  - The needs of the local area, including population projections.

## Agenda Item 12a

- How the existing centre is performing.
  - The mix of facilities that meets local needs and the feasibility that demonstrates it will help pay for and maintain a new leisure centre.
  - The land use, size and configuration of a new leisure centre, including the need to keep the existing centre open while the new one is built.
  - Maximising space for car parking.
  - Providing land for new housing to help pay for the new centre.
- 7 In putting forward proposals for the new Centre, ALS had to take into account the physical constraints of the site and the need to maintain the existing centre in operation until the new centre was built. In order to sustain the Centre into the future and to help fund the capital cost, ALS had to find a mix of facilities that would attract an operator able to provide enough income to pay the Council a sum sufficient to support the required borrowing to fund the centre.
- 8 ALS also had to take into account the need to provide multi-use space that would offer flexibility for the future and which could broaden the appeal of the centre to a wider audience. There was a need to continue to support older people, and those recovering from illness, for example through the Feel Good studio. There was also a need for a 'destination' element.
- 9 The resulting design of the new centre was used as the basis for the public engagement in March 2019 in Swanley. Feedback from these sessions has been used to improve the mix of facilities for users, providing spectator seating and a deeper pool to assist swimming lessons and water polo. The new plans provide a sports hall, 4 flexible multi-use rooms and studios, Tag Active, soft play for young children, a 25 metre, 6 lane pool and learner pool, a hundred station fitness studio and spin space, a Feel Good studio for those who need help in maintaining or becoming fit or recovering from illness and a café area.
- 10 Discussions are taking place with Orchards Academy regarding improvements to their 4 court sports hall to accommodate sports such as netball and roller hockey and clubs requiring larger areas and funding for this work is included in the scheme's financials.
- 11 There will be a Changing Places area for people with disabilities, and pool pods, which provide a modern, dignified way for swimmers with a wide range of mobility difficulties to access the pools.

### **Development Proposals - Leisure Centre**

#### **Scope of Works**

- 12 The scheme entails construction of a new leisure centre, adjacent to the existing White Oak Leisure Centre to the south of the site. The existing leisure centre will be kept operational during the construction of the new leisure centre to maintain continuity of leisure operation for the local community.

- 13 The new leisure centre will have a facility mix as follows:
- 25m, 6 lane, 2 metre deep, community pool with moveable floor
  - Learner pool
  - Poolside spectator seating (100 seats)
  - Café / seating area
  - Tag Active zone
  - Soft play area
  - Multi-purpose sports hall
  - Multi-purpose rooms (2 rooms with connecting doors to enable 1 larger room)
  - Studio spaces (2 rooms with connecting doors to enable 1 larger room)
  - Feel Good studio - with equipment for those who need extra help to exercise
  - 100 station fitness gym
  - Wet and dry changing areas, including a Changing Places area for disabled people
  - Parking provision for 144 cars and coaches
- 14 The new building is being designed to enable the new leisure centre to meet the Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' standard and will incorporate an air source heat pump system as well as other energy efficient features such as water consumption monitoring, leak detection, flow control and responsible sourcing of construction products. The car park will also have electric charging points.
- 15 The existing leisure centre will be demolished and the new car park constructed, once the new leisure centre is open and operational.
- 16 Enabling residential development will be constructed on the site of the demolished leisure centre to partly fund the new leisure centre, following the above works. The residential development will have accommodation as follows:
- 35 to 40 residential units
  - Residential mix to be either 1, 2 or 3 bed units, with either integral or on-street parking
  - Units to be either 2 or 3 storey high

### Phasing

- 17 The proposals will be phased in three parts to maintain continuity of leisure operation for the local community:
- a) Construction of the new leisure centre
  - b) Demolition of the existing leisure centre and construction of new car parking
  - c) Construction of the residential development

## Agenda Item 12a

### Planning

- 18 A hybrid planning application (reference [19/02951/HYB](#)) was submitted in October 2019 for the following:
- Full application for a new leisure centre and associated parking at White Oak Leisure Centre site in Swanley
  - Outline application for enabling residential development on the site of the current White Oak Leisure Centre.
- 19 Determination of the application by the Development Control Committee is expected by 13 February 2020.

### Procurement

- 20 The ALS project team was procured through The UK Leisure Framework and includes experienced leisure architects Saunders Boston and contractor ISG. Following the project scoping business planning and feasibility, ALS progressed the design to 'Cost Confidence' stage and then to pre-construction 'Cost Certainty' stage.
- 21 A budget of £550,000 was approved by Council on 26/02/2019 as part of the Capital Programme to develop the new White Oak Leisure Centre scheme design, undertake site surveys and planning application submission to the pre-construction stage of Cost Certainty which is now completed.
- 22 Draft terms have been agreed with Alliance Leisure Services Limited to enter into a Development Management Agreement for the construction of a new leisure centre, the provision of certain equipment and demolition of the existing White Oak Leisure Centre. A summary is given in Appendix A.

### Programme

- 23 The key indicative programme dates are shown as follows in Table 1.

Table 1 Key Indicative Programme Dates

Stage	Detail	By when
Design and cost		COMPLETE
Statutory approvals	Planning consent	February 2020
Building Control	Building Regs approval	March 2020
Project approval	Council project approval process	April 2020
	Development agreement	April 2020
	Instruct contractor	April 2020
Construction	Mobilisation	May 2020
	Start on site	May 2020

	Phase 1 complete	November 2021
	Centre handover	November 2021
	Fit out and training	November 2021
	Asbestos R&D of existing centre	December 2021
	New Centre opens	November 2021
	Existing centre strip out	December 2021
	Phase 2 - Demolition and car park works	May 2022

### Appointment of a Future Operator

- 24 The ALS team were procured through The UK Leisure Framework and includes Max Associates, market leader in leisure management contract procurement, and Trowers & Hamblins LLP Solicitors. The team have managed the EU Operator Tender process with the District Council team.

### Operator Tender Evaluation

- 25 The procurement followed a 3 stage process:
- (i) Selection Questionnaire (SQ), to demonstrate applicants' experience and ability to meet SDC's minimum technical and functional requirements in respect of delivering the contract;
  - (ii) First Stage Tender, applicants invited to submit detailed solutions (ISDS); and
  - (iii) Final Tender, applicants invited to submit final tenders (ISFT) following a period of dialogue.
- 26 The evaluation team comprised of 11 people. Two Members, seven Council Officers, and representatives from Max Associates and Trowers & Hamblins LLP Solicitors.
- 27 At the SQ stage applicants were permitted to express interest in the contract and were required to submit information regarding their organisation, capacity, financial standing and history with similar schemes. Applicants had to meet specified minima and where more than four applicants are left then only the four highest scoring would proceed. In this case all except one applicant satisfied the minimum criteria. The four highest scoring applicants were shortlisted and invited to submit tenders by ISDS (Invitation to Submit Detailed Submission).

## Agenda Item 12a

- 28 At the ISDS stage three applicants submitted tenders. One withdrew from the procurement process due to prior commitments with other partners.
- 29 In order to assess the tenders, Officers were guided by the results of a Members' consultation evening on 25 July 2019. This showed that, for example, Members were as interested in quality outcomes as they were in value for money. Tenders were appraised by the evaluation team and scored based on the predetermined weighting, Commercial 50% and Quality 50%. The two highest scoring applicants were invited to submit final tenders.
- 30 Final tenders were received on 20 December 2019. Applications were appraised by the evaluation team using a detailed scoring system that demonstrated each of the bidders:
- Viability of their financial model
  - Proposed amendments to the Contract
  - Ability to meet the Council's strategic outcomes
  - Operational Performance & Building Maintenance Proposals
  - Pricing Policies
  - Use of Information Technology
  - Staffing & Volunteering Proposals
  - Mobilisation
- 31 The highest scoring applicant demonstrated the best value for money for the Council whilst also meeting the key quality outcomes. The proposed preferred bidder was identified as Sport and Leisure Management Ltd (SLM).

