

## CABINET

### Minutes of the meeting held on 13 November 2014 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Hogarth, Ms. Lowe, Piper and Ramsay

Cllrs. Ayres, Mrs. Ayres, Firth, Gaywood, Mrs. Hunter, Searles and Walshe were also present.

#### 37. Minutes

Resolved: That the minutes of the meeting of Cabinet held on 11 September 2014, be approved and signed as a correct record, subject to Minute 33 being amended to read 'Mr. Innes' not Ennis.

#### 38. Declarations of interest

There were no additional declarations of interest.

#### 39. Questions from Members (maximum 15 minutes)

There were none.

#### 40. Matters referred from Council, Audit Committee, Scrutiny Committee or Cabinet Advisory Committees

- a) Performance Indicators and Targets for 2014 - 15 – Response to Referral to Cabinet from Local Planning & Environment Advisory Committee

Members noted the response from the Local Planning & Environment Advisory Committee who had considered the referral of the waste and recycling performance targets and been satisfied with the explanations given in the commentaries provided. It had been referred from Cabinet on 17 July 2014 and the Advisory Committee had received an updated version as at 10 October 2014.

Resolved: That the response be noted.

#### 41. Appointments to Outside Organisations

Members considered a report on a vacancy that had arisen from the retirement from the post by Mr. Bovington the Councils appointed representative on Kent Downs Area of Outstanding Natural Beauty Forum.

Resolved: That Councillor Piper be appointed as the Council's representative on Kent Downs Area of Outstanding Natural Beauty Forum for the remainder of the municipal year 2014/15, and the Council's thanks be extended, in a letter to be written by the Chairman, to Mr Bovington for his service.

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### 42. Anti-Social Behaviour Crime & Policing Act 2014

The Chief Officer Communities and Business presented a report on the [Anti-Social Behaviour, Crime and Policing Act 2014](#) (the Act) which had received Royal Assent on 13 March 2014 and would start to take effect from 20th October 2014. It replaced nineteen pre-existing measures with six new measures for tackling anti-social behaviour and providing protection for victims and communities. She reported that the Civil Injunction power would not be in place until Spring 2015, until then it was still possible to use Anti Social Behaviour Orders (ASBOs).

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The Portfolio Holder for Housing & Community Safety advised that the Advisory Committee had received a presentation at their previous meeting, and reported that the Committee had been keen on the proposed Member level involvement with Community Trigger arrangements.

In response to a concern raised, the Chief Officer Communities and Business confirmed that the Council would only move forward with sanctions under the new powers if in each case they were justified, necessary and proportionate, For those powers taken forward by the Council, appropriate evidence would be provided and the Portfolio Holder and local members would be consulted. Members were keen that Member level involvement be more clearly identified in the recommendations. Additional wording was added to the recommendations before Cabinet and it was

Resolved: That

- a) the new powers available to the Council be noted;
- b) delegations to Officers be approved as follows:
  - i) to the Chief Officer Communities & Business to authorise the Council's actions under the Act with reference to Civil Injunctions, Criminal Behaviour Orders, Public Spaces Protection Orders, Closure Notices and Closure Orders and the Community Trigger
  - ii) to the Chief Officer Environmental and Operational Services to authorise the Council's actions under the Act relating to Community Protection Notices and the power to enforce penalty notices (£75) for dropping litter from a vehicle;
- c) Community Trigger arrangements, as set out in paragraph 15 and Appendix A to the report be approved; and

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- d) in cases that are led by the Council, the delegated powers would be used subject to local Members and the Portfolio Holder being consulted.

### 43. Bank Account Signatories

The Chief Finance Officer presented a report which sought approval for a change to the list of Officers authorised to sign cheques and sanction banking instruments on behalf of the Council. At present, four Officers plus the Chief Executive and Chief Finance Officer were authorised signatories to the Council's bank accounts. This number was required to ensure that Officers were always able to undertake banking business for the Council. He also advised that the authority of Mrs Scott to sign cheques etc. had been cancelled with the bank immediately upon her departure.

Resolved: That

- a) Mrs Kathryn Scott, former Technician Accountant, no longer be authorised to sign cheques and sanction banking instruments on behalf of the Council; and
- b) pursuant to Finance Procedure Rules 4.73 and 4.74, Miss Joanne Cheeseman, Finance Officer, be authorised to sign cheques and sanction banking instruments on behalf of the Council in respect of all bank accounts other than the Chief Executive's Imprest Account.

