

COUNCIL

Minutes of the meeting held on 25 July 2024 commencing at 7.00 pm

Present: Cllr. Ball (Chairman)

Cllr. Harrison (Vice Chairman)

Cllrs. Abraham, Alger, Baker, Barker, Barnett, Bayley, Bulford, Camp, Clack, Penny Cole, Perry Cole, G. Darrington, P. Darrington, Dyball, Edwards-Winser, Esler, Ferrari, Grint, Gustard, Haslam, Hogarth, Horwood, Hudson, Kitchener, Layland, Leaman, Lindop, Malone, Manamperi, Manston, Maskell, McArthur, Purves, Reay, Robinson, Roy, Scott, Shea, Silander, Streatfeild, Thornton, Varley, White and Williams

Apologies for absence were received from Cllrs. Barnes, Clayton, Granville, Cathy Morgan, James Morgan, Skinner, Waterton and Williamson

64. To approve as a correct record the minutes of the meeting of the Council held on 14 May 2024

Resolved: That the Minutes of the Council Meeting held on 14 May 2024, be approved and signed by the Chairman as a correct record.

65. 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 made.

66. Chairman's Announcements

The Chairman advised that it had been quite busy so far this year and that he had already attended a number of events ranging from summer fetes to charity dinners and school productions. This had allowed Cllr Harrison and their cohorts to build relationships inside the community and with neighbouring Councils. He was pleased to see the return of the Family Fun Days, that allowed residents to enjoy the various activities on offer, and he looked forward to attending them during the holidays.

He thanked all those who came to his Charity Curry Night fundraiser in Kemsing, this was a great success. The next event would be a Horseracing Night at Horton Kirby on 11 October.

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On 11 July he attended the West Heath Schools Prize Giving. The event acknowledged the students hard work, and it was an honour, and quite humbling, to present the awards. The Chairman and Vice Chairman attended the excellent performance of Wyrld Sisters at the Knole Academy

He ended his announcements by thanking members for their support so far.

CHANGE IN ORDER OF AGENDA ITEMS

The Chairman, with the Council's agreement moved agenda item 6b to take place after agenda item 11.

67. 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.

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

No petitions had been received.

69. Matters considered by the Cabinet and/or Scrutiny Committee:

a) **Housing Allocation Policy Review**

It was moved by Cllr. Perry Cole and duly seconded by Cllr. Hogarth that the recommendation from Cabinet to note the feedback received from the consultation exercise and the Housing Allocation Policy 2024-2027 was adopted subject to the inclusion of the definition of suitable accommodation.

Cllr Perry Cole spoke to the motion advising that substantial consultations had taken place involving all Members and various interested parties. Some recommendations had been made from those consultations and a number of suggestions had been included in the policy.

Members debated the motion with some concerns raised that there could still be some residents who may not get the assistance they required, as well as it being noted by Members that there was a shortage of affordable housing in the district. Discussion took place on how suitable accommodation was defined and this had been considered by the Housing & Health Advisory Committee but it was considered that the definition, as set out in the supplementary information did not go far enough to include schooling, work and family. It was proposed and duly seconded that the motion, part b, be amended to read as "to adopt the draft of the housing allocation policy 2024-2027, subject to the amendments of the description of suitable accommodation as follows: factors taken into account, including property size, location, affordability, family circumstances, access to support networks and transport links."

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Cllr Gustard spoke to her amendment expressing the need for the clear definition, and considering different circumstances of suitable accommodation, as such when it would be suitable to decline the offer of housing. Members further debated the amendment expressing concern that the most vulnerable residents would be failed if their needs could not be met, noting there could be changes to central government housing policy and needs. Cllr Perry Cole gave his right of reply to the amendment stating that the comments made had been taken on board but the circumstances had not changed and there were an extremely limited number of social housing properties available from housing associations. Therefore, he considered that the changes to the policy were fair and proportionate.

A vote was taken on the amendment and it was lost.

