

12 October 2023 at 7.00 pm

Council Chamber, Argyle Road, Sevenoaks

Published: 04.10.23



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https://www.youtube.com/channel/UCIT1f_F5OfvTzxjZk6Zqn6g

Cabinet

Membership:


Chairman, Cllr. Thornton; Vice-Chairman, Cllr. Perry Cole
Cllrs. McArthur, Dyball, Maskell and Reay

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.


	Pages	Contact
Apologies for Absence		
1. Minutes	(Pages 1 - 10)	
To agree the Minutes of the meeting of the Committee held on 19 September 2023, as a correct record		
2. Declarations of interest		
Any interests not already registered		
3. Questions from Members (maximum 15 minutes)		
4. Matters referred from Council, Audit Committee, Scrutiny Committee, CIL Spending Board or Cabinet Advisory Committees (if any)		
5. Mid year appointments to Outside Organisations	(Pages 11 - 12)	Charlotte Sinclair Tel: 01732227165
REPORTS ALSO CONSIDERED BY THE CABINET ADVISORY COMMITTEES		
6. Annual Parking Fees & Charges 2024- 2025	(Pages 13 - 24)	Trevor Kennett Tel: 01732 227407



- | | | | |
|----|---|-----------------|--------------------------------------|
| 7. | Fixed Penalty Notice (FPN) Fees | (Pages 25 - 30) | Trevor Kennett
Tel: 01732 227407 |
| |  | | |
| 8. | Gain or Retain a 5 | (Pages 31 - 40) | Glenys Shorrick
Tel: 01732 227000 |
| 9. | Future of the Air Quality Monitoring Stations | (Pages 41 - 50) | Nick Chapman
Tel: 01732 227167 |



 Indicates a Key Decision

 indicates a matter to be referred to Council

EXEMPT INFORMATION

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

If you wish to obtain further factual information on any of the agenda items listed above, please contact the named officer prior to the day of the meeting.

Should you need this agenda or any of the reports in a different format, or have any other queries concerning this agenda or the meeting please contact Democratic Services on 01732 227000 or democratic.services@sevenoaks.gov.uk.

CABINET

Minutes of the meeting held on 19 September 2023 commencing at 7.00 pm

Present: Cllr. Thornton (Chairman)

Cllr. Perry Cole (Vice Chairman)

Cllrs. Dyball, Maskell, and Reay

Apologies for absence were received from Cllrs. McArthur

Cllrs. Baker, Bulford, Clayton, Grint, Gustard, Leaman, James Morgan, Robinson, Shea, Silander, Varley and Williams were also present.

23. Minutes

Resolved: That the Minute of the Cabinet meeting held on 13 July 2023, be approved and signed by the Chairman as a correct record.

24. Declarations of interest

Cllr Reay declared for reasons of transparency that his daughter lived near Clarks Lane, Halstead for Minute 31.

25. Questions from Members (maximum 15 minutes)

Members asked questions which focused around the Asset register as detailed on the Council's website. In response to questions Officers advised that the asset register was in the process of being updated. Asset reviews were continuous and following the last review in 2019.

A Member asked a question regarding Reinforced Autoclaved Aerated Concrete (RAAC). Officers advised that the council were taking a risk based approach in regards to the number of users and those sites were being surveyed first. Should any site have RAAC then the Council would follow the procedures as set out by Central Government which was similar for schools. Presently no assets had been identified as containing RAAC.

A Member asked a question in regards to costs of consultants and advisors and the amount of money that was spent on these. Members were advised that any significant expenditure was published on the website. Officers would provide additional details to Members.

In regard to questions regarding the Leisure Centre, Members were advised that there was a marketing plan in place and Everyone Active would be attending People & Places Advisory Committee in November as part of the open book accounting agreement. There were a number of maintenance issues which needed fixing following Everyone Active taking over the site and works had been prioritised. Early membership data showed that Everyone Active was outperforming Sencio's previous performance.

26. Matters referred from Council, Audit Committee, Scrutiny Committee, CIL Spending Board or Cabinet Advisory Committees (if any)

- a) Referral from Scrutiny Committee – held on 6 July 2023

Members considered the referral from Scrutiny Committee which asked Cabinet to look at recycling rates within the District.

Members discussed the referral, noting that a report should be brought to Cabinet for further consideration.

Resolved: That a report be brought to Cabinet concerning recycling rates.

27. Treasury Management Annual Report 2022/23

The Portfolio Holder for Finance & Investment presented the report which sought Members approval. The report was one of a number that were recommended for submission to Members before, during and after the financial year to comply with the CIPFA Code of Practice on Treasury Management. The report constituted the annual report looking at the investment outturn and performance for 2022/23, the capital programme, the Council's borrowing activity and investment strategy.

The Senior Principal Accountant further advised that the report looked back at treasury management activity during the financial year 2022/23. The strategy was approved by Council in February 2022 and the report dealt with treasury management activity in the year ended 31 March 2023, with the continued cautious investment approach as in previous years. Attention was brought to paragraphs 41 - 47 of the report.

Due to rising interest rates during 2022/23 investment interest receipts were greater than budgeted. In addition, investments in multi-asset income funds were placed in May 2022. These investments had the potential for greater returns over the longer term but come with the risk of capital loss as well as capital appreciation. Interest received on the multi-asset income funds contributed to the improved performance during the year.

On the debt side there were no additional long-term borrowing during the year and no rescheduling of existing debt.

Members discussed the report.

Public Sector Equality Duty

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

Resolved: That the Annual Treasury Management 2022/23, be approved.

28. Financial Monitoring 2023/24 - to the end of July 2023

The Portfolio Holder presented the report which detailed the year to date financial position to 31 July 2023, and the forecasted position to 31 March 2024. The forecast position in the report showed an unfavourable variance of £1.489m which included £750,000 as the estimated additional cost above budgeted assumptions for the 2023/24 pay award. This was based on the current offer made by employers.

The information included in the table in paragraph 5 of the report showed the significant forecast variances and details were provided within the report. The majority of these were included in the early indications report that was presented to Cabinet in July but as it could be seen the Council was facing a very difficult financial position and it was important that Members engaged to help find solutions to bridge the gap. Members of the Finance & Investment Advisory Committee considered the same report.

The Head of Finance further advised Cabinet that following consideration at the Finance & Investment Advisory Committee the report in front of Members had been updated to provide Members both with graphical and tabular information for greater transparency. The unfavourable variances provided to Cabinet in July were detailed from paragraphs 11 to 16 of the report, and it was brought to Members attention that to date, no pay award had been accepted and as such the £750,000 was the estimated additional cost above budget assumptions, based on the current offer. He highlighted a number of areas affecting the forecast end of year budget position which included services within Direct Services, Development & Conservation and the property income.

There were a number of areas detailed within the report from paragraphs 6 to 10 that provided favourable variances which included interest receipts, resulting in a favourable forecast variance of £322,000. There were a number of vacancies not being currently filled. He highlighted to Members the importance of the capital programme and in particular the funding of that programme, a large part of which was funded by capital receipts from the disposal of assets. Future Issues and Risk Areas were detailed in paragraph 17.

In discussion, it was noted by Cabinet the importance of the capital programme and although the cost of collecting the sustained high levels of waste and recycling, it was positive to see some favourable variances.

Resolved: That the report be noted.

29. Financial Prospects and Budget Strategy 2024/25 and Beyond

The Portfolio Holder presented the report which set out that this was the first report of the 2024/25 budget setting process in what was expected to be the most challenging financial position the council had faced for a decade and he had been working with officers on the budget over the summer.