### **Operator Contract & Expected Revenue**

- 32 The preferred operator will enter into a bespoke Leisure Operating Contract with the Authority for an initial period of 15 years with an option, at the agreement of the parties, for a further period of five years giving a total possible term of 20 years.
- 33 The Leisure Operating Contract is a full repairing lease with clear asset maintenance systems and targets that gives the Council assurance that the new facility will be maintained to a high standard. The proposed preferred operator will deliver high operational standards which will be assessed through a number of means including the Quest accreditation standard. Trowers & Hamlins, our expert legal advisers, have worked alongside SDC's legal team to ensure the contract provides SDC with the full confidence in the contract terms. The key terms of the contract are highlighted in Appendix B.



- 34 If the preferred operator is approved then the net payment to the Council over the duration of the contract is £7,623,720 with an average annual payment of £508,248.

### Operator Programme

- 35 The following table highlights the key stages and their timescales.

<b>Table 2 Key Operator Programme Dates</b>	
Start practical engagement between operator and clubs	May 2020
Give notice to Sencio (6 months prior to Centre opening)	May2021
Operator Mobilisation (12 weeks prior to centre opening)	September 2021
Centre Handover (2 weeks)	November 2021
New leisure centre opens	November 2021
Existing leisure centre demolished and new car park completed	May 2022

The operator will work with the Council and the existing leisure provider as soon as possible.

### Risk Assessment

- 36 A table outlining the key risks relating to the construction, operator procurement and financial aspects can be found in Appendix D. The table highlights the mitigating controls that have been put in place to limit their impact.
- 37 Whilst there is a transfer of risks relating to the construction to ALS as set out in their Cost Certainty report (App A), there may be risks which sit outside of their responsibility. This is the case with any contract of this nature regardless of who the contractor might be. These could include such risks as utilities issues outside the control's control, prolonged extreme weather conditions leading to delay, planning conditions imposed, for example requiring archaeology, changes to national building regulations, unexpected ground conditions that could not have been identified in the surveys. These are all covered in the Council's risk assessment in Appendix D.

### Key Implications

#### Financial Cost

- 38 The total cost of the construction of the new leisure centre and demolition of the existing White Oak Leisure Centre is £20m, made up as shown in table 3:

<b>Table 3 Cost details</b>	
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
<b>Total</b>	<b>£20,000,000</b>

- 39 At Council on 26 February 2019, Members approved capital expenditure of £550,000 for pre-construction to the stage of cost certainty (RIBA stage 4). This included the following items:
- Pre-construction surveys/works: design to RIBA Stage 4 and Principal Designer role
  - Additional specialist design input for TAG Active, soft play, café & kitchen and Parkour
  - Quantity Surveyor
  - Project management and delivery fee
  - Client contingency
- 40 This work has been funded by capital receipts as approved by Council and the sum of £550,000 is included in the total cost of the construction set out in paragraph 37 above.
- 41 Approval is now sought for expenditure of £19.53m to complete the scheme.
- 42 A significant amount of work has been carried out to date to ensure that the scheme proposed in this report is the most appropriate and cost effective. The work has included:
- 43 **Options appraisal work regarding the future of the Centre**
- Option 1 - do nothing.
  - Option 2 - invest in the existing building.
  - Option 3 - build a new leisure centre
  - Option 4 - close the centre

- It was decided that the level of repairs and maintenance required over the next few years meant that Option 1 was not economically feasible in the future . Closure of the centre, Option 4, was not considered to be appropriate for Swanley. Options 2 and 3 were considered for further examination.
- Option 2 - invest in the existing centre. An independent conditions survey was conducted. The conclusion was that the centre had exceeded the expectation of the lifespan for this type of building. Refurbishment would require the closure of the centre for 45 to 50 weeks. Refurbishment would not allow any release of land for enabling development.
- Following investigation, Members confirmed their support for Option 3 and that several sites should be considered.

**44 Consideration of sites**

The existing White Oak site and the Olympic site were considered. Subsequently a Sequential Planning test was undertaken looking at 12 sites in and around Swanley and the existing White Oak site was identified as the best available town centre option.

**45 Facilities mix options**

Work to establish the facilities mix options identified 2 options that provided the best balance between the needs analysis and the need to provide the most viable and affordable options. These were a 6 lane pool, learner pool and fitness studio or a 6 land pool, learner pool, fitness studio and 4 court sports hall.

**46 The procurement options available to the Council were considered.**

- These included Design and Build working with a Framework, i.e. a framework of companies already tendered under EU procurement rules, an off the shelf centre also procured through a Framework, and an SDC contracted Design and Build. The Council also considered working with a large company on a Design, Build, Operate and Maintain approach (DBOM).
- The SDC Design and Build would provide full flexibility but the capacity of the teams involved would not be sufficient to support this.

## Agenda Item 12a

- The off the shelf product was untested. The Council would have been the first customer and this was considered by the Property Manager to carry too much risk. The design would not fit well onto the site.
- The DBOM approach, whilst transferring much of the risk to an operator to build the centre as well as the enabling housing developments, required an ongoing revenue contribution in addition to passing over enabling development sites.
- The Framework Design and Build option was considered to be the most suitable, ensuring that correct procurement processes were in place and giving the Council maximum flexibility, whilst transferring the major part of the risk to the Framework partner.

### 47 The following activities also took place to ensure value overall:

- The use of a procurement framework to ensure that the contractors delivering the project have met stringent procurement requirements and accept the major part of the risk
- The completion of an EU compliant procurement exercise to identify the leisure operator who will operate the site upon completion.
- The selection of activities offered at the new Centre not only meets the needs of a modern leisure facility but provides sufficient income from an operator to fund the required loan
- Final value engineering to ensure that the final price represents the lowest available for the design

### Income

- 48 The 15-year net income from the operator is expected to be an average of £508,248 per year. There is an option to extend the contract for a further 5 years with indicative income for that period remaining at the same level.

### Funding

- 49 It is intended to use the following sources to fund the remainder of the scheme. Additional details are included at **Appendix C**.
- 50 **Community Infrastructure Levy (CIL):** At the CIL Spending Board held on 9 December 2019 the scheme was awarded £0.9m.
- 51 **External borrowing** is recommended to be taken over 20 years to fit in with the operator life cycle. This would be funded from the operator income. As an example, the current Public Works Loan Board (PWLB) rate is 2.42% (as at 13/02/20 including a 0.2% certainty rate reduction). The average annual

income of £508,000 would currently be able to fund borrowing of £8m over 20 years. In addition to the £8m loan it would be necessary to take short term borrowing to fund elements of the construction phase at an estimated net cost of £80,000.

52 **Capital receipts** (proceeds from the sale of Council assets): Within Swanley there are a number of assets which have been evaluated by Savills for development and disposal. The potential receipts from these assets are shown in **Appendix C**. The level of receipts currently estimated from these assets are based on expert external appraisals by Savills. The Council's Finance and Property Officers have scrutinised and reviewed these figures and the capital receipts from the following schemes is currently estimated to be £11,327,561.

