

## CABINET

### Minutes of the meeting held on 16 April 2020 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllr. Dickins (Vice Chairman)

Cllrs. McArthur, Piper, Dyball and Thornton

Cllrs. Carroll, Clayton, Edwards-Winsor, Griffiths, Hunter and Osborne-Jackson were also present.

#### 73. Minutes

Resolved: That the Minutes of Cabinet held on 5 March 2020, be approved and signed as a correct record.

#### 74. Declarations of interest

There were no additional declarations of interest.

#### 75. Questions from Members

There were none.

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

There were none.

#### 77. COVID-19: Update Report

Members considered the report by the Chief Executive which detailed how the Council had adapted quickly to continue to deliver the services on which residents and local business relied. The Council had provided additional services to support people most in need and had responded in full to the demands placed on the Council by Central Government.

The Chief Executive set out that Business Impact Assessments had been completed for all services and that the Strategic Management Team and Cabinet Members had worked together to establish a list of priority services essential to the COVID-19 response. The functions of Dunbrik had been prioritised and it was notable that the green waste service was continuing.

The Council had played an important role in supporting business, writing to 4,000 businesses in the District in relation to business rate relief and business rate

holidays. This was allied to effective support to residents through the suspension of parking charges, provision of the HERO service and the development of a volunteer support scheme. Priority support had been delivered to the proportion of the 1.5m people the Government had identified as at extreme risk.

The Council had also worked hard to signpost businesses and residents to support delivered by other bodies such as KCC.

Public Sector Equality Duty

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

Resolved: That the report be noted.

78. COVID-19: Report on Urgency Decisions

Members considered the report detailing the three urgent decisions that were taken in compliance with Part 13, paragraph 12(d) of the Council's Constitution. The urgent decisions were also classified as 'Key Decisions' and as such, subject to a notice period of 28 days and 'call-in'.

The Chairman of Scrutiny Committee's consent had been given under Regulation 11 and notices had been published of the decisions as soon as they were made. Under the Local Authorities (Executive Arrangements) (Meetings and Access to information) (England) Regulations 2012, the Chairman of the Council had agreed that the decisions proposed were reasonable in all the circumstances and were to be treated as matters of urgency and not be subject to call-in.

Public Sector Equality Duty

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

Resolved: That the report be noted.

79. COVID-19 Supplementary Estimates

The Chief Officer Finance and Trading presented the report which sought amendments to the budget agreed by Council on 25 February 2020, due to the impact of the current pandemic.

He advised that the report was linked to the report on urgency decisions as they both related to the same three items which had not gone through the normal approval processes due to their urgency as part of the response to the Covid-19 pandemic.

He advised that from the Budget Stabilisation Reserve a total of £858,000 would be removed and £758,000 would be used to fund the temporary suspension of car parking charges along with £100,000 to support vulnerable people and communities. The Budget Stabilisation Reserve was used to support the balanced 10-year budget and by reducing the reserve, further budget decisions could be

required as part of the next budget setting process to ensure a balanced 10-year budget.

Public Sector Equality Duty

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

Resolved: That it be recommended to Council that supplementary estimates of £758,000 for suspension of car parking charges and £100,000 to support vulnerable people and communities funded from the Budget Stabilisation Reserve, be agreed.

80. Rural Housing Work Programme

The Head of Housing and Health presented the report which detailed the draft priority matrix to develop a new schedule of rural housing needs surveys. The District Council had worked to enable the delivery of affordable housing in its role as strategic housing authority, which had been carried out in partnership with several external housing providers, and Quercus Housing.

The Council's enabling role was gathering together a wide-range of evidence in order to best determine future housing requirements, brought together from a number of sources. In the past the Council had typically worked on an ad hoc basis when undertaking rural housing needs surveys and led by the Parish Councils.

Any commissioning of rural housing needs surveys had been put on hold until a draft priority matrix was adopted. A timetabled programme of surveys would be created and results shared with all interested parties as well as being published on the Council's website. Under the rolling programme, parishes which were eligible to develop rural exceptions housing would then be surveyed in future years.