It was intended that once again the Council used the 10-year financial planning approach and financial strategy which had proved successful to date and put the District Council in a much stronger financial position than most other Councils. The report was intended to start the debate and the assumptions would be updated if more accurate information becomes available. The key messages in the report were that the intention remains that the Council was aiming to continue to have a balanced 10-year budget, and that Members would be required to play a major role in reaching a successful outcome by putting forward their ideas during the process and accepting that some difficult decisions would be required.

The Chief Officer Finance & Trading advised that as stated in the 2023/24 budget process, additional savings and/or income would be required in the next budget process and so many of the items included in the report would not be a surprise and would generally be very similar to those mentioned in the Early Indications report presented at the last meeting. He, along with the Portfolio Holder for Finance & Investment had been working over the summer and in the background officers had started the budget process earlier this year, recognising that this was the biggest budget challenge the council had faced for many years.

The report showed an annual budget gap of £1.368m. The make-up of this amount was detailed in Appendix C and further explanations were detailed in the report. Work was already being undertaken to find solutions to close the budget gap, and would be presented to the Advisory Committees but further ideas would be required. Undoubtedly there would be tougher decisions for Members to make than has been the case for many years. Members would need to be fully engaged in the budget process and a thorough review of fees and charges and a number of other budget related reports would also be brought to Finance & Investment Advisory Committee and Cabinet. He ran through some of the initial bad news items, but there were also some good news assumptions, including increased dividends from Quercus 7, additional interest receipts, and increased income from council tax.

Discussion from Cabinet centred on being fully supportive of the budget process and it was important that all Members were fully involved in the budget process and considering areas for savings and/or additional income. It was important to note that there was a separate process for disposals and that the sale of capital receipts could only be used to fund other capital projects.

Public Sector Equality Duty

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

Resolved: That

- a) the ten-year financial planning approach, financial strategy and principles as set out in the report, be endorsed;
- b) the Advisory Committees, be requested to review the Service Dashboards and advise Cabinet of possible growth and savings options; and
- c) Officers, be requested to continue to review the assumptions in the report, and consider options to address the budget gap and report back to Cabinet on 14 December 2023.

30. Disposal of Land - Tranche 2

The Portfolio Holder presented the report, which sought the disposal of two assets deemed to be surplus to the Council's requirements. The report was also considered by the Finance & Investment Advisory Committee (FIAC) on 5 September and following their discussions, he requested further information from Officers. He advised that it was important to note that in accordance with good asset management practice, the Council regularly reviewed its asset register to determine if its estate was still generally speaking fit-for purpose and met the Council's operational requirements. Officers had undertaken an asset review resulting in these sites being identified as surplus. The review involved amongst other activities, consideration of the site for alternative operational uses or needs, and even the potential for the Council to undertake housing development. Alternative uses for Council purposes were therefore considered.

Reviews were undertaken collaboratively and involved officers from across the Council. The sites were then discussed with the Portfolio Holder prior to entering the formal approval process. In accordance with council policy, the relevant Ward Councillors and the Parish Clerks had been notified and commented in advance of the report going to FIAC. As neither site was necessary on an operational level since they were originally held under the Housing Act in conjunction with adjacent land, they needed to be declared surplus to requirements for accounting purposes before any alternative usage could be considered.

As a Local Authority, the Council was obliged to obtain best consideration in accordance with s123 of the Local Government Act 1972 and if applicable, the Housing Act 1985, otherwise it would need to apply for permission from the Secretary of State. The purpose was to ensure, as far as reasonably possible, that public assets were not sold by public authorities at an under value, save, if at all, with the consent, general or specific, of the Secretary of State. It imposed a duty to achieve a particular outcome, rather than follow any particular process.

The Portfolio Holder further advised that the assets had been valued by an independent valuer in order to demonstrate transparency, assist with setting the

reserve price and adhere to statutory and policy requirements. From a capital asset management perspective a disposal entailed not only a capital receipt but also a cost saving in terms of ongoing maintenance. The Asset Management Strategy supported the disposal of assets in order to improve the financial position of the Council.

The Strategic Head of Commercial and Property advised that the two sites identified were surplus to the Council's requirements as they were originally held under the Housing Act in conjunction with adjacent land, prior to the transfer of the Council's housing stock to West Kent Housing Association in 1989. The two sites (Clarks Lane, Halstead and The Forstall, Leigh) were identified following an internal asset review process. Alternative uses for the sites were explored and it was decided that the sites were not required for operational purposes and as such were considered surplus to the Council's requirements. The procedure to be followed, in line with policy, requires that once the asset review identified a site or sites considered as surplus and had been evaluated internally, a report should be prepared, discussed with the portfolio holder, before Ward councillors and the parish clerks are notified prior to the report going to FIAC. The Parish Clerks were emailed on 4 August 2023 and so there was sufficient time for comments or representations to be made. Comments received were generally supportive of disposal, albeit requests were made for the sites to be disposed of for affordable housing. He highlighted that the Forstall site was within an archaeological notification area and an area of special control for advertisements, but was not within the green belt, not used as open space and was not designated as an Asset of Community Value.

The strategic reason for disposal was that it would produce much needed capital receipts and improve the current budget position. He further advised that from an asset management perspective the disposal would enable realignment of the Council's property estate, remove corporate landlord liabilities, and provide cost savings for the Direct Services team and the Property team.

The Chairman used her discretion and allowed questions from Members who were also present. In response to questions Members were advised that the receipts from the disposals could bring in additional income to fund other capital projects. It would also reduce the revenue costs, such as the cost of maintenance and grass cutting. The Chairman allowed further input from Members of the Council who expressed their concern at the land being sold and the impact on the community and whether sufficient consultation with the Parish Councils had been taken.

The Cabinet Members discussed the report and in their debate, noted the discussions that had taken place at FIAC. Officer's comments and feedback from the Portfolio Holder were also noted, in particular that the Parish Councils had been emailed and responses had been received, in which no objections had been lodged. The Chairman noted that thorough discussion had taken place at the FIAC meeting, that contributions from Members had been considered throughout the debate, as well as the advice and information given by officers.

Public Sector Equality Duty

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

Resolved: That the

- a) properties listed in recommendation (b) below, be declared as surplus to the Council's requirements;
- b) disposal of land at
 - i) Forstall, Leigh, by auction be approved;
 - ii) Clarks Lane, Halstead by auction or private treaty, be approved
- c) Strategic Head of Commercial and Property following consultation with the Head of Legal and Democratic Services and Portfolio Holder for Finance & Investment, be delegated authority to undertake and to enter into the necessary agreements for such land transactions.

31. Farmstead Drive, Spitals Cross, Edenbridge - Development

The Portfolio Holder presented report which provided an update on the Farmstead Drive scheme which provided an update on the project and sought approval from Cabinet for the proposed recommendations.

He advised that the report had been considered by the Finance & Investment Advisory Committee and Members spoke enthusiastically for the development, but also recognised the marginal financial viability for the project at this time. Essentially the Committee were cautious, taking into account the financial elements, but at the same time recognising the benefits to the community in terms of maintaining improving existing amenities and environment. The view was that these issues should be carefully assessed.

In November 2021, the Council approved the development of the scheme and provided approval to undertake further feasibility and design work, agreed the budget and appropriate delegations, subject to the scheme remaining viable and planning permission obtained. Further consultation with key stakeholders and members of the public had been undertaken and had been used to make improvements to the scheme design.

Since the decision, additional funding of £375,000 had been secured from the Brownfield Land Release Fund. However, as a result of recent global market events, notably increases to construction and material costs, alongside the revised scheme design as a result of the public consultation, there has been an impact on the project's cost. Therefore, the initial budget required had increased, however the scheme remains feasible and viable.