53 The sites are:

- White Oak Leisure Centre
- Bevan Place
- Alder Way
- Russett Way
- 27-37 High Street
- Woodlands (already received)

It should be recognised that the actual amounts received for these assets may vary for a range of reasons including the number of units on each site, the type and tenure of units and the timing of the project, particularly given that some of these projects may not be delivered within the next year.

54 A South East Local Enterprise Partnership (SELEP) **Growing Places Fund bid** for an interest free loan of £1.49m has been submitted but this process is in its early stage and no certainty can be given as to the outcome of the bid. The full amount would have to be repaid after five years. If the bid is successful, the total borrowing costs would be slightly reduced.

55 Based on the above information the table below details the proposed funding solution with further details included in **Appendix C**. The Council expects to make a contribution of £10.63million, funded from capital receipts.

Funding Source	£m
Capital receipts	10.630
External borrowing	8.000
CIL	0.900
<b>Total</b>	<b>19.530</b>

## Agenda Item 12a

- 56 Any expenditure incurred prior to the funding sources being received will be funded by a mixture of internal and external borrowing until the approved funding is available. This would impact on interest receipts.
- 57 As mentioned earlier, the value of capital receipts (due to actual sale prices) and amount of external borrowing (due to borrowing rates at the time) included in the table above are not certain.
- 58 If the value of capital receipts exceeds the amount above, the excess could be used to fund other approved capital schemes.
- 59 If interest rates reduce and less operator income is required to deliver the external borrowing amount above, this will be revenue income and will be taken into account in future budget setting processes.
- 60 However, if capital receipts and/or the amount of external borrowing are lower than the figures above, additional funding will be required. Possible sources of additional funding are:
- i) Capital receipts from the sale of other Council assets. This may reduce the ability to deliver other approved capital schemes.
  - ii) Additional external borrowing funded from other revenue sources not directly linked to White Oak Leisure Centre. This may result in savings being required from other Council services.
  - iii) Request further funding from the CIL Spending Board.

### Value Added Tax (VAT)

- 61 The treatment of VAT was key consideration for this project. A VAT registered business falls within the scope of partial exemption when it has supplies of both a taxable and an exempt nature. Output VAT cannot be charged on an exempt supply and equally any input VAT incurred directly in making the exempt supply, generally, cannot be recovered.
- 62 It is therefore necessary to split the lease for the building and right to trade. The lease for the building will be at a peppercorn lease so that it can be treated as a non-business activity, allowing the VAT incurred on construction to be reclaimed. The right to trade lease granted to the operator will be classed as a standard rated supply.
- 63 If HMRC disagree with the VAT treatment it could add approximately £2m to the build costs as it would put the Council outside tolerable limits on its partial exemption calculation and all VAT on all activities included within the partial exemption calculation would need to be repaid to HMRC.
- 64 VAT advice has been taken from 2 external VAT advisers.

### **Legal Implications and Risk Assessment Statement**

- 65 The Council is required to achieve best value and is also required to comply with relevant regional, national, and local procurement rules.
- 66 The present operator procurement exercise was subject to the Concessions Directive as implemented in domestic legislation by the Concession Contracts Regulations 2016. The construction element was subject to the EU Public Sector Procurement Directive as implemented by the Public Contracts Regulations 2015. These set out the requirements for the Council, including to uphold principles of equal treatment, non-discrimination and transparency throughout the process.
- 67 Following a decision of the Council to award the contract then the Council would be obliged to give notice to all relevant parties. A mandatory standstill period of 10 days shall then apply in which other applicants can submit any legal challenge. The contracts may only be entered into after this period.
- 68 The legal implications are otherwise as set out in the body of the report.

### **Equality Assessment**

- 69 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.
- 70 The facilities and health & wellbeing interventions at the new leisure centre are open to all residents. The proposed operator has an equality and diversity policy that aims to provide equality of opportunity to all customers to participate in sport and leisure activities at all levels whether as a customer or member.

### **Sustainability**

- 71 A sustainability checklist has been completed and a positive impact is anticipated.

### **Conclusion**

The asset maintenance needs of the existing White Oak Leisure Centre cannot be met by the Council in a sustainable way.

## Agenda Item 12a

The need for a leisure centre in Swanley is well-established both in the Sports Facility Report and through consultation with local people. The recommendations in this report are the culmination of considerable work to find a way forward for the Centre.

Work undertaken has included searching for an appropriate site in terms of planning, availability and access for the community, resulting in the identification of the existing White Oak site. It has involved finding a mix of facilities that not only makes the Centre attractive to as many local people as possible but provides sufficient income for the Centre to be sustainable in the long term. The income from the leisure operator will also help to fund the capital spend.

Work with an established Leisure Consultancy responded to the need to address the constraints within which the Council was working. Those constraints were that the existing leisure centre must remain open until the new Centre was operational and the site must also accommodate an enabling housing development. This meant that the space available on the site was defined. Secondly, the mix of facilities would have to provide at least one activity to encourage new people into the Centre and that the space should be designed with flexibility for the future in mind. Thirdly that there must be a space for a Shapemaster room to cater for the needs of older people, those recovering from illness and those with greater mobility needs. Fourthly, that there must be sufficient income to make the Centre financially affordable and sustainable.

The resulting design and mix of facilities includes not only fixed spaces but also a large area and 4 smaller areas suitable for mixed uses and where sliding doors can open up the spaces to enable a wider choice for users. Taking local views into account has led to changes in design including to the swimming area and the improved multi-use spaces provided. The resulting design is a modern facility that will adapt to future uses. All current sports and activities will be possible in the new centre, with the exception of very deep water sports such as diving and those requiring a large sports hall, such as roller hockey, basketball and netball. Following discussions with Orchard Academy a 4 court sports hall would be available for club based community sport use, outside school hours and at weekends and holidays. Some improvements to the hall are necessary in order to accommodate these clubs and these are included in the recommendation.

Discussions have taken place with Orchard Academy who have a 4 court sports hall and who are very pleased to welcome any club no longer able to use the proposed leisure centre. Some improvements to the Orchards Hall will be necessary in order to accommodate these clubs and this is included in the recommendation.

Alongside this work has been the procurement of an exciting new operator for the Centre. SLM Everyone Active were successful not only in offering the best income for the Council but also in their approach, which reaches out to the local community and works with schools and GP surgeries to encourage health and wellbeing. They offer modern ways for people to access their services and, as a major player in the leisure industry, offer resilience, expertise, excellent customer service and quality assurance standards.



Concurrent work has also taken place to assess the development value of other Council-owned sites in Swanley that will be needed financially to enable the new Leisure Centre to go ahead. Savills have been used to appraise each of these sites and values have also been tested with local estate agents so that the figures put forward in this report are reliable.

All of these pieces of work have now come together to enable Officers to make the recommendations in this report.