There was no further discussion on the original motion.

The motion was put to the vote and it was

Resolved: that

- a) feedback from the consultation exercise, be noted; and
- b) the draft housing Allocations Policy 2024 – 2027, with the inclusion of the definition of suitable accommodation, be noted.

70. Matters considered by other standing committees:

a) **Financial regulations and contract procedure rules**

It was moved by Cllr. McArthur and duly seconded by Cllr. Penny Cole that the Financial procedure rules as set out at Appendix A, and the Contract Procedure Rules as set out at Appendix B, be adopted with effect from 1 August 2024. The financial procedure rules covered a wide range of financial management including financial planning, risk management and control of resources.

Speaking to the motion, Cllr McArthur advised that the Governance Committee had also considered the proposed amendments and that the changes would help to achieve robust governance by setting out the processes as well as where responsibility sat to ensure sound financial management. The purpose of the procedure rules were to provide a structure which purchasing decisions were made and implemented and which ensured that the Council used its resources efficiently and purchases quality goods, services and works, and that it acted compliantly according to the rules around spending public money.

Members debated the motion noting the revisions made were positive steps but it was raised that more progress could be made, in particular to central procurement procedures and social value. A Member made reference to both internal and external audit feedback regarding procurement and waivers. It was moved and duly seconded

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that the motion be amended to include point c, “the Council noting recent reports from both internal and external auditors, requests that the Council and officers examine the potential gains from a central procurement hub, and brings proposals for this to the Audit Committee and Finance & Investment Advisory Committee within six months.”

The amendment was debated, with some support expressed for a centralised procurement team. Debate continued and it was further raised that the audits referred to earlier in debate, had shown that some areas required improvement and that actions necessary to make those improvements were being undertaken.

Cllr. Robinson gave her right of reply and a vote was taken on the amendment which was lost.

Debate continued on the original motion.

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

Resolved: That the

- i) Financial Procedure Rules (Appendix A) be adopted with effect from 1 August 2024; and
- ii) Contract Procedure Rules (Appendix B) be adopted with effect from 1 August 2024;

b) Protocol on webcasting & electronic voting

It was moved by Cllr. McArthur and duly seconded by Cllr. Penny Cole that the protocol on webcasting and electronic voting be confirmed in line with Member’s instructions. Cllr. McArthur spoke to the motion advising that the Governance Committee had also considered the same report and as set out within the minutes from the Governance Committee, and had considered some of the issues following Member feedback.

Resolved: That the protocol on Webcasting and Electronic Voting be confirmed in line with the instructions of Members.

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

a) Swanley Neighbourhood Plan

It was moved by Cllr Thornton and duly seconded by Cllr Reay that the Swanley Neighbourhood Development Plan 2020 – 2040, be “made” (adopted) and the Statement (post-referendum) be published.

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Cllr. Thornton spoke to the motion stating that the Swanley Neighbourhood plan went to referendum on 4 July and 81% voted in favour of adopting the plan. The Portfolio Holder took the opportunity to thank those involved who brought the plan forward which would be used to inform planning decisions in Swanley.

Resolved: That

- i) following a favourable local referendum result, the Swanley Neighbourhood Development Plan 2020-2040, incorporating the Examiner's modifications, as presented to local referendum, be "made" (adopted) with immediate effect and form part of the Council's Development Plan to help determine planning applications in the Neighbourhood Area; and
- ii) the Swanley Neighbourhood Development Plan Decision Statement (post referendum) shown at Appendix A of the report, be published.

b) Appointments to outside organisations

It was moved by Cllr Perry Cole and duly seconded by Cllr. Horwood that the appointments to Outside Organisations be agreed.