The Portfolio Holder highlighted that the Council was utilising the opportunity to provide a wider ranging community benefit redevelopment constructing a new community hall and retail premises, as well as an enhanced play area, landscaping and an additional 41 car parking spaces to serve the wider estate. All of which represented significant planning and community benefits for the local community and residents but would come at significant cost, of which arguably a mainstream private developer would not be providing. If the Council were not intent on delivering these important community benefit facilities and infrastructure the scheme's total project cost would be around £7.952m, which would result in a greater surplus positive margin for the scheme, yielding a 24% profit margin.

The budget required for the project had increased, resulting in an additional funding requirement of £2,741,785. However, the scheme remained feasible and marginally financially viable in accordance with the key financial assumptions outlined in the report and in Appendix B. It was viewed that the significant social and community benefits outweighed the weakness of the scheme's marginal viability on purely financial evaluation.

Subject to Council approval of the additional funding required, demolition and enabling works are expected to start in mid-November, with start on site for the main construction works in January next year, with completion in January 2026.

Having discussed the questions raised at Finance & Investment Advisory Committee with Officers he was satisfied that all matters have been appropriately considered and dealt with.

The Regeneration and Development Project Manager further advised that financial due diligence works had been undertaken for the procurement of the contractor by means of tender using the LHC Framework that was compliant with public procurement regulations and the Council's standing orders. It was important to note that officers had been successful in negotiating a fixed works price construction lump sum from the contractor so the cost plan has a very high degree of cost certainty and this price will be locked into. This lump sum fixed price includes key risk items which are being transferred to the contractor.

He advised that expert advice on the VAT implications for the scheme had been received. The residential units would be zero-rated for VAT purposes, so all the related VAT costs would be recoverable by the Council. The lease to be granted for the new convenience store would be VAT-exempt. The lease for the new community hall would be either VAT-exempt or zero-rated, depending on how long the lease is and how the hall will be used.

The Chairman used her discretion to allow Members also in attendance to ask questions of clarification. Officers advised they were content with the due diligence exercises undertaken and were reassured by the fixed price lump sum and the insurance cover within the contract arrangements. The Cabinet discussed the community benefit of the scheme and stakeholders involvement.

Public Sector Equality Duty

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

Resolved: That

- a) the impacts on the project budget outlined in this report, including; recent global events and economic pressures impacting regeneration and construction and changes to the scheme design, including the provision of fewer homes, additional parking, open space improvements and community facilities as a result of feedback from the public consultation, be noted;
- b) the scheme remains viable, be noted;
- c) Subject to approval of recommendation (e) by Council and planning approval being obtained, authority be delegated to the Strategic Head of Property and Commercial following consultation with the Chief Officer - Finance and Trading and the Head of Legal Services to enter into any necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules and for the disposal of the residential and commercial units.
- d) the development sites as outlined red in the Plan (Appendix D) be appropriated for planning purposes in accordance with the section 122 of the Local Government Act 1972 (in reliance on section 227 of the Town and Country Planning Act 1990) consequentially facilitating the Council's powers under sections 203 to 206 of the Housing & Planning Act 2016 to override any outstanding interests, be approved; and
- e) that it be recommended to Council that the total project budget be increased by £2,741,785 to £10,351,405 and that the Capital Programme, be accordingly amended;

IMPLEMENTATION OF DECISIONS

This notice was published on 21 September 2023. The decisions contained in Minute 27,28, and 29 take effect immediately. The decisions contained in Minute 30, and 31 (c) take effect on 29 September 2023. The decisions contained in Minute 31 (e) is a reference to Council.

THE MEETING WAS CONCLUDED AT 8.36 PM

CHAIRMAN

APPOINTMENTS TO OTHER ORGANISATIONS 2023/24 - EXECUTIVE

Cabinet – 12 October 2023

Report of: Deputy Chief Executive & Chief Officer Corporate Services

Status: For Consideration

Key Decision: No

Contact Officer: Charlotte Sinclair Ext. 7165

Recommendation to Council:

That Cllr Hogarth be appointed as the Council's representative on the Outside Organisation, Sevenoaks District Arts Council for the rest of the municipal year 2023/24.

Introduction and Background

- 1 The Cabinet makes certain appointments to Outside Organisations.
- 2 At its meeting in May 2023 the following were appointed to the Sevenoaks District Arts Council: Councillors Bulford, Penny Cole, Dyball, Granville, Haslam and Robinson.
- 3 Since this date, a request to change the Membership from Cllr Dyball's appointment has been made. The Leader has put forward Cllr Hogarth to take this appointment.
- 4 If agreed this will form part of Appendix H of the Council's Constitution.

Key Implications

Financial

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

Legal Implications and Risk Assessment Statement.

Appointments to represent the Council on outside bodies are made in accordance with s.111 Local Government Act 1972 where the Council is satisfied that such appointments are necessary to, conducive to, or calculated to facilitate the discharge of their statutory functions. In not appointing to those Outside Bodies, there is a risk that the Council's designated representation on such organisations would not be fulfilled.

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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.

Net Zero 2030

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Conclusions

Members are requested to consider and approve the attached appointments.

Appendices

None

Background Papers

None

Jim Carrington – West

Deputy Chief Executive and Chief Officer – Customer & Resources

Item 06 – Annual Review of Parking Fees and Charges 2024 - 2025

The attached report will be considered by the Cleaner & Greener Advisory Committee on 10 October 2023. The relevant Minute extract was not available prior to the printing of these papers and will follow when available.

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ANNUAL REVIEW OF PARKING FEES & CHARGES 2024/25

Cabinet – 12 October 2023

Report of: Deputy Chief Executive & Chief Officer, Finance & Trading

Status: For Decision

Also Considered by: Cleaner & Greener Advisory Committee 10 October 2023

Key Decision: Yes

Executive Summary: This report is the annual review of parking management for 2024/25. It proposes for consultation changes to hours of operation and the fees and charges in on and off street parking schemes.

This report supports the Key Aim: pledge to reach net zero carbon emissions produced by the Council and our assets by 2030, providing value for money, and supporting and developing the local economy.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Trevor Kennett, Ext. 7407

Adrian Rowbotham, Ext. 7153

Recommendation to Cleaner & Greener Advisory Committee: That the parking management proposals detailed in this report be considered by the Committee, and its views on the available options be submitted for consideration by Cabinet, prior to consultation.

Recommendation to Cabinet: That the revised parking management proposals along with any proposals submitted by the Cleaner & Greener Advisory Committee be considered and the preferred option be approved for consultation.

Reason for recommendation: To help regulate and manage the use of on and off street parking facilities in the District; to ensure car parking charges are set to support a sustainable local economy; and, to support services for residents as set out in the approved 10-year budget.

Agenda Item 6

Introduction

- 1 This report considers the hours of operation and the setting of parking charges in the Council's off-street car parks and the fees for on-street parking for the financial year 2024/25.
- 2 This report details options for increasing off-street car parking income and on-street parking fees as part of additional income and growth items.
- 3 While the Council continually work hard to support communities through general cost of living rises, we inevitably face extra cost pressures, within parking.
- 4 Since the recovery from the pandemic, demand for parking spaces has changed across the district. As before the pandemic, the council will endeavour to set charges to reflect local circumstances, provide consistency across the district parking spaces, while supporting high streets and businesses.