### 44. Variations to the "A Home of your own" Scheme (DIYSO)

The Portfolio Holder for Housing & Community Safety presented the report mentioned the decision to approve funding for Round 2 of the "A Home of Your Own" scheme (DIYSO) and included variations to the scheme. She advised that Round 1 had proven successful and along with the Vice Chairman and Chief Housing Officer she had met the the Deputy Mayor for London as the scheme was being launched by a number of London authorities. Property prices in Sevenoaks were 17 times higher than the average wage earner could afford, and this helped people get onto the property ladder.

The Chief Housing Officer reported that it was an award winning scheme and had been runner up in the national housing awards. The Housing Policy Manager gave some background to the scheme for Members.

Members noted and considered the relevant minute and recommendations received from the Housing & Community Safety Advisory Committee who had considered the same report. The Chairman thought it would be helpful to see the salary/earnings band and how they equated to what people could buy. The Housing Policy Manager agreed to circulate a [report](#) soon.

The Portfolio Holder for Economic & Community Development sought confirmation that anyone entering these schemes were signposted or received information on energy savings schemes. The Chief Housing Officer confirmed that they did get an information pack on schemes such as 'switch and save' and various initiatives to encourage insulation etc.

### Public Sector Equality Duty

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

Resolved: That the following proposed variations be adopted:

'Variation 1. For applicants who are housing association tenants, the value of the home to be purchased may be up to £350,000. This enhanced value cap would only apply where the applicant is assessed by Moat as suitable for a 3 or 4 bedroom home and the applicant is actually buying this size of home. The enhanced value cap would only be applied to a maximum of 3 purchases

Variation 2. For all applicants, the minimum initial share of the home to be purchased is reduced to a 35% share.'

### 45. Annual review of parking charges for 2015/16 and Christmas Parking 2014

The Chairman clarified that the report before the Cabinet was to decide what would go out for consultation with the final decision taken in February 2015. The Portfolio Holder for Economic & Community Development presented the the annual review of parking charges report which proposed car park and on-street parking charge options for 2015/16 for consultation, and included consideration of free Christmas parking for 2014. The Portfolio Holder highlighted the recommendations made by the Economic & Community Development Advisory Committee who had considered the same report.

Members discussed freezing the on street parking charges and in Sevenoaks making parking free after 8.30pm by removing the £1 charge and bringing daytime charges up to 8.30pm.

It was noted that there was also free parking being made available for the Christmas lights evening events in Westerham on 27 November and Sevenoaks on 28 November.

### Public Sector Equality Duty

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

Resolved: That:

- a) the proposed car park charges for 2015/16 be as shown in Option 1-3 in Appendix B1, confirming that the 3 hour charge for the Blighs car park be increased by 30p as shown, the £1 evening charge in the Sevenoaks town centre car parks which runs up to 9.30pm be removed and daytime charges extended through until 8.30pm, and that no changes be applied to the St Johns Hill car parks or the Westerham car parks;
- b) no increases be applied to on-street parking charges for 2015/16 and that the on-street charges in Sevenoaks town centre which apply up to 9.30pm be amended to end at 8.30pm;

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- c) free Christmas parking be provided in all car parks and on-street parking areas throughout the District for two Saturdays before Christmas 2014, on 6 and the 13 December 2014 as requested by the consultees; and
- d) a working group be set up to review the car parking fees at Sevenoaks St. John's and the Membership include Cllrs. Hogarth, Miss. Stack and Miss Thornton and report this to the Portfolio Holder for Economic and Community Development to report to Cabinet.
- e) it be recommended to Council that cost in terms of lost income for free parking to be provided in all car parks and on-street parking areas throughout the district for two Saturdays before Christmas 2014 be funded from Supplementary Estimates.

### **46. Business Continuity Planning**

The Chief Officer for Environmental & Operational Services presented the report which provided an update on the current Business Continuity Plan. The revised plan incorporated recommendations from a recent audit and provided a framework for the organisation to continue delivery of services at acceptable predefined levels following a disruptive incident. This would improve the Council's resilience against the disruption of its ability to achieve its key objectives, and improve its ability to recover from any such disruption while protecting welfare and safety. A Business Continuity Strategy was included within the revised Business Continuity Management Plan and is reproduced within this report.

Members noted and considered the relevant minute and the recommendations received from the Economic & Community Development Advisory Committee who had considered the same report.