**Appendices**

Appendix A - Cost Certainty Completion Report Summary (January 2020) Alliance Leisure Services

Appendix B - Report on the draft Leisure Management Contract by Trowers & Hamlins

Appendix C - Funding Sources (Restricted)

Appendix D - Risk Assessment (Restricted)

**Background Papers**

[Operating Contract](#)

[Sports Facility Report 2016 - 2035 \(July 2017\)](#)

[Equality Impact Assessment](#)

[Sustainability Checklist](#)

<https://cds.sevenoaks.gov.uk/ieListDocuments.aspx?CId=360&MId=2485&Ver=4&J=2>

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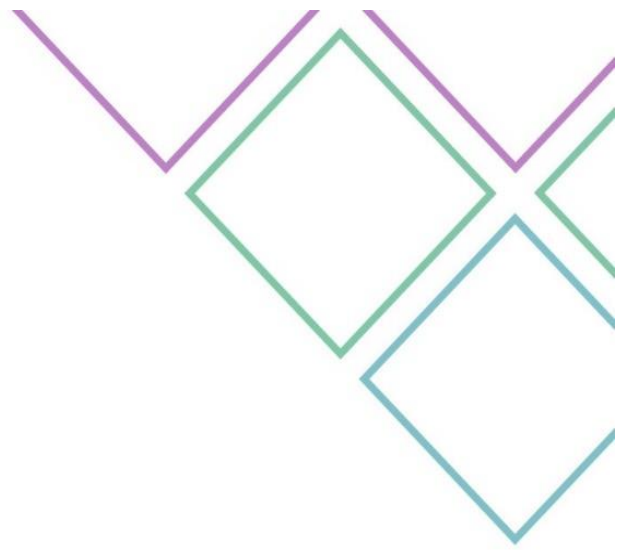
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## White Oak Leisure Centre

**'COST CERTAINTY' WORK  
COMPLETION REPORT - SUMMARY**

31<sup>st</sup> January 2020



## **CONTENTS**

- 1. Introduction**
- 2. Development proposal outline**
- 3. New Development Plans & Visuals**
- 4. Total Project Costs**
- 5. Programme & Key Dates**
- 6. The Alliance Approach & Contract Structure**

## 1. Introduction

In May 2018 Sevenoaks District Council (SDC) engaged with leading leisure development partner Alliance Leisure Services Ltd (ALS) to prepare a facility development proposal relating to SDC aspiration of building a new and exciting leisure centre that will serve the population of Swanley and surrounding areas and provide innovative leisure activities for all generations.

In August 2018 SDC commissioned ALS to undertake a high level business plan and feasibility study for a new leisure centre that introduces new income streams, drives participation and captures a wider segment of user groups.

In October 2018, SDC commissioned ALS to take the proposal to the next stage and undertake 'Cost Confidence' work for the demolition of White Oak Leisure Centre (WOLC) and the construction of a new leisure centre, considering two options. This piece of work was completed in December 2018.

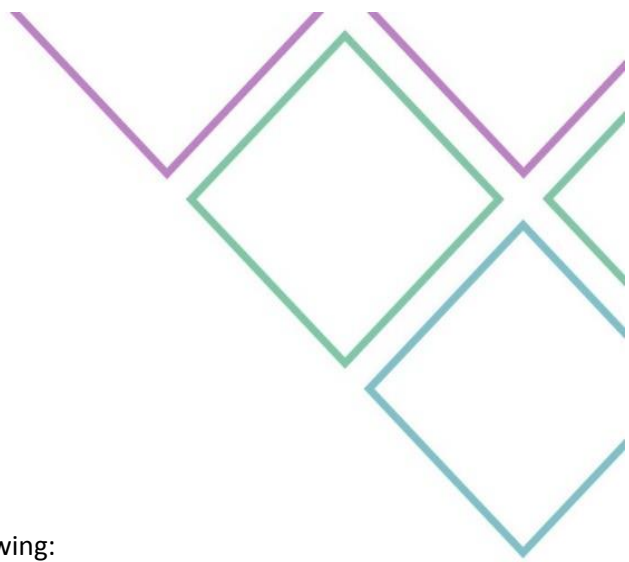
Following a period of collaborative refinement with SDC, and consultations with various stakeholders, the desired option was selected in July 2019 with a total project cost estimated at the time of £19.422m (exc. vat).

In line with the UK Leisure Framework procurement process, SDC instructed ALS to then proceed in developing this option through 'Cost Certainty' whereby essential surveys / detailed design / costing work would be undertaken to provide a fixed total project cost. In tandem with this, the team have delivered the Planning Application for the new centre and outline residential scheme (decision pending) and facilitated the Operator Procurement process through the UK Leisure Framework.

The 'Cost Certainty' process for the new development, over 5 – 6 months, has been collaborative between SDC and the ALS development team, with workshops / meetings every 2 weeks and a constant flow of information between parties. This paper provides a summary of the position on completion of this work. The builder's 'Contractor Proposals' (CP's), and further information, accompany this paper separately to provide the necessary detail.

At the conclusion of this piece of work, the Total Project Costs for complete delivery of the proposed project are **£19,852,464** (exc. vat).

The ALS development team for this project includes ISG (building contractors), Saunders Boston Architects, Max Associates (consultants), Savernake Property Consultants (PM), Axiom Project Services (QS / PM) and various equipment suppliers, from their UK Leisure Framework supply chain.



## 2. Development Proposal Outline

This development project for the new centre includes the following:

### Ground floor:

- + Main Swimming Pool 25m x 6 lanes with variable depth
- + Learner Pool 13m x 8m
- + Spectator seating for pool areas
- + First Aid room
- + Poolside Storage
- + Village Changing rooms
- + TagActive Arena and children's Soft Play facility
- + Café Servery, Kitchen and seating areas
- + Multi-use space sports hall
- + 2 x Multi-use Rooms
- + FeelGood Studio with Shapemaster 'Power Assisted' equipment
- + Reception desk and Offices

### First floor:

- + Fitness Suite accommodating over 100 pieces of gym equipment
- + 2 x Group Exercise Studios with semi sprung floors and dividing wall
- + Separate Male, Female and Access / unisex Changing Rooms
- + Staff Room

### External:

- + 12 Blue Badge Holder parking space
- + 3 Electric Vehicle Charging points
- + 129 Traditional parking spaces
- + Bus set-down area for 2 coaches