Background

- 5 The Council operates a number of public car parks and on-street pay and display facilities in towns and villages across the District. It is important to regulate these finite resources in order to balance the needs of parking users, including commuters, local businesses, residents, shoppers and other visitors including tourists. It is also important to ensure all parking fees and charges are set consistently across the district.
- 6 The Council's approach has been to ensure our parking charges are set to encourage people to use parking spaces responsibly while at the same time promoting a good turnover of parking spaces for the benefit of businesses and visitors. Parking charges are one aspect of effective parking management; however, others – such as hours and days of operation and maximum stay periods – are also kept under review.
- 7 In addition to rising operational costs such as non-domestic rates, insurance, general maintenance, utilities, enforcement and security, it is important to re-invest in the Council's car parks to ensure these assets remain welcoming, safe and fit for purpose. Improvements have included the installation of contactless payment facility on all of the district's payment machines, new safety barriers, increasing capacity, resurfacing, renewing drainage and upgrading lighting.

- 8 The assumption for parking income increases in the 10-year budget approved by Council on 9 February 2023 for 2024/25 is as follows:

Inflationary Increase	Covid: Assumed 25% reduction in 2021/22, improving by 5% per year	Adjustment for exceeding budget performance in 2022/23	Total
£94,000	£206,000	(£160,000)	£140,000

Options

- 9 Caveat on all options are based on assumptions and estimates in relation to parking behaviour and any potential income that generates.
- 10 There are a number of options on how to try and deal with the car parking income increase assumption, which are detailed below.
- 11 In all Option circumstances, an increase in the costs of bay suspensions, and vehicle access protection (dog bone) markings application and renewals, would be implemented to cover the higher costs of conducting these activities, as detailed in **Appendix A**.
- 12 Details of the parking charges for surrounding Kent district councils is detailed in **Appendix B**.
- 13 Option 1 - Overall percentage increase on all parking fees and charges
- This option would require;
- 14 For example, a 4% increase could raise £140,000 (based on Trailing Twelve Month {TTM} average)
- 15 The risk with this overall option is that our customers had to already absorb increases in 2022/23, and another general increase could make us uncompetitive in certain parking schemes across the district, which could decrease the amount of users.
- 16 Option 2 - A smaller percentage increase on all Parking Fees & Charges, with an end to free parking and an expansion of operating hours/days.

This option would require;

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- 17 For example, a 1% increase which could contribute to the raising of circa £35,000 (TTM calculation)
- 18 A further contribution from an end to free parking and an expansion of operating hours across the district as detailed in Appendix A. This could contribute to the raising of an additional £140,000 (total £175,000).
- 19 The risks with this option are as per Option 1, plus there could be displacement to permit parking zones and single yellow lines, some of which do not operate on weekends in Swanley, or on Sunday in Sevenoaks and Westerham.
- 20 Option 3 – Zero percentage increase on all parking fees and charges, but an end to free parking and an expansion of operating hours/days across the district.
- 21 This option appreciates that fees and charges were raised to our customers in 2022/23, and that the large majority of the deferred income inflation increase since 2021/22 has been recovered. This could contribute to the raising of £140,000.
- 22 This option robustly supports the Council's Net Zero ambitions, by ending free parking, expanding the operating times for on and off street parking, and actively discouraging town centre driving.
- 23 There is a risk of displacement to permit parking zones and single yellow lines, some of which do not operate on Saturday/Sunday in Swanley, or on Sunday in Sevenoaks and Westerham.
- 24 Option 4 – Do nothing
- 25 This option would not meet the agreed 10-year budget requirements and savings would need to be made in other areas.

Key Implications

Financial

All options that contain financial implications have been detailed within this report.

Parking income in 2023/24 is currently forecast to exceed the budget but the 5% annual increase in the budget to reinstate to pre Covid budget levels is required to continue up to and including 2026/27. Therefore, it is important to continue to make changes each year that deliver additional income.

Legal Implications and Risk Assessment Statement.

All parking fees and charges are subject to statutory public consultation and a notice of variation in accordance with the Road Traffic Regulation Act 1984 and the Parking Places (Variation of Charges) Act 2017.

Equality Assessment

There is a low risk that the proposals in this report would have any implications under the Equality Act 2010.

Sevenoaks District Council supports the Blue Badge Scheme allowing free parking in all of its off-street car parks and in on-street pay and display bays.

Net Zero Implications

Achieving Net Zero carbon emissions is a top priority for the Council as outlined in our Net Zero 2023 action plan and Movement Strategy. It encompasses all aspects of the Council. It incorporates actions on sustainable transport, active travel and air quality. One of the Council's commitments is to encourage, and support our residents and visitors to our District to reduce carbon emissions.

Members are reminded of the Council's stated ambition to be Net Zero concerning carbon emissions by 2030. The decisions recommended in this paper directly impact on this ambition. The impact has been reviewed and there could be a noteworthy decrease on carbon emissions produced in the district because of this decision.

Increasing parking fees and charges, and eliminating free parking, could encourage car park users to find alternative travel and transport options, such as public transport, walking and cycling.

Conclusions

Proposals to review the off-street car parking charges and on-street parking fees are detailed within this report.

Appendices

Appendix A – Dog Bone / Bay Suspension Increases

Appendix B – Comparison table

Background Papers

Sustainable Movement - Greener Travel

<https://www.sevenoaks.gov.uk/sustainabletravel>

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Adrian Rowbotham
Deputy Chief Executive and Chief Officer - Finance & Trading

(i) *All Options - Increase fees and charges for parking bay suspensions*

Administration Charge (per application)		Suspension Fee Pay-&-Stay Parking Bay (per 6m length)		Suspension Fee Limited Wait/Permit Parking Bay (daily charge per 6m length)	
Current	Proposed	Current	Proposed	Current	Proposed
£30	£80	£10 per day	£10 per day plus lost revenue, calculated by multiplying the hourly pay-&-stay rate by the charging period per day	£10 per day	£10 per day plus the cost of a daily visitor per day in the case of shared use (limited wait/permit parking) bays

(ii) *All Options - Increase fees and charges for parking waivers*

Waiver Fee On-Street Pay-&-Stay Parking Bay (per vehicle)		Waiver Fee On-Street Limited Wait/Permit Parking Bay (per vehicle)		Waiver Fee Off-Street (Car Park) Pay-&-Stay Parking Space (per parking space)	
Current	Proposed	Current	Proposed	Current	Proposed
£6 per day	£10 per day plus lost revenue, calculated by multiplying the hourly pay-&-stay rate by the charging period per day	£6 per day	£10 per day plus the cost of a daily visitor per day in the case of shared use (limited wait/permit parking) bays	£10 per day	£10 per day plus lost revenue, calculated by multiplying the hourly pay-&-stay rate by the charging period per day

(iii) All Options - Increase fees and charges for vehicle access protection (“dog bone”) markings

New Dog Bone Marking (up to 6m in length)		Recover Existing Dog Bone Marking (up to 6m in length)		Additional Cost (for markings over 6m in length)	
Current	Proposed	Current	Proposed	Current	Proposed
£90 per marking	£120 per marking	£60 per marking	£80 per marking	£9 per metre	£12 per metre