Public Sector Equality Duty

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

Resolved: That

- a) the draft priority matrix as set out in Appendix A to the report, be noted; and
- b) delegated authority be granted to the Chief Officer People & Places to populate the matrix template in order to create a working schedule of future surveys and to update as and when necessary.

81. Sevenoaks District Council UK Resettlement Scheme Protocol

The Head of Housing and Health presented the report which sought adoption of the updated Sevenoaks District Council UK Resettlement Scheme Policy, following the current national Syrian Vulnerable Persons Relocation Scheme coming to an end in

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May 2020 and being replaced by the 'UK Resettlement Scheme.' The Policy would enable the Council to support the resettlement of refugee families if suitable and affordable housing was identified. The policy included the delegation of powers to the Portfolio Holder responsible for Housing and Health after consultation with Local Members.

The policy detailed how the Council would work closely with local partners including Kent County Council (KCC) and the contracted support provided. Properties put forward under the scheme would be considered on a case-by-case basis and approved under the Policy, once the property had been assessed for its affordability and suitability for the scheme, in consultation with KCC and the local health/support providers.

### Public Sector Equality Duty

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

Resolved: That

- a) the updated Sevenoaks District Council UK Resettlement Scheme Policy as set out in Appendix A to the report, be adopted; and
- b) the Portfolio Holder for Housing and Health be granted delegated authority to make decisions relating to the Sevenoaks District Council UK Resettlement Scheme Policy, after consultation with Local Members.

## 82. Temporary Accommodation Placement Policy

The Head of Housing and Health presented the report which detailed the new proposed Temporary Accommodation Placement Policy which had been developed to improve outcomes for customers by ensuring they were supported to move into suitable and more permanent housing. The Policy set out the Council's framework when placing households in temporary accommodation to make best use of the properties available to ensure they were provided to those with greatest need, whilst achieving the best outcomes for customers.

### Public Sector Equality Duty

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

Resolved: That the Temporary Accommodation Placement Policy be approved.

## 83. Financial Results 2019/20 - to the end of January 2020

The Finance & Investments Portfolio Holder presented a report on the Council's 2019/20 financial results to the end of January 2020, which showed the end of year position currently forecast to be a favourable variance of £32,000; this

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represented just under 0.3% of our net service expenditure budget totalling £15,627,000.

The Head of Finance indicated that this included £90,000 of interest from loans to Quercus 7 for property investments. If this was excluded there would be an unfavourable variance forecast of £58,000.

### Public Sector Equality Duty

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

Resolved: That the report be noted.

### 84. Carry Forward Requests 2019/20

The Portfolio Holder for Finance & Investments presented the report which sought approval from Cabinet for carry forward requests.

The Head of Finance advised that there were five specific revenue carry forward requests and gave details. He explained that, subject to the impacts of COVID-19 and the extensive work of the Council during the crisis, approving the carry forwards would assist the Council in managing within budget during 2020/21 while delivering improved services to residents.

The Head of Finance also stated that the figure for Building Control in paragraph 3 of the report was incorrect and should be £31,000.

### Public Sector Equality Duty

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

Resolved: That

- a) the Revenue 'carry forward' requests totalling up to £295,000 as set out in paragraph 3 of the report be approved; and
- b) the Capital carry 'carry forward' request totally £134,000 as set out in paragraph 4 of the report, be approved.

### 85. Use of Article 4 to restrict permitted development rights for a change of use from office to residential

The Portfolio Holder for Development and Conservation presented the report which outlined the proposal to serve Article 4 directions, to restrict permitted development rights for a change of use from office to residential, to protect office accommodation in three key areas in the District.

The Planning Policy Team Leader further advised that the areas to be protected were: Land at the junction of London Road and Hitchen Hatch Lane, Sevenoaks (BT

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Building); Land on London Road, in and around the junctions with Pembroke Road and Argyle Road, Sevenoaks (these offices and surroundings); and Crown Inn, Westerham Trading Centre.

These three areas were previously exempt from this permitted development right, but the exemption expired in May 2019, as so the proposal was to continue the exemption through the application of an Article 4 Direction to protect the supply of office accommodation in the District.

Members were advised that the Development and Conservation Advisory Committee had also considered the same report and recommended it to Cabinet.