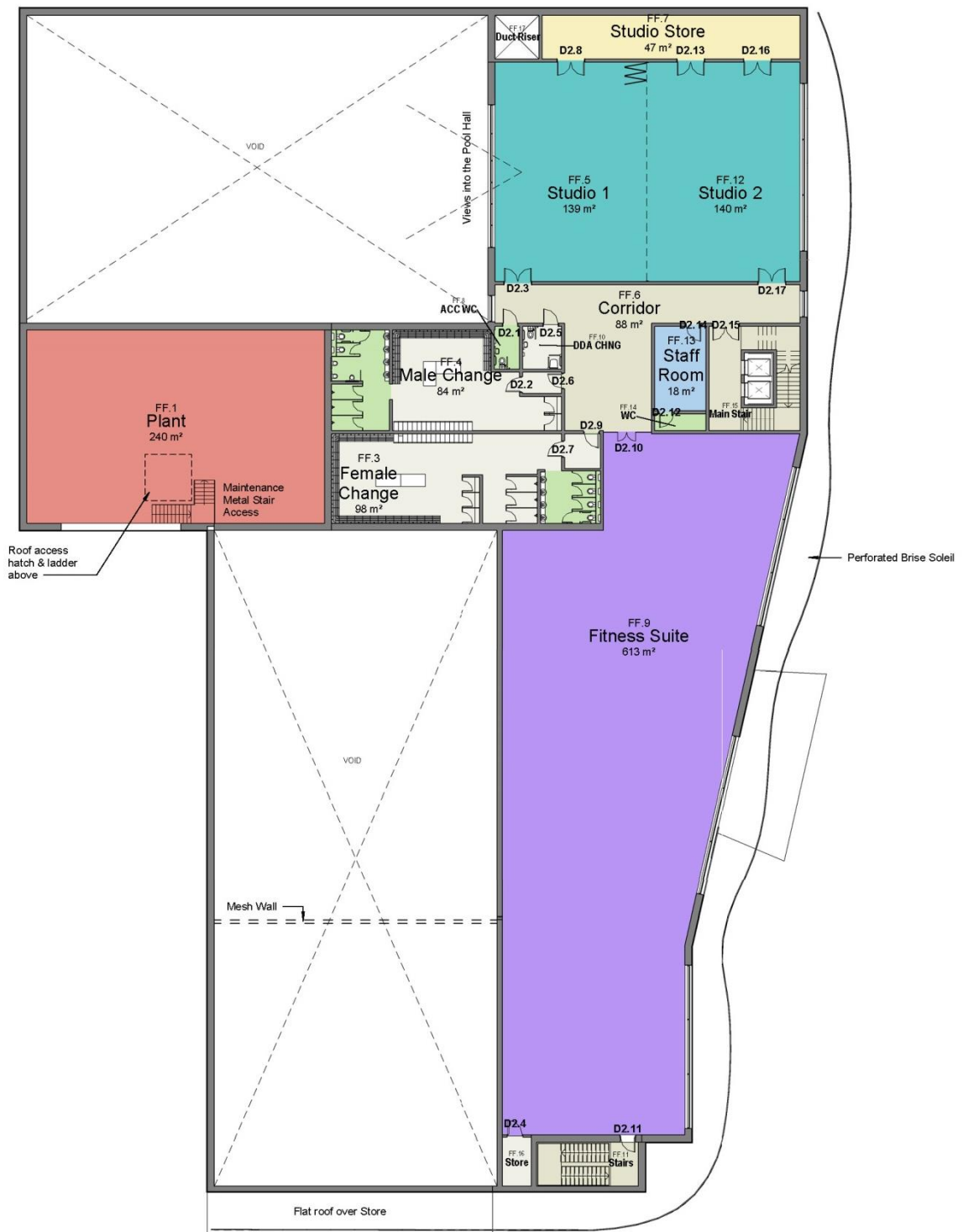
### 3. New Development Plans & Visuals

Ground floor general layout :





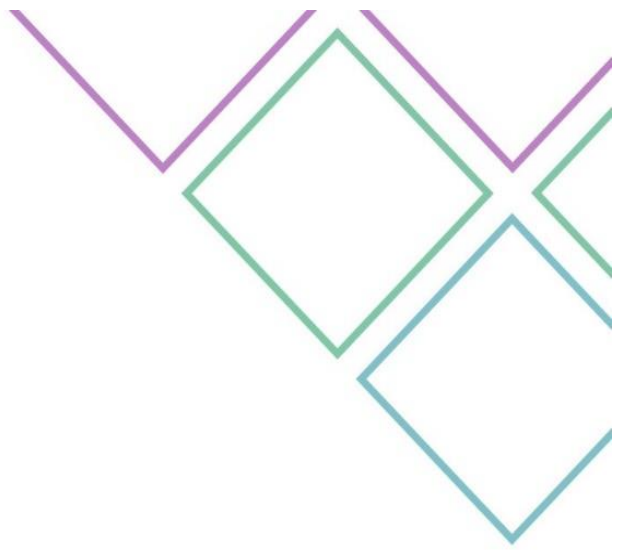
First floor general layout :



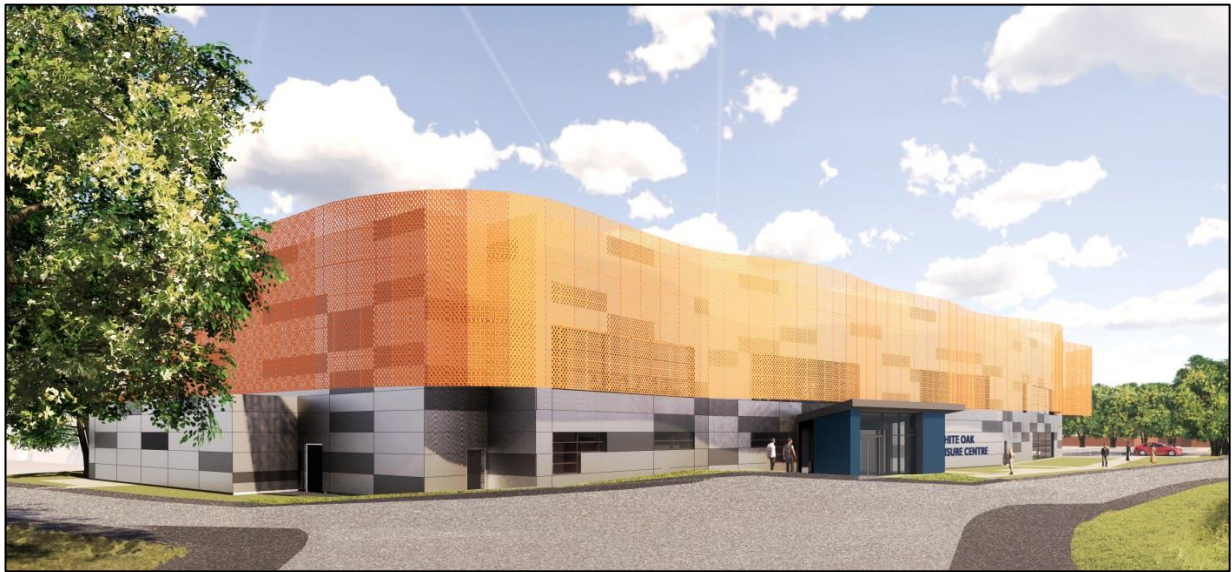


Site Plan:



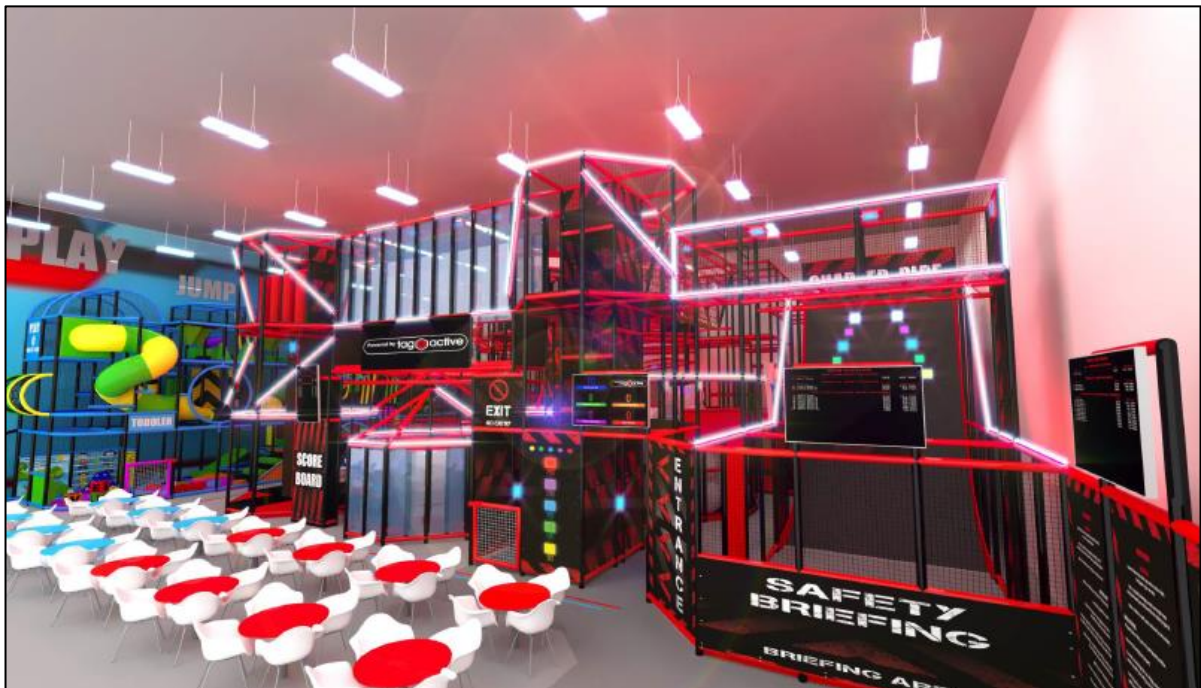
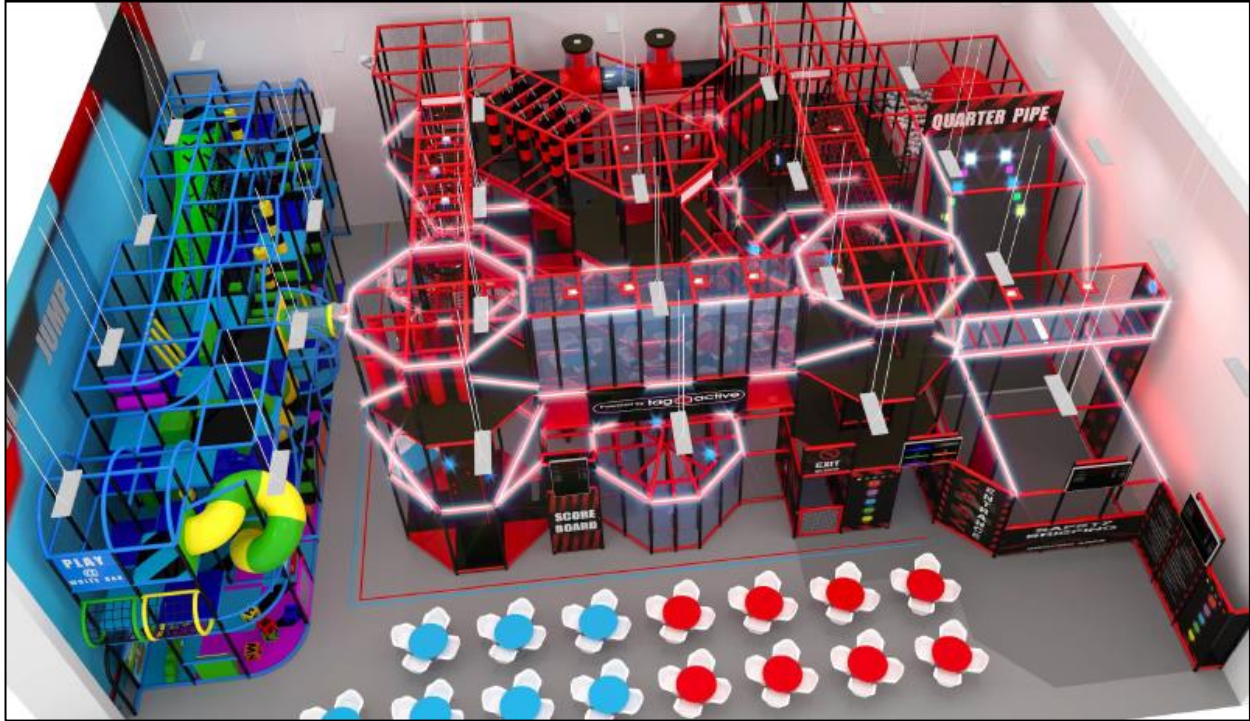


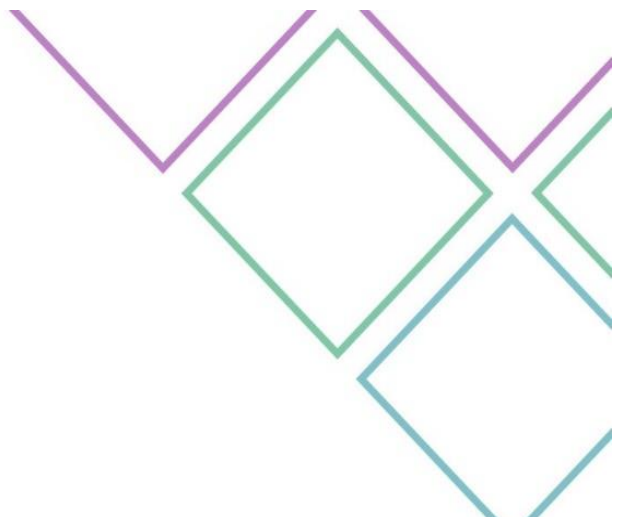
3D Visuals of the proposed externals:



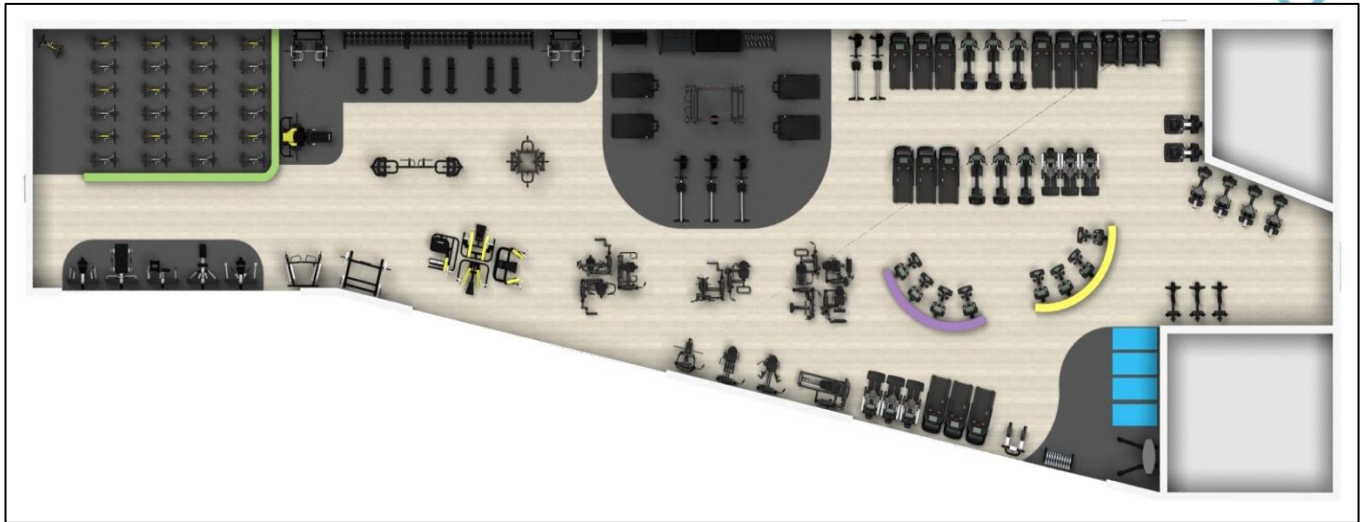


TagActive Arena & Soft Play visuals :





Indicative Gym equipment layout (Technogym):



FeelGood Studio – Indicative Shapemaster equipment:







## 4. Total Project Costs

The total project cost to deliver this scheme is as follows.