BENCHMARK EXERCISE SURROUNDING KENT DISTRICT CAR PARK CHARGES



Blighs	Mon - Sun 08.30-20.30	Meadow Rd	Mon - Sun 08.00-18.00	Acacia	Mon - Sat 08.00-20.00	Parrock St	Mon - Sat 08.00-18.00	Sovereign Way	Mon - Sat 08.00-18.00	King Street	Mon - Sat 08.00-18.00
1 hour	£1.00	1 hour	£2.00	1 hour	£1.00	1 hour	£1.30	1 hour	£1.40	1 hour	£1.35
2 hours	£2.00	2 hours	£3.00	2 hours	£1.00	2 hours	£2.00	2 hours	£2.60	2 hours	£2.70
3 hours	£4.00	3 hours	£4.00	3 hours	£2.00	3 hours	£2.80	3 hours	£3.50	3 hours	£3.45
4 hours	£6.00	4 hours	£5.00	4 hours	£2.00	4 hours	£3.80	4 hours	£4.90	4 hours	£4.60
Weekday	£10.00	Weekday	£10.40	Weekday	£5.00	Weekday	£7.50	Weekday	£6.80	Weekday	
Bradbourne	Mon - Sun 08.30-18.30	Crescent Rd	Mon - Sun 08.00-18.00	Highfield Rd	Mon - Sat 08.00-18.30	Rathmore Rd	Mon - Sat 08.00-18.00	Waterloo Rd	Mon - Sat 08.00-18.00	Lockmeadow	Mon - Sat 08.00-18.00
1 hour	£1.50	1 hour	£2.00	1 hour	£1.00	1 hour	£1.30	1 hour	£1.40	1 hour	£1.00
2 hours	£2.50	2 hours	£3.00	2 hours	£1.00	2 hours	£2.00	2 hours	£2.60	2 hours	£2.00
3 hours	£3.50	3 hours	£4.00	3 hours	£2.00	3 hours	£2.80	3 hours	£3.50	3 hours	£2.50
4 hours	£4.50	4 hours	£5.00	4 hours	£2.00	4 hours	£3.80	4 hours	£4.90	4 hours	£3.50
Weekday	£8.00	Weekday	£7.00	Weekday	£5.00	Weekday	£7.50	Weekday	£6.80	Weekday	£7.00
Quebec	Mon - Sat 08.30-18.30	Yew Tree Rd	Mon - Sat 08.00-18.00	Town CP	Mon - Fri 08.00-18.00	Milton Place	Mon - Sat 08.00-18.00	West Malling HS	Mon - Sat 08.00-17.30	Union St	Mon - Sat 08.00-18.00
1 hour	£1.00	1 hour	£0.00	1 hour	£1.00	1 hour	£1.30	1 hour	£1.10	1 hour	£1.15
2 hours	£2.00	2 hours	£0.00	2 hours	£1.00	2 hours	£2.00	2 hours	£1.80	2 hours	£2.30
3 hours	£3.00	3 hours	£1.00	3 hours	£2.00	3 hours	£2.80	3 hours	£2.60	3 hours	£3.45
4 hours	£4.00	4 hours	£1.20	4 hours	£2.00	4 hours	£3.80	4 hours	£3.40	4 hours	£4.60
Weekday	£5.00	Weekday	£5.30	Weekday	£5.00	Weekday	£5.00	Weekday		Weekday	£7.30

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Item 07 – Fixed Penalty Notices – Litter and Fly Tipping

The attached report will be considered by the Cleaner & Greener Advisory Committee on 10 October 2023. The relevant Minute extract was not available prior to the printing of these papers and will follow when available.

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FIXED PENALTY NOTICES FOR WASTE CRIME

Cleaner & Greener Advisory Committee – 10 October 2023

Cabinet – 12 October 2023

Report of: Deputy Chief Executive & Chief Officer - Finance & Trading

Status: For Decision

Key Decision: Yes

Executive Summary: This report updates members on the changes from a Statutory Instrument issued by the Government to increase on-the-spot fines levels for littering and fly tipping.

This report supports the Key Aim of: a green environment and safer communities

Portfolio Holder: Councillor McArthur

Contact Officer: Trevor Kennett, Ext. 7407

Adrian Rowbotham, Ext. 7153

Recommendation to Cleaner & Greener Advisory Committee: That the recommendations as detailed in this report be considered by the Committee, and its views be submitted for consideration by Cabinet.

Recommendation to Cabinet: That the recommendations in this report along with any proposals submitted by the Cleaner & Greener Advisory Committee be considered and approved.

Reason for recommendation: Sevenoaks District Council has a dedicated investigation and enforcement team for waste crime who use a number of different FPNs to help tackle waste crime including littering and fly-tipping offences. It is therefore important, as a deterrent FPN levels are set to the maximum level.

Introduction

1. The UK Government have announced that on-the spot fines for litter and fly-tipping have risen as part of a crackdown on anti-social behaviour.
2. To help strengthen councils in their fight against waste crime, government has placed a statutory instrument increasing the upper limits for various fixed penalty notices (FPNs) from 31 July 2023. These changes will come into force 21 days after the laying of the Statutory Instrument, so are active from 21 August 2023.

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3. FPNs provide a quick, visible and effective way of dealing with low-level straightforward environmental crimes, and an alternative to prosecution. However, non-payment rates are reasonably high, so consideration to the discounted level and ability of communities to pay, to make them effective.
4. A fixed penalty is not a fine. Payment of the penalty by the recipient discharges their liability to conviction for the offence for which the FPN issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a record of criminal conviction.
5. Currently, the council has a framework in place to ensure that offenders be prosecuted if they choose not to pay the fine. This gives a powerful message to the community that such crimes will not be tolerated.
6. The maximum amount those caught fly tipping could be fined will increase from £400 to £1,000. The maximum amount those who litter fined will increase from £150 to £500.
7. In addition to increasing the upper limit on fines, the government has launched a consultation on ring fencing the receipts from FPNs for litter and fly-tipping to fund local authorities' enforcement and clean-up activities, such as spending the money raised from fining criminals on further enforcement officers. This would see the money paid by criminals go directly into repairing the damage from their crimes, or into enforcement efforts to prevent similar incidents from happening again.

Current FPN levels for Littering & Fly-tipping.

8. The Councils current approved level of FPNs for Fly-tipping are set at £400 discounted to £300 if paid within 10 days. The current level for Littering set at £100 with no discount.
9. The following table shows how many FPN's have been issued by the Waste Enforcement team in recent years:

Calendar Year	FPN's issued for waste crimes
2021	17
2022	37
2023 (to 31/07/23)	20

Recommendations

10. The FPN levels for the Council to change as follows:
 - Fly tipping - increasing the maximum level from £400 to £1,000. Maintaining the current discounted rate, if paid within 10 days at £300.

- Littering – Increasing the level from £100 to £500 with no discount level set.
11. Setting the rate at £1,000 for the fly-tipping offence will act as a strong deterrent and the rationale for a 70% discount for early payment is to encourage the offender to accept responsibility for their actions and to pay the fine. Non-payment, the offender will be prosecuted for the original offence of fly tipping.
 12. Fly tipping is a serious criminal offence which carries a fine of up to £50,000 (unlimited if the case goes to the Crown Court) or an offender can even be sent to prison. Littering offences can lead to a fine of up to £2,500 and a criminal record.

Key Implications

Financial

All options that contain financial implications detailed within this report.

Legal Implications and Risk Assessment Statement.

The Council are the enforcement authority for offences of waste crime under the Environmental Protection Act 1990.

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.

Net Zero Implications

Members reminded of the Councils stated ambition to be Net Zero concerning reducing carbon emissions by 2030. The decisions recommended in this paper directly impact on this ambition. The impact reviewed and there will be a very slight increase on carbon emissions produced in the district because of this decision, given resources used to remove fly tipped waste.

Appendices

None

Background Papers

<https://www.legislation.gov.uk/ukpga/1990/43/section/33ZA>

<https://www.legislation.gov.uk/ukpga/1990/43/section/88>

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Item 08 – Food & Safety Services Gain or Retain a 5

The attached report will be considered by the Cleaner & Greener Advisory Committee on 10 October 2023. The relevant Minute extract was not available prior to the printing of these papers and will follow when available.

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FOOD & SAFETY TEAM- GAIN OR RETAIN A 5

Cabinet – 12 October 2023

Report of: Deputy Chief Executive and Chief Officer Planning and Regulatory Services

Status: For Decision

Also considered by:

- Cleaner & Greener Advisory Committee – 10 October 2023.

