

ANNUAL COUNCIL

Minutes of the meeting of the Sevenoaks District Council held on 13 May 2014 commencing at 7.00 pm

Present: Cllr. Mrs. Davison (Chairman)

Cllr. McGarvey (Vice Chairman)

Cllrs. Abraham, Ayres, Mrs. Ayres, Mrs. Bayley, Bosley, Mrs. Bosley, Mrs. Bracken, Brookbank, Brown, Butler, Clark, Mrs. Clark, Mrs. Cook, Cooke, Davison, Dickins, Edwards-Winser, Eyre, Firth, Fittock, Fleming, Gaywood, Mrs. George, Grint, Hogarth, Horwood, Mrs. Hunter, Lindsay, London, Ms. Lowe, Maskell, Mrs. Morris, Neal, Orridge, Mrs. Parkin, Pett, Piper, Mrs. Purves, Raikes, Ramsay, Mrs. Sargeant, Scholey, Searles, Miss. Stack, Miss. Thornton, Towell, Underwood, Walshe and Williamson

Apologies for absence were received from Cllrs. Ball and Mrs. Dawson

1. To elect a Member to be Chairman for the municipal year 2014/15.

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that Cllr. Jill Davison be elected Chairman of the Council for the municipal year 2014/15.

Resolved: That Cllr. Jill Davison be elected Chairman of the Council for the municipal year, 2014/15.

Cllr. Mrs. Davison made the declaration of acceptance of office and took the chair. The new Chairman thanked the Council for her election and expressed her appreciation for the many good wishes she had received. Cllr Mrs Davison announced that her Escort for the year would be Cllr. Davison and presented him with a badge of office.

The new Chairman led the Council in expressing thanks to the outgoing Chairman, Cllr. Pett, for his service to the Council and to the District. This was strongly supported by other Members who commented on Cllr. Pett's exemplary service as Chairman and 'hands on' or 'boots on' approach. As a Chairman he had not only attended events but participated in them such as a 3 mile charity run. Many Members thanked him for visiting their parishes, and complimented his Escort Mrs. Eccles. He would be particularly remembered for the Lizzy Yarnold open bus tour. The new Chairman presented Cllr. Pett with the past Chairman's badge an engraved portable chess set and a past Chairman's Escort badge and flowers to Mrs Sylvia Eccles.

In response Cllr. Pett thanked Members and Officers for their support. Cllr Pett offered particular thanks to his partner Mrs Sylvia Eccles who was not a particularly public person but had been very supportive and shared responsibility for his success.

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2. To elect a Member to be Vice-Chairman for the municipal year 2014/15.

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that Cllr. Philip McGarvey be elected Vice-Chairman of the Council for the municipal year 2014/15.

Resolved: That Cllr. McGarvey be appointed Vice-Chairman of the Council for the municipal year, 2014/15.

Cllr. McGarvey then made the declaration of acceptance of office and expressed his thanks to the Council for his appointment.

The Chairman of the Council then presented the new Vice-Chairman's Escort, Mrs Dorothy McGarvey, with her badge of office.

3. To approve as a correct record the minutes of the meeting of the Council held on 1 April 2014.

The Chairman proposed that the Minutes of the meeting of the Council held on 1 April 2014 be approved and signed as a correct record.

Resolved: That the minutes of the meeting of the Council held on 1 April 2014 be approved and signed by the Chairman as a correct record.

4. Declarations of Interest

There were no additional declarations of interest made.

5. Chairman's Announcements

The Chairman announced the sad passing of a former Councillor for Edenbridge South, George Broadbridge, who had served from May 1987 to May 1991. A moments silence was held in respect of his memory.

As Chairman she hoped to keep Sevenoaks in the public eye. She would not support a particular charity but would make herself available to all charities within the District. She hoped at the very least to visit every parish.

6. To appoint the Chairmen, Vice-Chairmen and Membership of Committees for the municipal year 2014/15.

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that the appointments of Chairmen, Vice Chairmen and Membership of Committees for the municipal year 2014/15 as detailed in the Appendix to the report, be approved.

Resolved: That the Chairmen, Vice-Chairmen and membership of Committees for the municipal year 2014/15 be approved, as set out in Appendix A to these minutes including delegated authority to the Leader of the Council to rotate/amend the District Council Membership of the Strategic Board, as appropriate.