The Portfolio Holder for Economic & Community Development stated that it was carried out in accordance with international norms and was continuously reviewed.

### **Public Sector Equality Duty**

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

Resolved: That the revised Business Continuity Plan and Strategy be approved.

### **47. EU Waste Framework Directive**

Member considered the report which provided an outline of the requirements of the England and Wales Waste Regulations 2011 (as Amended 2012), promoting high quality recycling. It summarised the methodology of the Waste Regulatory route map which had been accepted by the Environment Agency as an acceptable assessment to demonstrate compliance. An Independent Consultant had been engaged to undertake the assessment, and their findings were summarised together with conclusions reached. The conclusion reached was that, on the basis that the recommended actions, as outlined in the report, were implemented, the Council did not need to collect paper, card

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and plastic separately in order to promote high quality recycling. Members noted and considered the relevant minute and the recommendations received from the Local Planning & Environment Advisory Committee who had considered the same report.

The Portfolio Holder for Local Planning & Environment explained that it was a question of quality not volume, and was good news that there were few actions to implement to be compliant.

The Chief Officer Environmental & Operational Services drew Members attention to the list of recommended actions within the report. He further advised that it would soon be possible to recycle different types of plastics in the clear sacks, including tetra packs, due to a new plastic recycling facility that had opened in Rochester. There would be a communications campaign, funded by the Kent Resource Partnership, to promote this and help in educating what could go in the clear sacks for recycling. The assessment will be forwarded to the Environment Agency in the New Year to demonstrate compliance with the Regulations.

### Public Sector Equality Duty

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

Resolved: That, on the basis that if the recommended actions identified in the report were implemented, there was good evidence that the Council did not need to collect paper, card and plastic separately in order to promote high quality recycling.

### 48. Treasury Management Mid Year Update

The Portfolio Holder for Finance & Resources presented the report which detailed treasury activity in the first half of the current financial year, recent developments in the financial markets and fulfilled the reporting requirements of the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management.

Members noted and considered the relevant minute and the recommendations received from the Finance & Resources Advisory Committee who had considered the same report.

### Public Sector Equality Duty

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

Resolved: That the Treasury Management Mid-Year Update for 2014/15 be approved.

### 49. Financial Results 2014/15 - to the end of September 2014

The Portfolio Holder for Finance & Resources presented a report in response to a request from Cabinet to regularly review the budgetary position and covered the financial position at the end of September 2014.

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The Chief Finance Officer advised that at the end of September there had been a favourable variance of £873k, a variance which was predominantly due to fees and charges income (especially from Planning) being ahead of profile; pay costs due to unfilled vacancies; and Direct Services making a larger surplus than budgeted. This report indicated that the expected year end forecast was a favourable position of over £330k. The significant items giving rise to this favourable forecast were: Direct Services Trading account expecting a favourable variance of £101k; renegotiation of the partnership agreement with Dartford for Revenues and Benefit; and, discretionary rate relief, and external audit fees, which were reported to Finance and Resources Advisory committee as potential savings items in next years budget.

Members noted and considered the relevant minute and the recommendations received from the Finance & Resources Advisory Committee who had considered the same report.

The Chairman warned that any favourable variance could be eaten up by further cuts to the RSG.

### Public Sector Equality Duty

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

Resolved: That the comments made by the Finance & Resources Advisory Committee and the report, be noted.

### 50. Community Infrastructure (CIL) Governance

The Portfolio Holder for Local Planning & Environment presented the report which advised that until governance arrangements were agreed, the Council should set out a non-exclusive list of the types of infrastructure that would be funded through CIL and those that would be secured/funded through planning obligations. He advised that there was still ongoing discussion on the governance and a further working shop of the Advisory Committee membership would be meeting to discuss this soon, and would report to Cabinet.

The Chairman of the Local Planning & Environment Advisory Committee further advised that the working group were presently considering ideas such as using a pool of Members similar to the Licensing Committee arrangements for hearings, but further discussions were needed and there was another workshop on 25 November 2014.

Members noted and considered the relevant minute and the recommendations received from the Local Planning & Environment Advisory Committee who had considered the same report. It was felt that the recommendations were not as clear as the minute preamble in relation to the '25% of the £125'.