Resolved: That

- i) Cllr. Hogarth be appointed as representative for the Citizen's Advice Bureau – North & West Kent for the municipal year 2024/2025; and
- ii) Cllr. Haslam be appointed as representative for the Southern Water, Co-Design workshop.

c) Appointment of Reserve Independent Person & Remuneration

It was moved by Cllr. Hogarth and duly seconded by Cllr. Perry Cole that Paul Cummins be appointed as the reserve Independent Person and that their allowances be increased with effect as of 1 August 2024. The report set out the recommendation for the appointment of a Reserve Independent Person, which had been agreed by the Group Leaders. The report also set out the allowances for the Independent Person and Reserve Independent Person be increased.

Resolved: That

- i) Paul Cummins be appointed as reserve independent person; and
- ii) The allowance paid to the Independent Person increase to £1,500 and to the reserve Independent Person increase to £750, with effect from 1 August 2024, be agreed.

d) Climate Change Strategy

It was moved by Cllr Roy and duly seconded by Cllr Bayley that the recommendation to note that the previous aspiration to reach net Zero by 20230 would not be achieved for the reason set out in the report. Cllr Roy spoke to the motion setting out that the Council's aspiration to reach net zero by 2030 was no longer a realistic ambition due to a number of factors and restraints such as the cost to decarbonise the Council's assets and a lack of infrastructure. She stressed that the Council was still committed to decarbonising its assets and to reach net zero but as highlighted within the report the Council was responsible for less and 0.5% of the district's emissions and was limited in its ability to influence the two main sources of emissions of transport and domestic use of gas and electricity. A new action plan was being developed to identify projects across the Council.

It was moved by Cllr. Shea and duly seconded by Cllr Alger that the motion be amended to include "that Council recognises the UK environment and climate emergency and instructs the Cabinet to present a finalised climate change strategy for Sevenoaks District Council for approval." Cllr. Shea spoke to the amendment referencing the climate change strategy which had previously been discussed at Cleaner & Greener Advisory Committee expressing concern that it had not been included in the documentation to accompany the removal of the net zero 2030 target and she hoped the amendment would strengthen the climate change strategy and its impact on the Council. Members discussed the amendment with further debate raised on cost implications and how this would be managed, as well as it being raised that communication to residents regarding net zero and emissions was easily accessible.

Cllr Shea gave her right of reply to the amendment advising that the amendment was to recognise the climate emergency and to bring forward the finalised climate change strategy to full council.

Cllr Roy gave her right of reply to the amendment advising that the climate strategy had already been adopted at Cabinet in March and had been available on the Council's website. She advised that the commitment to net zero remained but removed the arbitrary deadline of 2030 from the mission statement.

A vote took place on the amendment and was lost.

Debate continued on the original motion with it being raised that many other council's had committed to a climate emergency and net zero by 2030, but it was unknown how many would reach that date and thus thought it was important to be open with the residents that this date of 2030 would not be met. Other Members expressed concern that not having a target date should not be an option and that there was a moral obligation to meet net zero. Concern was also expressed that emissions from the Council's assets had not been provided. Further into debate it was raised that the Council was always looking for ways of decarbonizing its assets and examples were provided such as the Stangrove estate with heat pumps and White Oak Leisure Centre had also secured funding for energy efficiency. It was raised that if the Council' acted in haste to reach net zero by 2030, difficult decisions which

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could affect frontline services or projects would have to be undertaken and as time progressed other initiatives and funding opportunities come forward which allowed for thorough thought through processes.

Debate continued, with Members' attention being brought to the cleaner and greener work plan which included the climate change strategy action plan with smart targets and the council's emissions published on the Council's website.

Cllr Roy gave her right of reply to the debate and in doing so highlighted that the Council's commitment to net zero was clear.

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

Resolved: That the aspiration to reach net zero by 2030 for the Council and its assets would not be achieved, for the reasons as set out below, be noted.

e) Electoral Review – Council Size Submission

It was moved by Cllr. McArthur and duly seconded by Cllr. Horwood that a proposed size of 48 District Councillors to be implemented from the May 2027 District Council elections be submitted to the Local Government Boundary Commission for England and the draft submission, be approved.