**Element Cost (exc. vat):**

Construction Costs (construction of new leisure centre & demolition of existing - 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

Enhancements to Orchards Academy sports hall £130,000

**TOTAL : £19,852,464 (exc. vat)**



## 5. Programme & Key Dates

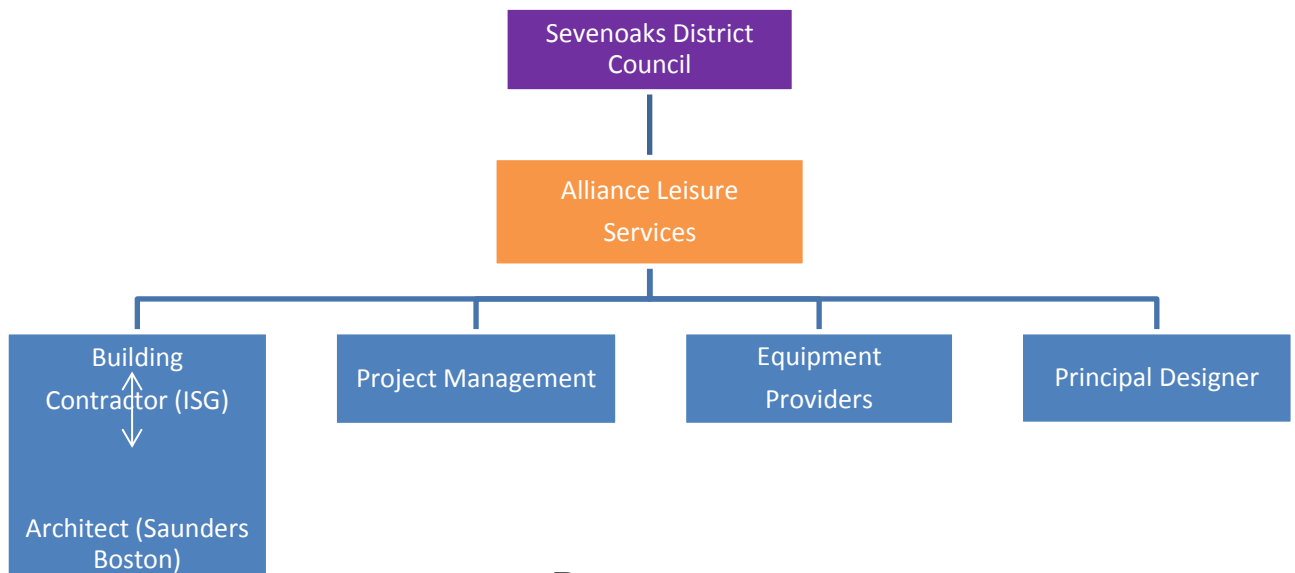
ID	Task Name	Duration	Start	Finish
1	<b>DESIGN &amp; COST</b>	<b>29 wks</b>	<b>Mon 01/07/19</b>	<b>Fri 31/01/20</b>
2	Conclude RIBA 2	35 days	Mon 01/07/19	Fri 16/08/19
3	BREEAM Pre-Assessment	10 days	Thu 11/07/19	Wed 24/07/19
4	Instruct to Proceed to Cost Certainty	0 days	Tue 06/08/19	Tue 06/08/19
5	SDC Approve Final Layouts (RIBA 2)	10 days	Mon 19/08/19	Fri 30/08/19
6	Design to Cost Certainty	90 days	Mon 02/09/19	Fri 17/01/20
7	Price Works	65 days	Mon 07/10/19	Fri 17/01/20
8	Finalise Contractor Proposals	10 days	Mon 06/01/20	Fri 17/01/20
9	Cost Certainty Presented	0 days	Fri 17/01/20	Fri 17/01/20
10	Client CP Review / Validation	10 days	Mon 20/01/20	Fri 31/01/20
11				
12	<b>STATUTORY APPROVALS</b>	<b>27.4 w</b>	<b>Thu 08/08/19</b>	<b>Fri 28/02/20</b>
13	<b>Planning</b>	<b>27.4 wk</b>	<b>Thu 08/08/19</b>	<b>Fri 28/02/20</b>
14	Planning Pre-Application	0 wks	Thu 08/08/19	Thu 08/08/19
15	Planning Design	30 days	Mon 02/09/19	Fri 11/10/19
16	Planning Validation	13 days	Mon 14/10/19	Wed 30/10/19
17	Planning Consent	68 days	Thu 31/10/19	Mon 17/02/20
18	Planning Development Control Committee	0 wks	Thu 13/02/20	Thu 13/02/20
19	Planning Decision	0 wks	Mon 17/02/20	Mon 17/02/20
20	Review Planning Decision / Conditions	10 days	Mon 17/02/20	Fri 28/02/20
21				
22	<b>BUILDING CONTROL</b>	<b>65.6 w</b>	<b>Thu 05/12/19</b>	<b>Mon 12/04/21</b>
23	<b>Building Regulations</b>	<b>65.6 wk</b>	<b>Thu 05/12/19</b>	<b>Mon 12/04/21</b>
24	Building Regulations (Condition Approval - target)	328 days	Thu 05/12/19	Mon 12/04/21
25				
26	<b>PROJECT APPROVAL</b>	<b>12 wks</b>	<b>Mon 03/02/20</b>	<b>Fri 24/04/20</b>
27	Client Approval Process	58 days	Mon 03/02/20	Wed 22/04/20
28	Development Agreement	10 days	Fri 10/04/20	Thu 23/04/20
29	Contract	10 days	Mon 13/04/20	Fri 24/04/20
30	Instruct Contractor	0 days	Fri 24/04/20	Fri 24/04/20
31				
32	<b>CONSTRUCTION</b>	<b>101 wk</b>	<b>Mon 27/04/20</b>	<b>Fri 13/05/22</b>
33	Mobilisation	20 days	Mon 27/04/20	Fri 22/05/20
34	Start on Site	0 days	Mon 25/05/20	Mon 25/05/20
35	Phase 1 - Construction	74 wks	Mon 25/05/20	Fri 12/11/21
36	Centre Completion & Handover	0 days	Mon 15/11/21	Mon 15/11/21
37	Fit Out Period & Training	10 days	Mon 15/11/21	Fri 26/11/21
38	Asbestos R&D Survey of Existing Centre	5 days	Mon 29/11/21	Fri 03/12/21
39	New Centre Opens	0 days	Mon 29/11/21	Mon 29/11/21
40	Existing Centre Strip Out	5 days	Mon 29/11/21	Fri 03/12/21
41	Phase 2 - Demolition and Car Park Works	20 wks	Mon 06/12/21	Fri 13/05/22

## 6. The Alliance Approach & Contract Structure

ALS provides a unique complete leisure development solution, from initial feasibility and business planning through to design, build and funding if required. ALS can also provide on-going support and partnership, if required, to ensure facilities achieve their targets.

A key benefit to SDC in using ALS to deliver this project would be the **transfer of risk**, in line with the agreed project Risk Register. ALS would enter into contract with SDC to deliver the project at a fixed sum. ALS would then enter directly into the building contract, giving SDC the protection should there be any cost overruns. Another principal advantage of the ALS service is in experience and resources, which enable the delivery of a quality new facility **on time** and **on budget**. To undertake a development usually involves finding and co-ordinating several companies but with ALS, SDC will have **one agreement, one relationship**. ALS will absorb any project headaches, mentoring SDC through the project delivery process, so that minimal time is spent away from other work.

ALS would enter into a detailed delivery contract with SDC, a **Delivery Management Agreement (DMA)**, which states what the company will do at a set price and it is their responsibility to deliver the scheme to this price. The price will be fixed and any variations are only instructed in writing by SDC. Cost overruns have to be managed or borne by ALS. An important point to note is that ALS has never changed contract costs due to overruns in 20 years of operation (100+ projects). ALS will enter into the building contract with ISG and assume delivery risk as outlined to SDC. This will be a JCT (Joint Contracts Tribunal) Design and Build Contract between ALS and ISG. This is a standard document used extensively in the industry and familiar to the public sector. The contract allows for contractor design, which affords considerable time and cost savings brought about by utilising design and build procurement.