### Public Sector Equality Duty

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

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The Chairman moved the recommendations from the Advisory Committee subject to an amendment to (a) and it was

Resolved: That

- a) all Town and Parish Councils, irrespective of whether they have a Neighbourhood Plan in place, be given control over the 25% of the higher rate of CIL in line with the regulations; and
- b) the 'Regulation 123 List: Types of Infrastructure to be funded by CIL' as below, be adopted.

### 'Community Infrastructure Levy

The following types of infrastructure will be funded through CIL receipts:

- Transport schemes other than site-specific access improvements;
- Flood defence schemes;
- Water quality schemes;
- Education;
- Health and social care facilities;
- Police and emergency services facilities;
- Community facilities;
- Communications infrastructure (beyond that directly secured by agreement between the developer)
- Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).

The Council will not treat this list as exclusive and may use CIL to fund other types of infrastructure, subject to its governance arrangements. However the Council will not use CIL to fund site specific infrastructure to be secured through a planning obligation.

### Planning Obligations

SDC will use planning obligations for site specific infrastructure, such as:

- Site specific access improvements (these could also be secured through s.278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

Where required to accord with national or local policy, the Council will also use planning obligations to secure the re-provision of any infrastructure that is permitted to be lost through a planning permission granted for redevelopment of that site.



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In addition, affordable housing provision and contributions, and related monitoring and legal fees, will continue to be secured through planning obligations.'

### 51. Statement of Community Involvement (SCI) - final for adoption

The Portfolio Holder for Local Planning & Environment presented the report which outlined the proposed changes to the document arising from the comments made during a six week public consultation, and sought permission to adopt the SCI. The Council's Statement of Community Involvement in Planning (SCI) set out how the Council proposed to engage local people and organisations in the development planning process, both in Planning Policy and Development Management and had been originally adopted in 2006. In 2013/14 it had been reviewed in order to bring it up to date with current planning legislation and new consultation methods and then sent out for consultation.

Members noted and considered the relevant minute and the recommendations received from the Local Planning & Environment Advisory Committee who had considered the same report.

Concern was expressed at the weight given to ministerial statements, and it was agreed that this be removed.

#### Public Sector Equality Duty

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

Resolved: That the Statement of Community Involvement in Planning, as amended and set out in Appendix A to the report, subject to the amendment discussed above, be adopted.

### 52. Update on the Allocations & Development Management Plan (ADMP)

The Portfolio Holder for Local Planning & Environment presented the report which provided a summary of the comments received as part of the Main Modifications consultation and outlined the next steps for the adoption of the Allocations and Development Management Plan (ADMP), and the Joint Planning Policy Team Leader gave a brief overview. The three main modifications were to MM6, MM8 and MM13.

The Chairman pointed out and had confirmed that these were modifications made to the plan by the Inspector and not the Council.

Members noted and considered the relevant minute and the recommendations received from the Local Planning & Environment Advisory Committee who had considered the same report.

#### Public Sector Equality Duty

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

Resolved: That

- a) the comments received through the ADMP Main Modifications consultation be noted; and
- b) the Council's responses to the comments made during the ADMP Inspector's main modifications consultation as set in Appendix E to the report, be agreed, subject to the additional wording outlined above.

### 53. Gypsy and Traveller Plan

The Portfolio Holder for Local Planning & Environment presented the report which outlined the content of the recent government consultation (Planning and Travellers which was published 14 September and possible implications for the Council. The report also set out the alternative sites proposed through the call for sites, that could be subject to a supplementary consultation in the autumn/winter and outlined the proposed next steps to progress the Plan. It also contained details of the recent government amendment to the National Planning Practice Guidance for Members to note. It was anticipated to go out to consultation on 27 November 2014 and run for 8 weeks.

In response to a question the Joint Planning Policy Team Leader advised that there had been one appeal decision where a site had been refused and the Planning Inspectorate had granted temporary permission for three years, however the Secretary of State overturned this decision.

Members noted and considered the relevant minute and the recommendations received from the Local Planning & Environment Advisory Committee who had considered the same report.

#### Public Sector Equality Duty

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

Resolved: That the Council undertake a supplementary site options consultation, to provide an opportunity for interested parties to comment on potentially suitable alternative site options, put forward through the recent call for sites.

### IMPLEMENTATION OF DECISIONS

This notice was published on 17 November 2014. The decisions contained in Minutes 41, 43, 46, 48 - 52 take effect immediately. The decisions contained in Minutes 42, 44, 45, 47 and 53 take effect on 25 November 2014.

THE MEETING WAS CONCLUDED AT 8.23 PM

CHAIRMAN