Key Decision: no

Executive Summary: Environmental Health propose to implement a charging scheme for advice provided to food businesses either prior to them opening or between food hygiene inspections. The scheme would provide a number of benefits for both businesses and the District Council and it is hoped will help drive higher compliance with regulations.

The scheme aims to ensure consistency of advice to food businesses and enable SDC to recover the costs of undertaking this work.

This report supports the Key Aim of: Economy- Ensure businesses are able to access suitable business support to develop and grow business support to increase the resilience of businesses, including ecommerce and marketing.

Portfolio Holder: Cllr. Margot McArthur

Contact Officer(s): Nick Chapman, Ext. 7167 and Glenys Shorricks, Ext. 7158

Recommendation to Cleaner & Greener Advisory Committee

- To note the contents of this report including details of the proposed scheme and suggested fees and charges.
- To support the adoption of the Gain or Retain a 5 scheme within Sevenoaks District.

Recommendation to Cabinet

- To note the contents of the report
- To agree the adoption of the Gain or Retain a 5 scheme for Sevenoaks District
- To agree the fees and charges scheme set out in paragraph 23

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Introduction and Background

- 1 There are currently 1174 food businesses currently operating within the Sevenoaks District. Each of these businesses is subject to periodic inspection (frequency determined by risk).
- 2 In addition to existing food businesses, the District Council receives an average of 140 new businesses registrations each year. The FSA requires that new businesses should be inspected within 28 days from registration
- 3 As part of the inspection process, every food business receives a rating from 0-5.
 - 5- Hygiene standards are very good
 - 4- Hygiene standards are good
 - 3- Hygiene standards are generally satisfactory
 - 2- Some improvement is necessary
 - 1- Major improvement is necessary
 - 0-Urgent improvement is required
- 4 In England, food businesses are not currently required to display their rating however they are published by the Food Standards Agency on their Food Hygiene Rating Scheme website ([Search the Sevenoaks area | Food Standards Agency](#)).
- 5 A food hygiene score of 0-2 indicates that at time of inspection, the food business was failing to comply with minimum legal standards. In these circumstances, the Environmental Health Team will need to take additional actions to address hygiene concerns (often through re-visit or legal action).
- 6 Currently 3% of food businesses in Sevenoaks are rated 0-2 (26).
- 7 A low food hygiene score can have a detrimental impact upon the reputation and profitability of a food business. Many of the food delivery platforms (Apps) require businesses to have achieved a minimum food hygiene rating before they are accepted onto the platform (Just Eat –3, Deliveroo –2, Uber Eats-2) and local newspapers regularly report businesses with 0-2 ratings within the area (<https://www.kentlive.news/news/kent-news/every-sevenoaks-tonbridge-tunbridge-wells-6667051>).
- 8 A food business, can appeal their awarded rating within 21 days to the Environmental Health Manager. Where an appeal is received, the officer inspection report, photographs and notes taken by the inspecting officer are reviewed and then based upon this evidence the food hygiene score is either confirmed or altered.
- 9 Following the introduction of electronic inspections (which are more accurate, understandable and show photographs of contraventions), the number of

appeals received by Sevenoaks District Council has substantially reduced (1 appeal received since 2020).

- 10 The rating awarded to a food business is fixed until the next full inspection (i.e. is not changed by a re-visit to check on required improvements identified during an unannounced visit). Businesses can however request a 'food hygiene rescore visit'. This is a chargeable service and once paid for a new full inspection will be undertaken without notice (within a 3 month period). The District Council currently charge £205 for a rescore visit.
- 11 A 'rescore visit' is a fresh inspection and the businesses food hygiene score can therefore go up, stay the same or reduce depending on what is seen by the inspecting officer.

Structure of the Food & Safety Team

- 12 The current Food & Safety Team comprises 5 officers and a Team Leader equating to 3.8 FTE. This team are extremely busy and in addition to undertaking food hygiene inspections are also responsible for:
 - Responding to Food & Safety enquiries and service requests
 - Investigation of infectious disease outbreaks
 - Investigation of Health and Safety incidents
 - Authorisation of Skin Piercing/ Tattooists etc
 - Food Sampling
 - Authorisation of some specialist food businesses
- 13 The Food & Safety Team at Sevenoaks have always provided advice to food businesses operators on a discretionary basis. The scale and nature of this advice varies on a case-by-case basis but often includes; written advice, telephone advice, site visit, assessment of proposed layout, explanation of legal requirements etc.
- 14 Some customers are particularly demanding in the information they want from the Council in advance of opening or re-inspection and this can take a significant amount of officer time. Time spent by officers providing discretionary advice takes them away from delivering the statutory elements of the service.

Gain or Retain a 5 Scheme

- 15 The Environmental Health team propose to introduce a new chargeable scheme for the delivery of comprehensive advice to food business operators. The proposal is to offer a set amount of advice and information within one chargeable fee that provides a Food Business Operator (FBO) with the best chance of obtaining a 5 rating at time of inspection.
- 16 Whilst details of the scheme need to be finalised it is considered that the following activities would form part of this:

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- Visit/ informal inspection undertaken by a qualified and experienced Food Safety Officer who will provide practical advice appropriate to your business (up to 2 hours).
 - Provision of advice relevant and tailored to the business on how to achieve the highest possible standards
 - An electronic report (sent by email) containing simple and easy to understand advice relevant to the business and highlighting any issues or areas for improvement seen during our visit.
 - An up to date Safer Food Better Business pack and diary. We will take you through what the pack contains, how to use it to improve food safety and how to complete it.
 - An opportunity to ask for advice specific to the business.
 - For new businesses at the planning stage:
 - i. We will provide guidance on the layout and design of a premises to avoid the risk of cross contamination and to adhere to structural requirements,
 - ii. advice on the suitability of proposed extract plant/ equipment
 - iii. advice on methods and mechanisms to minimise noise disturbances from your business
- 17 The scheme would not guarantee that a business would achieve a 5 food hygiene rating and this would be determined by the unannounced inspection and based upon food hygiene practices seen at that time.
- 18 The 'gain or retain a 5 scheme' would have the following benefits for businesses;
- It would save a business time by providing a one-stop-shop for advice relating to food hygiene and other environmental health matters tailored to the individual business.
 - Help a business save money by providing advice on appropriate procedures and equipment needed (proportionate to the level of your business, avoiding over-spending on compliance).
 - Enhance a food businesses chance of receiving or retaining a high FHRS rating that you can then be used in marketing. This gives a business a competitive edge and can help reduce the risk of reputational damage.
 - Give a business reassurance from a compliance perspective
 - Enable a business to put in place steps and measures to grow sustainably
- 19 The scheme would bring the following benefits for the District Council/ Environmental Health;

- It would provide some remuneration to the Environmental Health Team for work which is currently undertaken/ provided free of charge.
- Businesses may take advice provided more seriously than they do at present (greater perceived value of paid for advice).
- It may displace some non-statutory work that currently takes place- i.e. some businesses may decide not to approach Environmental Health in advance of opening, creating additional capacity within the team.
- It would provide a structure for advice that will be provided to businesses by Environmental Health including setting appropriate limits on officer time allocated to this task.

Advice outside of the Gain or Retain a 5 scheme.

- 20 When a Food Business Operator registers with Sevenoaks District Council, we contact them to acknowledge receipt of their registration. As part of this initial communication we provide web links to relevant information to help the FBO set up their business (i.e. links to relevant sections on the Food Standards Agency Website). We will continue to do this.
- 21 The Food Standards Agency website contains an excellent step by step guide to setting up a food business <https://www.food.gov.uk/business-guidance/getting-ready-to-start-your-food-business>. As a result a business is able to find all relevant information without contacting SDC should they wish to do so.
- 22 If a business wishes to obtain more specific information or advice regarding their business we will only do so where they have paid for and agreed to relevant terms and conditions associated with the proposed scheme.