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**dated January 2020**

**Sevenoaks District Council**

## **Report on the draft Leisure Management Contract**

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## Agenda Item 12a

The following is a high level summary for the key provisions of the Leisure Operating Contract which will be entered into between the Council and the Preferred Bidder (the Contractor) in respect of the new White Oak Leisure Centre (the facility).

### 1 **Commencement and duration and extension**

The agreement will be entered into shortly after the contract award with a commencement date to coincide with the expected operation date of the newly built facility in 2021. The agreement will end (subject to any earlier termination because of default) on the 15<sup>th</sup> anniversary of the commencement date. There is also an ability to extend the contract by agreement for up to an additional 5 year period.

### 2 **Defects**

The Council will be required to provide Collateral Warranties from the building contractor and the relevant professional team to the Contractor. The Contractor will accept responsibility for defects in the facility except where they are caused by the Council, or where the defect liability period has not expired, or where the Contract has used reasonable endeavours (without success) to enforce the terms of Collateral Warranties.

### 3 **Head Lease**

The Council will grant the Contractor a Head Lease of the facility which will be coterminous with the Leisure Operating Contract. The Head Lease will provide the Contractor/Leisure Operator with the necessary occupation rights in order to claim NNDR relief. The lease will be a bare lease tying back to the repair, maintenance and improvement obligations on the Contractor set out in the Leisure Operating Contract (see clause 5 below). The rent will be a nominal rent as the Management Fee will be paid by the Contractor to the Council in accordance with the calculations within the payment and performance mechanism will be set out as a schedule to the Leisure Operating Contract.

### 4 **Mobilisation**

4.1 The Council acknowledges that the Contractor has tendered on the basis of a facility that has not yet been constructed and therefore any changes to design or specification prior to handover will require consultation with the Contractor with an opportunity for the contractor to comment. If the Contractor believes additional costs will arise or changes to the services are required it will notify the Council and the Change Protocol (small, medium and high value changes as set out in schedule 24) shall apply. This will ultimately (if the change does genuinely impact on costs) result in the Contractor being no better or no worse off than if the change had not occurred.

4.2 The Council must give not less than 12 weeks' notice of the anticipated handover of the facility and allow the Contractor to attend meetings and comment on snagging items and other practical completion issues which will nonetheless remain the Council's responsibility.

4.3 Any delay to the target opening date (1 December 2021) will be an Authority Change and the Contractor shall be put in a no better and no worse position by any delayed opening.

4.4 The existing facility is expected to continue to trade until a short time before the opening of the new facility and if it doesn't or fewer members transfer than anticipated, this is also an

Authority Change. The Contractor can be requested by the Council to step in to the existing facility if the current operator ceases to provide service there and the Contractor cannot object to the step in request.

### 5 **Services**

- 5.1 The Contractor is required to ensure that at all times that the services meet the requirements of the Agreement and the Services Specification.
- 5.2 The Contractor must ensure that the maintenance and operating procedures are sufficient to ensure the Facilities are available and are kept in good structural and decorative order and shall undertake the schedule of programmed maintenance in order to ensure the service specification is met. The Contractor shall also ensure that it carries out the replacement of lifecycle items in accordance with the agreed maintenance plan and schedule of programmed maintenance.

The monitoring of the performance is by the Contractor in accordance with the provisions of the Payment Mechanism. However the Authority is entitled at its own cost to carry out its own additional performance monitoring.

### 6 **TUPE and Employee**

- 6.1 The transfer of the leisure service at the facility to the Contractor is treated as a TUPE transfer. There is no relationship between the new contractor and the current contractor and therefore as between the Council and the (new) Contractor the Council will accept responsibility for all remuneration and other payment (including employer pension contributions) to the transferring employees up to the commencement date. The Council will also indemnify the Contractor in respect of any employment related claims that arise prior to the commencement date. The Council accepts no responsibility for any staff related payments after the commencement date.
- 6.2 The Council is obliged to procure that it provides the Contractor with accurate information regarding the transferring employees and adjustments to the management fee could result if the information about the employees transferring is inaccurate. Provisions are made in relation to TUPE applying at expiry and termination of the agreement with the Contractor being responsible for all staff costs etc up to the Return Date being the date when the service comes back to the Council or it goes out to another provider.
- 6.3 Disclosure and barring checks are contractually required with the Contractor not being allowed to employ any person in connection with the services who has a conviction or an ASBO (Anti-Social Behaviour Order) without the Council's consent.

### 7 **Pensions**

The Contractor is obliged to provide eligible employees (essentially those current employees who are members of an LGPS scheme) continued membership of the LGPS (or an equivalent scheme).

### 8 **Payment Provisions**

## Agenda Item 12a

The payment provisions essentially cross refers to the Payment Mechanism which will be set out in Schedule 6. The Management Fee is payable by the Contractor to the Council on a monthly basis.

### 9 **Termination**

The Council is able to voluntarily terminate the Agreement without cause (Clause 39.1) by giving 20 business days' notice.

9.1 The Contractor is entitled to terminate the agreement if there is an Council Default which is defined to include a breach of the obligations under the Agreement which substantially frustrates the performance of the agreement for a continuous period of three months.

9.2 The Council can terminate for Contractor Default, subject to rectification. Contractor Default is defined to include, amongst other things, a breach of the obligations which materially and adversely affects the performance of the services, is a Persistent Breach or where various Performance and Unavailability Deductions have been levied against the Contractor over a certain period. A Persistent Breach is defined as a breach where a Final Warning Notice has been served and the breach has continued for more than fourteen days or has recurred in three or more months over the next six months after the date of service of the Final Warning Notice.

### 10 **Compensation on Termination**

In relation to voluntary termination by the Council and termination on Council default and the Contractor will be entitled to compensation amounting to: subcontractor breakage costs and other Capital costs it may have incurred together with 36 months' worth of anticipated profits but subject to a cap of £279,784.

Compensation is payable to the Council on termination for Contractor Default. The Contractor will be required to pay to the Council the administration and legal fees associated with terminating the agreement and any costs and expenses incurred in arranging for the service to be re-provided together with an amount which represents the difference between what the management fee would have been if the contract continued and what the management fee actually is on a retendered contract (for a 36 month period).

### 11 **Step-in**

The Council has a right to step in and perform the Services in the event that there is serious risk to health or safety, the need to discharge a statutory duty or because of an Emergency. If the step in is precipitated by breach by the Contractor then the Management Fee is suspended and the Council will account to the Contractor for the revenues received, less the Council costs in taking the action during the step-in period.

### 12 **Insurance**

The Council has agreed to be responsible for building insurance during the life of the contract with the Contractor required to maintain property damage insurance, business interruption insurance and third party public and products liability insurance.

### 13 **Benchmarking**

As the contract will be entered into sometime before the anticipated commencement of the services at the newly built facility, the Contractor will be entitled to adjust the Management Fee following a benchmarking exercise in the event that the opening of a competing facility has a proven impact on the Contractor's income projections. This benchmarking exercise will take place in the event that a competing facility commences operation between the date of the entry into the contract and a date which is 6 months after the commencement of the leisure services at the White Oak Leisure centre. A competing facility includes sport and leisure activities at new facilities constructed, improvements made to existing facilities or new leisure activities at existing facilities all within a 2 mile radius of the facility. Improvements to a local School Hall are to be specifically excluded from such consideration. The Contractor will take responsibility for the first 5% of any loss of income.

**Trowers & Hamlins LLP**

**January 2020**

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