Cllr. McArthur spoke to the motion, stating that the Local Government Boundary Commission for England was undertaking an electoral review of the Council which reviewed the number of Councillors required and warding patterns within the district boundary. The working group had met and had the opportunity to present their views and opinions and debate the options in relation to the future Council size. This included the impact of the Council size on communities, the level of work required of each councillor and the impact on the Council's governance arrangements. The group had also received data in relation to the number of electors represented by each councillor and how this could forecast to change by 20-30. Neighbouring authorities, and statistically similar local authorities had been looked at and it was recommended that a reduction to 48 be agreed.

In debate, it was raised that less councillors would create a saving for the council. It was also debated whether the Council would then be more agile and a revision of governance. Discussion also included neighbouring authorities makeup of green belt and some of those had less than 48 Councillors. It was also raised that following the working group discussions, 48 councillors was reached through thorough discussion as there was no specific methodology. Consideration was given the number of councillors and the makeup of the district in terms of wards, and parishes and towns. It was also noted in the working group discussions that a governance review could follow once the number of Councillors was known.

The motion was put to the vote and it was

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Resolved: That

- i) a proposed Council size of 48 District Councillors to be implemented from the May 2027 District Council elections be submitted to the Local Government Boundary Commission for England; and
- ii) the Draft Council Size submission, as set out at Appendix A, be approved.

72. 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 Members in accordance with paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Cllr. Manston

"Does the administration of Sevenoaks Council see an opportunity to support the rural communities around Sevenoaks District to get better connected?"

Response: Portfolio Holder for Development & Conservation

The Portfolio Holder for Development & Conservation advised that as Cllr. Manston had acknowledged buses, public transport and other highway matters were for Kent County Council. Although the Council had a People & Places Advisory Committee, it did not have the powers over bus companies or franchises and thus would be ineffective of the council's resources, where there was no significant power to influence, and put forward that Kent County Council should be approached.

The Portfolio Holder further responded that there were though, some limited areas where the council were already supporting more sustainable transport primarily through the planning function, such as policies to encourage electric vehicle charging points, working proactively with developers on larger schemes regarding travel and transport plans, encouraging car clubs, shared vehicle and electric bike schemes and community based solutions for travel to boost support for sustainable transport. As well as through the planning process developing local walking and cycling infrastructure plans, LCWIPS in collaboration with KCC to promote walking, wheeling and cycling as a sustainable alternative to car use. Through identifying improvements, would allow residents to more rural villages to walk, wheel or cycle safely to town centres, giving Swanley Town Centre as an example, to access services and public transport links.

The emerging local plan recognised that residents and visitors need to travel to work, school, shops and access other services and the Plan 1040 set out a clear ambition, predominantly through partnership working to improve the quality, quantity and access to public transport. Sustainable movement was specifically address through policies T1 and T2 which aim to encourage and facilitate modal shift from private car

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to other more sustainable modes of transport, and were supported by the Council's movement strategy of 2022 which set out the key priorities including improving public transport services.

In summing up the Portfolio Holder also advised that local members had been successful in securing a bus trial for Hartley and New Ash Green by directly engaging with bus operators and other neighbouring Councillors.

There was no supplementary question. In accordance with the constitution, no further discussion was allowed.

73. 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.

Cllr. Leaman proposed the following motion, which was seconded by Cllr. Streatfeild.

"Council notes the final audit report on Sencio contract Management, published in May 2024."