Proposed Charges

- 23 The Environmental Health Team are only entitled to achieve cost recovery from fees and charges. Table X below outlines the proposed fees that would be associated with the 'Gain or retain a 5 scheme'.

	TASK	Unit Cost	Time (hrs)	Cost of task
Administration	Gain or Retain Request Form	17.71	0.1	£1.77
	Review of form- TL	33.41	0.5	£16.71

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	TASK	Unit Cost	Time (hrs)	Cost of task
	Processing of charge- CS	17.71	0.1	£1.77
	Notification of charge	17.71	0.1	£1.77
	Creation of SR	17.71	0.2	£3.54
	Allocation of SR	17.71	0.2	£3.54
	Officer Training			£0.85
Task	Inspection	29.23	3	£87.69
	Travel	29.23	1	£29.23
	Writing up of report	29.23	1.5	£43.85
	Administration of report	29.23	0.2	£5.85
	Entry on System	29.23	0.2	£5.85
Management	Oversight by TL	33.41	0.25	£8.35
	TOTAL		7.35	£210.76

- 24 These fees are broadly aligned with those currently charged for a re-score visit.

Timescale for implementation

- 25 Prior to implementing the scheme, the Environmental Health Team will need to draw up some terms and conditions which will apply to users of the service. This work will need to be conducted with the assistance of our legal team.
- 26 We will need to work with the Customer Solutions Team and Project Team to ensure that appropriate payments can be taken for the Gain or Retain a 5 scheme.

27 With consideration to the above factors, we would intend to implement the scheme in April 2024.

Financial

It is anticipated that the “Gain or Retain a 5 scheme” as outlined above will generate a small income for Environmental Health.

Legal Implications and Risk Assessment Statement.

None

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.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council’s ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

None

Background Papers

Search the Sevenoaks area | Food Standards Agency

<https://www.kentlive.news/news/kent-news/every-sevenoaks-tonbridge-tunbridge-wells-6667051>

Richard Morris

Deputy Chief Executive and Chief Officer – Planning and Regulatory Services

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Item 09 – Future of the Air Quality Monitoring Within Sevenoaks District

The attached report will be considered by the Cleaner & Greener Advisory Committee on 10 October 2023. The relevant Minute extract was not available prior to the printing of these papers and will follow when available.

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THE FUTURE OF AIR QUALITY MONITORING WITHIN SEVENOAKS DISTRICT

Cabinet – 12 October 2023

Report of: Deputy Chief Executive and Chief Officer for Planning and Regulatory Services

Status: For Decision

Also considered by:

- Cleaner & Greener Advisory Committee – 10 October 2023

Key Decision: yes:

1. Result in the District Council incurring expenditure, or making savings, which exceed £50,000 in value

Executive Summary: This report proposes to change the way the District Council monitors air quality within Sevenoaks District. The current Bat & Ball and Greatness Air Quality Stations (AQS) are approaching the end of their serviceable lifespans and are expected (within the next 5 years) to become uneconomical to repair. This report proposes that unless alternate funding can be identified by April 2024, that both AQS are closed. In their place the District Council will invest in a network of portable AQS to be strategically sited within Air Quality Management Areas. These portable AQS will allow members of the public to view current up to date air quality data from key locations whilst generating a small in year budget saving as well as removing the need for significant unbudgeted investment in the replacement of existing analysers, equipment and enclosures.

This report supports the Key Aim of: (insert information from Community Plan or Best Value Performance Plan or delete if unnecessary or irrelevant)

Portfolio Holder: Cllr. Margot McArthur

Contact Officer(s): Nick Chapman Ext. 7167 & Colin Alden Ext. 7186

Recommendation to Cleaner & Greener Advisory Committee

That the contents of the report be noted and that C&GAC support and recommend the proposed changes to Air Quality Monitoring (as outlined in this report) to Cabinet

Reason for recommendation: The proposed changes will generate an ongoing budget saving whilst increasing the visibility and accessibility of air quality monitoring data within Sevenoaks District.

Recommendation to Cabinet

That Cabinet agree the proposed changes to Air Quality Monitoring (as outlined in this report).

Reason for recommendation: The proposed changes will generate an ongoing budget saving whilst increasing the visibility and accessibility of air quality monitoring data within Sevenoaks District.

Introduction and Background

- 1 Sevenoaks District Council currently has 4 Air Quality Management Areas where Nitrogen Dioxide (NO₂) is predicted/ modelled to exceed national objective levels (40ugm³ as an annual average). These are:
 - a. AQMA 8- London Road/ High Street, Swanley
 - b. AQMA 10 Sevenoaks Town Centre
 - c. AQMA 13 A25- entire length from boundary with Tandridge to Tonbridge and Malling
 - d. AQMA 14- Junction of Birchwood Road and London Road Swanley
- 2 The District Council is required to monitor air quality within these areas and does so through a network of 58 passive diffusion tubes and 2 real time air quality stations.
- 3 Diffusion tubes are generally located on street furniture close to the sources of pollution. They are relatively cheap to deploy but the monthly results they produce must be annualised and ratified before use. Consequently, the data collected for the previous year is published in June within the Air Quality Annual Status Report (i.e. 2022 data is published in June 2023 etc).
- 4 The Air Quality Stations produce data across a number of pollutants on a minute by minute basis:
 - a. Bat & Ball Air Quality Station- Nitrogen Dioxide (NO₂) and Small Particulates (PM₁₀)

b. Greatness Park Air Quality Station- Nitrogen Dioxide (NO₂), Small Particulates (PM₁₀) and Ozone (O₃)

- 5 The data from the Air Quality Station is published 'live' on the London Air Network at: [London Air Quality Network :: Welcome to the London Air Quality Network » Statistics Maps](#)
- 6 The Air Quality Stations are expensive to maintain and operate. These costs have been increasing rapidly over the past two years linked to inflationary pressures including cost of electronics, specialist gasses, contractors and electricity.
- 7 The Bat and Ball Air Quality Station was installed in August 2005 and the Greatness Air Quality Station in January 1998. Both are therefore approaching the end of their reasonably anticipated operational lives. In particular, the structure at Greatness Air Quality Station (a steel shipping container) is rapidly deteriorating and at both AQS, analysers are reaching the point when they are no longer economical to repair.
- 8 This report outlines the options available for the continuation of air quality monitoring moving forward over the next few years and suggests potential options for the delivery and enhancement of air quality monitoring.

Outside the scope of this review

- 9 No changes are proposed for the existing diffusion tube network (i.e. maintain the existing number and location).

Cost associated with the Air Quality Stations

- 10 Table below shows the annual costs associated with maintenance and operation of the two air quality stations:

Task	Bat & Ball AQS	Greatness AQS	TOTAL
Data Management Costs	£6,035	£6,035	£12,070
Engineering Costs	£3,125	£3,125	£6,250
Local Site Operator Duties	£4,995	£4,996	£9,991
Electricity Costs	£7,853	£7,854	£15,707
Calibration Gas Purchase + Rental	£749	£749	£1,498
Total	£22,757	22,780	£45,516

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- 11 In addition to these annual costs, there are a number of periodic, “one off” costs which may be incurred. These include replacement analysers, air conditioning plant and structural maintenance. The table below provides indicative costs for these items.