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7. Scheme of Delegations

Cllr. Fleming proposed and Cllr. Ms. Lowe seconded that the delegations to Committees and Officers be agreed and that the delegations of executive functions by the Leader of the Council, and appointments to the Cabinet and the composition of the Cabinet Portfolios (attached to the minutes as Appendix B) be noted. Member's attention was drawn to the amended terms of reference for the Health Liaison Board circulated with the supplementary agenda.

Resolved: That

- a) the delegations to Committees (as set out in Parts 3-8 and Parts 9-12 of the Constitution) and the delegations to Officers (as set out in Part 13 of the Constitution) and amended terms of reference for the Health Liaison Board, be confirmed and approved; and
- b) the delegations of executive functions and appointments to the Cabinet made by the Leader, be noted.

8. To confirm the calendar of ordinary meetings for the municipal year 2014/15.

Cllr. Fleming moved and Cllr. Ms. Lowe seconded that the calendar of meetings for the municipal year 2014/15, be agreed. Members noted that the meeting of the Strategic Board scheduled for 15 May 2014 had now been cancelled

Resolved: That the Calendar of ordinary meetings for the municipal year 2014/15 be confirmed.

9. To appoint representatives on other organisations.

Cllr. Fleming moved and Cllr. Ms. Lowe seconded that the appointment of representatives on outside organisations for the municipal year 2014/15 be agreed (attached to the minutes as Appendix C).

Resolved: That the non executive appointments to other organisations for the municipal year 2014/15 be confirmed.

10. To note the outgoing Chairman's Report

The report was noted.

11. Matters considered by the Cabinet:

a) Budget: Council Tax Support Funding for Town and Parish Councils

The background to the report was that at the Council meeting on 18 February 2014 it was resolved that "no Council Tax Support funding for Town and Parish Councils be issued as no money had been ring-fenced for this purpose in the Government Grant

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Settlement, and the approach be agreed and adopted". This was also recommended by Cabinet on 6 February 2014. Westerham Town Council supported by Sevenoaks Town Council and Dunton Green Parish Council had said they intended to seek a judicial review of the decision as they believed that the decision was not as clear as it could have been. The Council Leader, Chief Finance Officer and Legal Services Manager had met their representatives on 3 April 2014 and it had been agreed that a report would be taken to Council on 13 May 2014 to give Members the opportunity to reconsider passing Council Tax Support funding to Town and Parish Councils.

Before consideration of the item the Chairman advised that she had received a request from Mr Alan Wesley, Chairman of Westerham Town Council to address the meeting. As there was no provision for this to happen within the rules set out in the Council's Constitution she had agreed to use her discretion as Chairman and allow him to speak for no more than three minutes. She invited Mr. Wesley to step forward and address the meeting.

Mr. Wesley addressed the meeting reiterating points made in the letter from Westerham Town Council dated 10 March 2014 (Appendix A to the report) pointing out that the Council had been called a 'rogue' local authority in the Sunday Times on 20 April 2014 and that the Council could afford to pass on the support funding if it used the stabilisation fund. He commented on the minutes of Cabinet held on 8 May 2014, stating that it was not double taxation as the Parish and Town Council's had taken on liability and that the reference to not knowing what to do with the money was condescending. He also stated that the 24 dual hatted members should not vote and if they did not vote for passing on the money they should resign. He advised that it was his 70th birthday but had agreed to attend this meeting to be heard.

Cllr. Fleming proposed and Cllr. Ramsay seconded the recommendations from Cabinet which did not set out a preferred option but recommended that Council consider all three options being proposed. In proposing the motion, Cllr. Fleming wished Mr Wesley a happy birthday and was pleased the Chairman had used her discretion to allow him the opportunity to address the meeting on a matter he felt so strongly about.

The Chairman advised Council that the motion with all three options would be debated as a whole, and then each option voted on individually.

The Leader stated that he had sympathy with the parishes however unfortunately the Government had continued to make promises around levels of funding the Council believed had not been passed on. Commenting on the letters received from Brandon Lewis MP, it was stated that it was impossible to work out how much to give yet it had been managed the year before when it had been ring-fenced. It had been pointed out at an early stage that the funding may not continue, this had been heard before for example over the funding of bus passes which had been ring-fenced then disappeared. Therefore Officers had advised Town and Parish Councils straight away that it could not be certain that this funding would be paid in future years in order to help them prepare. Referring to the minutes of Cabinet, if the Council considered paying the money from reserves he would have an expectation that the parishes and towns pay the raised precept amount back to the the residents of the parish.