Speaking to the motion Cllr. Leaman set out how the motion had been brought to consideration at Full Council. The audit report confirmed that the contract was not fit for purpose and lacked any provision for managing poor performance, expected performance levels and business continuity provision. There was no documented guidance given to the Portfolio Holders and reporting to Committees was ad-hoc. In speaking to his motion, he questioned why no action was taken when there were red flags and concerns expressed by the Scrutiny Working Group, which also highlighted that the contract did not represent value for money. Members were advised on a loan provided to Sencio and he queried why the contract was not rewritten to put it on a sustainable footing. As well as noting that there were no audited accounts since 2018 and losses between 2018 to 2021 ran into the millions and this was before the pandemic and arrival of other gyms. In closing he expressed concern that the report did not detail the role of the Council's representatives on the Sencio Board, and only that advice and guidance was provided ad hoc and that Council had not set out any expectations from the Board Members. He questioned whether the Board took a responsible approach to risk management and the interests of the Council and residents.

An amendment was moved by Cllr. Penny Cole and duly seconded by Cllr. Williams that the motion include "and agrees the internal auditors recommended actions in full." Cllr Penny Cole spoke to her amendment advising that the Audit Committee had thoroughly considered the report by internal audit, and she reassured Members that questions had been asked of the officers and councillors who were present when Sencio went into administration, and she was of the opinion that everything was done that could have been done to ensure that the Council did not spend more money than it had to in ensuring that the Leisure Centres and golf course remained opened and then re-opened as quickly as possible. Having looked back at the Scrutiny

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Committee meetings, Members had expressed their disappointment with the Chief Executive of Sencio for not providing the accounts and had requested further attendance at the Committee. The Committee though were told, that the finances were back on track. The Board of Trustees comprised on 9 people and the council only had two representatives. The contract itself had been written in a way that the council would not have been in a position to end the contract any earlier. Turning to the audit report and looking to the future, three actions had been proposed for the new leisure contract going forward and would reflect the lessons learned.

Members debated the amendment and questioned how the lessons learned would be embedded into future procurement as well as requesting to identify who was accountable for Sencio going into administration. As debate continued some Member's expressed their concern that the report lacked detailed information of documents considered, including financial information and that in personal opinions there were other options to address poor performance which could have been explored and was troubled by the conclusion of the report stating that the Council had therefore taken all action available to them through the contract provisions that was the only option. In response, some Members expressed their view that the amendment went further by implementing the audit report in full.

In her right of reply to the debate, Cllr Penny Cole reiterated that the Board of Trustees was made up of nine people, but with only two representatives from the Council and the contract was written in 2003, and lessons had been learned and thanked officers for the amount of work to consult Members on views for contracts going forward.

In his right of reply to the amendment, Cllr Leaman responded that there were gaps in transparency, governance and accountability and did not support that everything had been done that could have been done, but would support the amendment.

The amendment was put to the vote and it was agreed.

Debate continued on the substantive motion. A further amendment was moved to the substantive motion, by Cllr. Streatfeild and seconded by Cllr. Shea that "Council agrees an external review of the Council's relationship with Sencio and the effectiveness of its governance and oversight and make recommendation to improve decision making and transparency. Speaking to the amendment he expressed that more recommendations could have been included detailing what had gone wrong, how money was wasted and what would be changed in the future, and the amendment would allow someone external to do so.

In debate it was raised that having an external investigation would be a use of further financial resources when the internal audit report had been clear in the number of recommendations that should be adopted, noting the risk register to help mitigate against issues in the future. It was also raised that again that the contract were written in a different way and any future contracts were written in a way that allowed ending of contracts. During debate some members expressed the view that an external audit would allow for lessons to be learned from mistakes made, and

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given the cost of losses, the external investigation would not amount to that figure. It was also noted, during debate on the amendment that a new procurement process was ongoing and lessons learned had been demonstrated within those procurement operations.

Cllr Streatfeild gave his right of reply to the debate, followed by Cllr. Leaman's right of reply to the amendment. A vote was taken on the amendment and the amendment was lost. There was no further debate on the substantive motion. Cllr Leaman gave his right of reply and the substantive motion was put to the vote and it was carried.

Resolved: That

- a) the final audit report on Sencio contract Management, published in May 2024, be noted; and

- b) the internal auditors recommended actions, be agreed in full.