### Public Sector Equality Duty

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

Resolved: That Article 4 directions to restrict permitted development rights for a change of use from office to residential, as outlined in the report, be agreed.

### 86. White Oak Leisure Centre: New build and operator procurement contract awards

The Portfolio Holder for People & Places asked Members to consider the report which sought approval, to construct a new leisure centre, demolition of the existing White Oak Leisure Centre and to appoint a leisure operator for the new centre. Members' attention was brought to the supplementary agenda published that day.

The Chief Officer for People & Places explained that the report also sought approval to use income from the operator and the proceeds of identified Council-owned developments in Swanley to fund the costs of the works.

The report set out the need for the Centre, the proposed facility mix and programme for the works. It included the detailed costings and funding sources. Planning permission had been granted on 13 February 2020. The construction of the new leisure centre and demolition of the existing leisure centre cost, together with fees and charges, was due to be £20m, if the works contractor was appointed by May 2020. A delay of one year would represent an increase in cost of some £919,000 using the BCIS All-in Tender Price Index. However, progressing the project as planned with additional construction safety measures introduced by the Government in place, would minimise any financial impact and risk, but would see the Phase 1 completion of date of November 2021 put back by approximately 12 weeks.

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

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

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

The proposed design of the new leisure centre, included a Tag Active zone, multi-purpose rooms, a pool, café, soft play area and parking provisions for 144 vehicles and two coach spaces. There was a focus on making the building as flexible as possible in its use.

Following a three stage procurement process, the preferred operator was Sport and Leisure Management (SLM). If approved the contract award net payment to the Council would be £508,248 a year on average.

The Chief Officer Finance and Trading mentioned that the current uncertainty in the property market due to COVID-19 may have an impact on the level of capital receipts achieved from the disposal and development of the intended sites which may result in alternative funding sources being required.

The report had also been considered by the Improvement and Innovation Advisory Committee and the People and Places Advisory Committee and had put forward their comments to Cabinet. These comments were also circulated to the Finance and Investment Advisory Committee.

Note: The meeting was formally adjourned at 8.00pm and reconvened at 8.05pm in order to allow Members to show their appreciation of the NHS and all Key Workers involved in the COVID-19 response.

### Public Sector Equality Duty

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

Resolved: That it be recommended to Council to

- a) enter into a Development Management Agreement with Alliance Leisure Services Limited (ALS) for the construction of a new leisure centre and demolition of the existing White Oak Leisure Centre, at a cost of £19,852,464 including improvements to the 4 court sports hall at Orchards Academy; in addition, the sum of £147,536 to be used by the Council for any ancillary work outside the ALS contract, making a project total of £20m as set out in Table 3;
- b) enter into a Leisure Operating Contract with Sport and Leisure Management Ltd (SLM), the preferred operator, to operate the new

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White Oak Leisure Centre providing income of £7.623m over 15 years. The income from that Leisure Operating Contract is to be used to service the loan taken out for the purposes of building the leisure centre;

- c) approve the development and subsequent disposal of sites in Swanley as set out in paragraph 53, the proceeds of which will be earmarked within the Council's capital receipts to fund the cost of the leisure centre;
- d) approve the funding for the scheme as follows:
  - i) CIL funding £0.9m
  - ii) Capital receipts £10.63m
  - iii) External borrowing £8.0m
  - iv) Total £19.53m

To note the split of funding may change due to actual development and disposal proceeds and the cost of borrowing at the time loans are taken out and that additional funding may be required if the above amounts were not achieved; and

- e) delegate authority to the Chief Executive in consultation with the Leader of the Council to make necessary changes to the Development Management Agreement with Alliance Leisure Services (ALS), to the Leisure Operating Contract and to the funding of the project provided that such changes do not place any financial burden on the Council other than the use of those sources mentioned in this report.

THE MEETING WAS CONCLUDED AT 8.35 PM

CHAIRMAN

### IMPLEMENTATION OF DECISIONS

This notice was published on 20 April 2020. The decisions contained in Minutes 78, 80, 82, 83, 84 and 85 take effect immediately. The decision contained in Minute 81 takes effect on 28 April 2020. The decisions contained in Minutes 77, 79 and 86 are references to Council.