Members debated the item. A Member who was not dual hatted had spoken to her Parish Clerk with a financial background, who had said it had been very clear what was

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going to happen which is why they had raised their precept. Another Member spoke against the previous decision as he had before, concerned as to the impact on the poorer sections of the District. He also commented that it seemed to go against all endeavours by local government to have localised power. Parishes were required, legally, to balance their budgets. He thanked Mr Wesley for pursuing the matter and offered the support of Swanley Town Council. Another Member said the Council should be concerned that it had been called a 'rogue' Council. It was clear that if other authorities could pass on the money so could this one. She commented on poor procedures and called for a legally qualified Cabinet Member.

A Member referred to the letter from Michael Fallon MP, and the expectation that the money would be passed down. She also felt that the Council was 'morally' bound to pass on this money. Other Members pointed out that there had been constant communication with the Town and Parishes and many had taken heed of the warnings given. One Member pointed out that when he entered the Chamber it was as a District Councillor and his decision would be for the benefit of the District. Some Members thought that a compromise maybe in order. Another Member who did not sit on a Parish or Town Council advised that she had spoken to her Parish Council and been told that it had been clear from the outset that the money was not guaranteed and had been treated as a windfall. They had not expected to receive anything this year and would not support an expensive judicial review. Other Members stated that it was clear that there had been an intention to support local government in better localisation, and that the relationship with Parishes and Town Councils needed consideration along with the Council's reputation.

In response to comments and questions raised during the debate, the Leader advised that the purpose of the Council's stabilisation fund was not just to balance each year but the 10 year budget, and any payment would affect and cause an overall shortfall to the 10 year budget. The Council, Officers and lead Members had done everything possible to engage in an open process, initial tax base figures had been estimates and the final ones had been confirmed as soon as they were known. Central Government continued to claim there was specific funding but were still unable to identify an amount. As previously stated if a figure had been identified the Council would have passed on 100% of that identified amount as before. Not all Councils had passed on 100% of the money the previous year. Many other Councils were only passing on 50% with the caveat of nothing in future years. If options (a) or (b) were chosen the Council would be funding a scheme the government was not. The decision had been taken by Full Council on 18 February 2014 and had followed due democratic process. Many parishes had followed the advice given. He urged Members to vote for option (c).

Public Sector Equality Duty

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

The Chairman put each individual option to the vote:

Option (a) - 'An amount of funding is passed to Town and Parish Councils for Council Tax Support in 2014/15 equivalent to the amount passed on in 2013/14 less 24% (the Council's reduction in Revenue Support Grant)' this was put to the vote and was lost.

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Option (b) – ‘A different amount is passed to Town and Parish Councils for Council Tax Support in 2014/15’ this was put to the vote and was lost.

Option (c) – ‘No funding is passed to Town and Parish Councils for Council Tax Support in 2014/15’ this was put to the vote and it was

Resolved: That no funding be passed to Town and Parish Councils for Council Tax Support in 2014/15.

THE MEETING WAS CONCLUDED AT 8.28 PM

CHAIRMAN

Chairmen, Vice-Chairmen and Membership of Council Committees

2014-15

Appointments Committee

(10 Members: 8 Conservative, 1 Labour, 1 Liberal Democrat)

Cllrs. Mrs Clark, Fittock, Grint, Mrs Hunter, Mrs Purves, Miss Stack, Leader and 3 appropriate Portfolio Holders

(Please note the election of the Chairman will take place at the first meeting of the Committee in the municipal year.)

Audit Committee

(9 Members: 7 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Grint

Vice Chairman: Cllr. Brookbank

Cllrs. Mrs Bayley, Brown, Fittock, Neal, Orridge, Towell and Mrs Purves

Development Control Committee

(19 Members: 17 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Williamson

Vice-Chairman: Cllr. Miss Thornton

Cllrs. Mrs Ayres, Bosley, Brookbank, Brown, Clark, Cooke, Edwards-Winsor, Firth, Gaywood, McGarvey, Neal, Orridge, Mrs Parkin, Raikes, Miss Stack, Underwood and Walshe

Governance Committee

(7 Members: 5 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Pett

Vice-Chairman: Cllr. McGarvey

Cllrs. Ms Chetram, Mrs Clark, Fittock, London, and Walshe

Health Liaison Board

(8 Members: 6 Conservative, 2 Labour)

Chairman: Cllr. Mrs Cook

Vice-Chairman: Cllr. Davison

Cllrs. Mrs Bosley, Brookbank, Clark, Mrs George, Fittock and Searles

Homelessness Review Board

(3 Members: to be drawn from the Council)

The Portfolio Holder for Housing & Community Safety to be Chairman of the Board and the membership to be drawn from the Council.