74. 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 rest of the Cabinet had undertaken since the last meeting of Council. He commended the Chairman for his civic service.

Matters Considered by Cabinet

75. Land East of the High Street, Sevenoaks

It was moved by Cllr Horwood and duly seconded that the recommendations as set out within the supplementary agenda from Cabinet be agreed. The report set out the identified opportunity to regenerate the Land to the East of Sevenoaks High Street, following the pressing need to undertake significant work to decarbonise the existing leisure centre and other buildings owned to ensure compliance with new environmental standards.

Speaking to the motion, Cllr Horwood stated that this was one of the most significant projects the Council had undertaken to secure investment for Sevenoaks Town, whilst tackling significant financial challenges of how those requirements were met. Initial engagement events had already taken place, and through the Advisory Committees as well as a working group which looked in more detail at the finances.

Members debated the motion, with agreement that this was a project which had a lot of opportunities but it was also complex. Consideration was also given to the working group report and the hierarchy of objectives of the project and possible of conflicts of those. An amendment was moved by Cllr Leaman and duly seconded by Cllr Shea that "That the cabinet member for finance and investments tables the report at the next

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appropriate meeting, the Council with a full response to the key issues set out in the report of the five Members working group.”

Speaking to the motion, Cllr Leaman set out that the papers demonstrated a mixture of micro clarity and details about cash flow projections but there were elements which had macro ambiguity such as the objectives.

Members debated the amendment, noting that the project was evolving and the Advisory Committees would continue to monitor the progress and finance. Concern was expressed that at this point in time a large amount of time could be spent putting reports forward and more details of the project was needed first, as the issues as they develop would be examined and reported on a regular basis. In debate questions were raised regarding carbon emissions and part of demolition, and reassurances for cross party, cross community relationships whilst considering the emerging local plan and the emerging master plan being developed by the Town Council. Some concerns had been expressed over the need for a complete risk register as the project moved forward.

In his right of reply to the amendment, Cllr Leaman advised that he recognised that it was a partnership project which would have a mixture of opinions, and looked for assurance that there would be a plan with timetable for milestones.

The amendment was put to the vote and it was lost. There was no further debate on the original motion. Cllr Horwood gave his right of reply to the debate acknowledging that it was a complex and long project which would evolve as it moved forward. Timelines were detailed in the report, particularly around engagement and residents and stakeholders would be kept up to date. It was a partnership project and so there were areas which the Council could not respond to, as it would be down to Kent County Council for their plans on the adult education centre and library. It was important that the leisure centre was funded and acknowledged that there would be conflicting priorities. Affordable housing was highlighted and noted that it was an important part of the development but at this stage there were many unknowns still. He responded to issues raised regarding decarbonising building, and working with the Town Council and Kent County Council.

The motion was put the vote and it was

Resolved: That

- a) the development approach outlined in the report to deliver a mixed use scheme in collaboration with Kent County Council and to establish an appropriate special purpose vehicle and other arrangements between the two Councils and a Strategic Development Partner(s) be approved;
- b) prior to the appointment of the Strategic Development Partner(s), a further Committee report be submitted to Cabinet to outline the heads of terms of the special purpose vehicle and the associated contractual documentation for approval;

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- c) authority be delegated to the Strategic Head of Property & Commercial together with the Deputy Chief Executive & Chief Officer Finance and Trading and the Head of Legal and Democratic Services following consultation with the Portfolio Holder for Finance and Investment to establish a special purpose vehicle and procure a joint venture Strategic Development Partner(s) subject to approval by Cabinet of the heads of terms of the special purpose vehicle and the associated contractual documentation; and
- d) authority be delegated to the Strategic Head of Property & Commercial, following consultation with the Head of Legal and Democratic Services and the Deputy Chief Executive & Chief Officer Finance and Trading, to enter into necessary professional appointments/contracts to procure the services of the necessary consultants.

THE MEETING WAS CONCLUDED AT 10.15 PM

CHAIRMAN