Item	Typical Cost (estimate)
Air Quality Analyser	£15,000-£30,000 (depending on pollutant measured)
Air Conditioning Plant	£3,000 to £5,000
Replacement Air Quality Station Enclosure including installation	£35,000 to £70,000 depending on number of analysers installed

- 12 At the Greatness Air Quality Station we currently have 3 analysers. One of these (the NO_x Analyser) was replaced with a 2nd hand unit in 2021. The Ozone and TEOM (PM₁₀) analysers are believed to have been installed in 1998 and so are approximately 25 years old and therefore are likely to require replacement in the next 2 years. The current air conditioning plant was installed May 2020 and is anticipated to need replacing in 2025. The enclosure at Greatness Park is rapidly deteriorating and we have had recent problems with water ingress through the steel structure (shipping container type). Whilst temporary repairs have been affected, we may need to replace the enclosure in the near future.
- 13 At the Bat and Ball Air Quality Station, we currently have 2 analysers. Unfortunately, one of these analysers requires immediate replacement (NO_x Analyser). The BAM (PM₁₀) is believed to date from 2005 and therefore may need replacement within the next 5 years. The current air conditioning plant was installed in August 2022 and is anticipated that it will need replacing in 2025.
- 14 Based on the above information it is anticipated that the District Council will need to spend between £328,580 and £384,580 over the next 5 years in order to maintain our existing monitoring capability.
- 15 Of this anticipated spend, £227,580 is currently budgeted for.

Historical Significance/ Public Health Value of the Air Quality Stations

- 16 The Sevenoaks Annual Status Report 2023 shows that in 2022 all monitoring locations across the district were within the National Objective level for Nitrogen Dioxide (NO₂). This data is in accordance with local and national trends over the past 10 years.
- 17 For more than 10 consecutive years we have not measured a breach of any relevant air quality objective/ standard at either of our AQS.

- 18 The Bat & Ball AQS is located on the north-eastern edge of the Bat and Ball Junction and was situated in this location in order to measure roadside emissions. However, owing to constraints at time of construction it is located approximately 9m from the carriageway (pollution source) and so is not fully representative of exposure. As a result, data obtained is slightly compromised.
- 19 Junction improvements, including the potential installation of a roundabout, are being considered for the Bat & Ball junction as part of proposed nearby development. It is anticipated that this work will require the re-siting of the Bat & Ball AQS. Owing to the significant variations in air quality depending on geographical location, where an AQS is re-sited data previously collected can no longer be used to establish trends/ or assess changes.
- 20 The Greatness AQS is located on the southern edge of Greatness Park. This AQS measures background air quality.
- 21 The data collected by the Greatness AQS is considered strategically important for Kent and London. The background NO₂ levels measured at this station help inform localised concentrations of roadside NO₂ in London. Further, the Greatness AQS is one of the few in the South East that measures Ozone (O₃), a pollutant that is considered critical to public health as it has a multiplying effect on NO₂. Local Authorities are however not legally required to measure Ozone concentrations and so whilst this information is of national scientific interest it does not help the District Council meet its air quality monitoring obligations.

Alternative monitoring methods

- 22 In the last 20 years there have been significant technical advancements in air quality monitoring technologies. There are now multiple providers of low cost portable air quality monitors that can be affixed to roadside lampposts.
- 23 Whilst these monitors do not conform with 'reference standards' they can be deployed near to sources of pollution and are able to report real time data (every 5 minutes) via a web portal. Some sensors are able to report on a wider range of pollutants than is currently possible from our current AQS.
- 24 Costs of portable air quality monitors vary but we have received indicative costs of £2000 per year per unit per year. In addition, there is a need for the District Council to seek permission from KCC to install units on their lampposts. The indicative cost for the engineering assessments and permits is likely to be a one of cost of approximately £2000 plus an annual permit fee of around £150 per site.

Proposed Solution

- 25 As outlined above, significant investment (budgeted and unbudgeted) is required to maintain the existing Air Quality Stations at Greatness and Bat & Ball over the next 5 years.

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- 26 As outlined in 18, the Bat & Ball Air Quality Station is poorly sited and does not measure worst-case air quality at the junction. Future proposed development may also necessitate that this AQS is removed/ or moved as part of highway works.
- 27 Notwithstanding the above issues, the data collected by the AQS (particularly Greatness Park) has value to the wider scientific community. Officers will therefore hold discussions with interested stakeholders to try and identify funding streams (outside of SDC budgets) to secure ongoing monitoring at the current AQS.
- 28 Should additional funding not be identified, it is proposed that both AQS are closed by April 2024 generating an ongoing budget saving of approximately £45,000 per year and negating the need for further operational investment (replacement of analysers and structural maintenance) of approximately £100,000 over the next 5 years.
- 29 Instead, of replacing the existing AQS it is proposed that SDC implement a network of portable air quality monitors in the following areas (subject to technical constraints and available budgets):
- a. Bat & Ball Junction
 - b. Swanley High Street
 - c. Sevenoaks Town Centre
 - d. Westerham.
- 30 The proposed solution would provide SDC with better data to assess the impacts of traffic flows on our AQMAs and would allow residents and councillors the ability to see real time air quality data within the areas of greatest Air Quality concern.
- 31 The proposed network could be amended or added to as additional funding became available or as new areas of concern arose.
- 32 It is believed that the total costs of the installations as outlined above can be met within the existing Environmental Health budget and generate an annual budget saving on existing costs.

Other options Considered and/or rejected

- 33 **To maintain existing Air Quality Stations through renewal and replacement of equipment and structures.** As advised above, the costs of maintaining the existing Air Quality Stations would require significant, unbudgeted investment from the District Council. Both Air Quality Stations report continuous compliance with air quality objectives and whilst they have scientific merit to the wider scientific community, they currently add little to our understanding of air quality in Sevenoaks. The costs of maintaining our current air quality monitoring in the same form will cost approximately £330k over the next 5

years and this spend is not considered appropriate with consideration to local government finances.

- 34 **To close the Bat & Ball AQS but renew/ replace the Greatness AQS-** As per section 18 above, it is considered that the Bat & Ball Air Quality Station may be sited inappropriately and as a result the data it collects does not significantly inform the District Council's understanding of Air Quality in Sevenoaks.

Currently it is proposed that the Bat and Ball Junction will be replaced with a roundabout as part of a major development nearby and it is considered highly likely that this work will require the relocation of current AQS. Once the AQS is moved, historic data is no longer relevant. It is therefore considered that there is limited benefit to maintaining the AQS at this location in the interim.

Closure of the Bat and Ball Air Quality Station but maintaining the Greatness AQS could save the District Council approximately £43,785 over a 5 year period.

Significant and unbudgeted investment will still be needed in the short term at the Greatness AQS.

- 35 **To close the Bat & Ball/ Greatness AQS without additional/ supplementary air monitoring capacity.** Whilst Air Quality has improved considerably within the District over the past 10 years, officers recognise that it remains an area of significant public concern. We do not consider that it would be desirable to remove our capability to report real time air quality data without identifying an alternate capability.

Key Implications

Financial

The proposals within this report will generate a modest budget saving.

Legal Implications and Risk Assessment Statement.

As part of the annual ratification of passive diffusion tube data it is necessary to bias adjust tube results. Bias adjustment factors can be derived locally (from diffusion tubes collocated with an AQS) or via nationally published bias adjustment factors. Removal of the Bat & Ball and Greatness AQS would require officers to use nationally derived bias adjustment factors in future Annual Status Reports.

Sevenoaks District has 4 declared Air Quality Management Areas (for predicted or monitored exceedances of the annual NO₂ air quality objective levels). Within these AQMAs we are required to monitor levels of NO₂. We can continue to do this through our network of diffusion tubes and we have no legal duty to maintain our current air quality stations.

Agenda Item 9

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural

Appendices

None

Background Papers

[London Air Quality Network : Welcome to the London Air Quality Network »](#)
[Statistics Maps](#)

Richard Morris

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