Licensing Committee

(13 Members: 11 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. Mrs Morris

Vice-Chairman: Cllr. Clark

Cllrs. Abraham, Mrs Ayres, Ayres, Bosley, Cooke, Mrs George, Orridge, Mrs Parkin, Pett, Raikes and Walshe

Scrutiny Committee

(11 Members: 9 Conservative, 1 Labour, 1 Liberal Democrat)

Chairman: Cllr. London

Vice-Chairman: Cllr. Brown

Cllrs Bracken, Brookbank, Davison, Grint, Neal, Orridge, Pett, Underwood and Walshe

Standards Committee

The Standards Committee will be composed of:

7 Members other than the Leader of the Council and no more than 1 Member selected from a particular Parish Boundary.

(7 Members: 6 Conservative, 1 UKIP)

Only one Member out of the above seven Members to be an Executive Member without being a Chair of the Committee as Standards is a Council function as opposed to an Executive function (s.27(8), Part 1, Chapter 7 of the Localism Act 2011).

Up to 2 co-opted Members of a parish or town council (a parish/town council member)

Chairman: Cllr. Gaywood

Vice-Chairman: Cllr. Ball

Cllrs. Mrs Bosley, Mrs Bracken, Brown, Lindsay and Mrs Morris

Sevenoaks Joint Transportation Board

(7 District Council Members: (6 Conservative, 1 Labour), 7 Kent Council Council Members

and 1 Town/Parish Council Representative)

Chairman: County Cllr. Chard

Vice-Chairman: Cllr. London

(The position of Chairman is on a yearly alternate basis between the District Council and County Council and appointed under respective constitutional arrangements. This year it is the County Council's turn.)

District Council Membership: Cllrs. Davison, Edwards-Winsler, Searles, Towell, Williamson and Underwood

County Council Membership: County Councillors: Brazier, Brookbank, Mrs. Crabtree, Gough, Parry and Pearman

Town/Parish Council Representative: (nominated by the Area Committee of the Kent Association of Local Councils)

(The Board comprises of all Kent County Council local members for divisions in the Sevenoaks District Council area, an equal number of Sevenoaks District Council Members and a Town/Parish Council Representative (of which a substitute member may be nominated) who may speak but not vote, nor propose a motion or amendment.)

Strategic Board

(14 Members: 7 District Council Members and 7 Kent Council Council Members)

Chairman: Cllr. Fleming

Vice Chairman: County Cllr. Brookbank

(The position of Chairman to be the Leader of Sevenoaks District Council, with the Vice Chairman appointed by Kent County Council)

District Council Membership: Cllrs. Abraham, Mrs Bosley, Davison, Grint, Hunter, Ramsay and Searles (from which 7 will be picked each meeting as the Leader of the District Council has the delegated authority to rotate/amend the District Council Membership as appropriate)

County Council Membership: County Councillors: Brazier, Chard, Mrs Crabtree, Gough, Parry and Pearman

Cabinet Membership

(5 Members: 5 Conservatives) Cllrs. Fleming, (Chairman), Hogarth, Ramsay, Ms Lowe and Piper

Portfolio Holders 2014/15 (Annex to Appendix H of the Constitution - revised May 2014)

| | | |
|---------------------|--|--|
| Cllr. Peter Fleming | Leader Strategy & Performance | Corporate Policy, Corporate Health & Safety, Communications, Customer Service Standards, Equality, Human Resources, Business Transformation, Democratic Services and Performance Management Framework |
| Cllr. Roddy Hogarth | Economic & Community Development | Community Grants, Community Plan, Health & Leisure, Economic Development, Emergency Planning, Building Control, Business continuity, Markets, Parking, Regeneration, Tourism, Town Centres, West Kent Partnership and West Kent Leader Programme |
| Cllr. Brian Ramsay | Finance & Resources | Audit and Corporate Governance, Budget & Financial Strategy, Legal, Information Technology, Local Tax, Shared Services, Procurement Policies, Property, Facilities Management and Strategic Risk |
| Cllr. Michelle Lowe | Housing & Community Safety | Housing Strategy/Policy, Housing Standards, Housing Needs, Empty Homes/Under Occupation, SDC Gypsy/Traveller Site Management, Unauthorised Gypsy/Traveller encampments, Disabled Facilities Grant, Housing Benefit & Benefit Fraud, Community Safety, Licensing, CCTV, Safeguarding, Children and Young People, Older People, and Environmental Health |
| Cllr. Robert Piper | Local Planning & Environment | Conservation, Development Control, Local Plan (formerly LDF), Planning Policy, Transport Policy, Direct Services, Climate Change, Energy Efficiency & Fuel Poverty, Street Cleansing and Waste & Recycling |

APPOINTMENTS TO OTHER ORGANISATIONS 2014/15 – NON-EXECUTIVE

| <u>Organisation</u> | <u>No. of Reps</u> | <u>Period of Appoint- ment</u> | <u>Renewal Date</u> | <u>Appointee(s) 2014/15</u> |
|---|------------------------|--|-------------------------|------------------------------------|
| Age UK: | | | | |
| Darent Valley | 2 | Annual | May 2015 | Mrs. F.P. Parkin M. Fittock |
| Sevenoaks, Tonbridge & District | 1 | Annual | May 2015 | R. Walshe |
| Biggin Hill Airport Consultative Committee | 1 | Annual | May 2015 | R. Hogarth |
| Bough Beech Reservoir Recreation Consultative and Management Advisory Committee | 1 | Annual | May 2015 | P.C.R. Cooke |
| Citizens Advice Bureau: | | | | |
| Edenbridge & Westerham | 2 | Annual | May 2015 | K.J. Maskell P.C.R. Cooke |
| Sevenoaks and Swanley CAB Ltd | 2 | Annual | May 2015 | Mrs. A.D. Hunter Ms. I. Chetram |
| Health & Wellbeing Boards: | | | | |
| Dartford, Gravesham and Swanley | 1 | Annual | May 2015 | T. Searles |
| West Kent and Weald | 1 | Annual | May 2015 | Mrs. A. Cook |
| Clinical Commissioning Groups (Observers): | | | | |
| Dartford, Gravesham and Swanley | 1 | Annual | May 2015 | T. Searles |
| West Kent and Weald | 1 | Annual | May 2015 | R. J. Davison |
| Kent County Council's Health Overview and Scrutiny Committee | 1 | Annual | May 2015 | R. J. Davison |

Appendix C

| <u>Organisation</u> | <u>No. of Reps</u> | <u>Period of Appoint- ment</u> | <u>Renewal Date</u> | <u>Appointee(s) 2014/15</u> |
|---|------------------------|--|-------------------------|--|
| Kent County Playing Fields Association | 1 | Annual | May 2015 | M. Fittock |
| Action with Communities in Rural Kent | 2 | Annual | May 2015 | Cam. Clark Miss. J. Thornton |
| RELATE: West Kent & Tunbridge Wells | 1 | Annual | May 2015 | vacancy |
| Sevenoaks Churches Group for Social Concern | 2 | Annual | May 2015 | P.R. McGarvey Mrs. A. Cook |
| Sevenoaks Conservation Council | 4 | Annual | May 2015 | R.L. Piper A. E. Dawson J. Edwards-Winser R. Walshe |
| Sevenoaks District Access Group | 5 | Annual | May 2015 | Mrs. A.E. Dawson Mrs. F.P. Parkin A.W.L. Pett R.L. Piper J.Underwood |
| Sevenoaks Leisure Board of Trustees | 2 | Annual | May 2015 | Mrs. G.P.E. Davison Mrs. A. George |
| Volunteer Bureau: | | | | |
| Sevenoaks Volunteer Transport Group | 1 | Annual | May 2015 | R.J. Davison |
| Edenbridge Volunteer Transport Service | 1 | Annual | May 2015 | R. Orridge |
| North West Kent Volunteer Centre (Swanley) | 1 | Annual | May 2015 | T. Searles |