

CABINET

Minutes of the meeting held on 10 February 2022 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllr. Dickins (Vice Chairman)

Cllrs. McArthur, Dyball, Maskell and Thornton

Cllr. Purves was also present.

Cllr Grint was present via a virtual media platform which does not constitute attendance as recognised under the Local Government Act 1972.

66. Minutes

Resolved: That the Minute of the meeting of Cabinet held on 13 January 2022, be agreed and signed by the Chairman as a correct record.

67. Declarations of interest

There were no additional declarations of interest.

68. Questions from Members (maximum 15 minutes)

There were none.

URGENT ITEM

In accordance with Section 100B(4) of the Local Government Act 1972, the Chairman agreed to accept the urgent matter 'Retail, Hospitality and Leisure Business Rates Relief Scheme 2022-2023', which had been circulated but had missed the statutory despatch deadline.

The matter was urgent as the scheme needed to be agreed in order for the annual billing which needed to be completed before the end of February, and therefore it could not reasonably wait until the next meeting of Cabinet.

The urgent matter was taken as agenda item 6 (Minute 71).

CHANGE IN ORDER OF AGENDA ITEMS

The Chairman, with the Committee's agreement, amended the order of agenda items and in particular brought forward consideration of Scrap Metal Dealer Fees to agenda item 5 (Minute 70). The item on Discretionary Rate Relief was taken as agenda item 7 (Minute 72). White Oak Leisure Centre was taken as agenda item 17

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(Minute 82). Budget and Council Tax Setting was taken as agenda item 18 (Minute 83).

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

There were none.

70. Scrap Metal Dealer Fees 2022 - 23

The Portfolio Holder presented the report which sought approval for the Scrap Metal Dealers licence fees. The Senior Licensing Officer set out that the proposed fees were set locally on a cost recovery basis and included a 2% inflationary cost. There were currently two site licences in Sevenoaks District. Members were advised that the Cleaner & Greener Advisory Committee had considered the same report.

Resolved: That the fees as set out below be approved.

Type of Application	2021/2022 Current Fee	2022/2023 Proposed Fee
Site Licence - Grant (3 years)	£497	£507
Site Licence - Renewal (3 years)	£420	£428
Collectors Licence Grant/Renewal (3 years)	£303	£309
Minor administrative change to licence	£33	£34
Variation - change of site manager	£180	£184
Variation from collector to site licence	£215	£219
Variation from site to collector licence	£139	£142

71.

Retail, Hospitality and Leisure Business Rates Relief Scheme 2022-2023

The Portfolio Holder for Finance & Investment presented the report that detailed a business rate relief scheme for eligible retail, hospitality and leisure properties for 2022/23.

The Business Rates Manager advised that Government guidance states that it would be for each billing authority to adopt a local scheme for Retail, Hospitality and Leisure Business Rate Relief and decide in each individual case when to grant relief under Section 47 of the Local Government Finance Act 1988 (as amended). The value of the relief for 2022/2023 was 50% of the net rates liability, up to a cash limit of £110,000 per business.

Public Sector Equality Duty

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

Resolved: that the Retail, Hospitality and Leisure Business Rates Relief Scheme 2022-2023, be approved.

72. Discretionary Rate Relief

The Portfolio Holder presented the report which set out the proposal for awarding discretionary rate relief for 2022/2023. Discretionary rate relief could be awarded in isolation of given to 'top up' a mandatory award. The Finance & Investment Advisory Committee had considered the same report.

The Business Rates Manager advised that the Citizens Advice for North and West Kent had moved premises and as detailed in Appendix B, page 21, it was now First Floor, 5 Bligh's Walk Sevenoaks, TN13 1DB. This would require a slight alteration to rate relief from £911.36 to £1921.15. This would mean that total gross relief would be altered from £194,625 as laid out in paragraph 19 of this report to £195,635.

The estimated level of relief was based upon the multipliers set out in paragraph 17 of the report. Ultimately, should the multipliers change a further report setting out the revised relief awards would be submitted. In response to questions Councillors were informed that these properties would not benefit from other grants and that any changes will be updated throughout the year.

Public Sector Equality Duty

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

Resolved: That the proposals for granting relief from business rates for 2022/2023 as set out in Appendix B, with the alteration to the address of the Citizens Advice and the corresponding alteration to 2022/2023 gross relief to £195,635, be approved.

73. Report on Special Urgency Decisions

Members considered the report detailing the urgent decision 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.

74. Sevenoaks District Health and Wellbeing Action Plan Draft 2022/23

The Portfolio Holder presented the report which set out the Action Plan which collated the available data on health and wellbeing and used this data to target specific actions aimed to improve the health and wellbeing of Sevenoaks District residents. This Action Plan would determine focus, attendees and multi-agency partnership work undertaken in the district.

The Housing & Health Advisory Committee had considered the same report and congratulated the team for their hard work and co-ordination on the project. The Health and Communities Manager answered questions of clarification.

Public Sector Equality Duty

Members gave consideration to impacts under the Public Sector Equality Duty.

Resolved: That the Health and Wellbeing Plan for 2022/23 be approved.

75. Summary of the Sevenoaks District Emerging Housing Strategy 2022 - 26

The Portfolio Holder for Housing & Health presented the report which set out a summary of key priorities and themes of Sevenoaks District Council's emerging Housing Strategy. The Strategy represented the emerging objectives and key themes for Sevenoaks District. Members were advised that the Housing & Health Advisory Committee had considered the same report and noted the lack of options for first time buyers. An initial consultation event had also been undertaken in January inviting all members for their feedback.

The Housing Strategy Manager advised that The Council appointed recognised consultants, Arc4 and Campbell Tickell, to work with officers to support the collation of the evidence base, consultation and drafting of the strategy. Further consultation would help shape the new Housing Strategy which would identify how the Council would manage and deliver its strategic housing role and provide an overarching framework that would feed into the Local Plan and help to formulate other policies on housing issues. She advised that the draft timetable would need to be amended as public consultation would be extended into April 2022.

Public Sector Equality Duty

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

Resolved: That

- a) the draft priorities and summary of the emerging Housing Strategy, be considered.

- b) any minor amendments to the summary being incorporated by the Housing Strategy Manager following consultation with the Portfolio Holder for Housing and Health and Chief Officer - People and Places, be approved; and
- c) the draft priorities and summary be made available for public consultation in order to further shape the development of the emerging Housing Strategy, be approved.

76. Sevenoaks District Housing Register Allocations Scheme

The Portfolio Holder presented the report which set out that the proposed scheme would apply to all applicants seeking social housing in the District and the allocation of vacant social housing stock. The Housing Register Allocations Policy directed applications for, and the allocation of, vacant social housing in the District. It applied to approximately 6,500 homes. The Policy was used in conjunction with the local choice based lettings scheme - Kent Homechoice - and was followed by the District Council's Housing Accommodation Team and the Council's housing provider partners, including Quercus Housing. The Portfolio Holder advised that the Housing & Health Advisory Committee had considered the same report. An initial consultation event had also been undertaken in January inviting all members for their feedback, alongside a further event with Registered Providers operating in the District.

The Housing Strategy Manager advised that the draft timetable would need to be amended as the public consultation would be extended in April 2022. The new Scheme has been drafted to ensure that access to social housing supported the needs of residents and the corporate aims of the Council, as well as reflecting legislation. There was an extremely limited supply of social housing within the Sevenoaks District and this scheme was designed to work with the Council's housing providers to make the best use of the stock available and promote Sevenoaks District as an attractive place to live.

Public Sector Equality Duty

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

Resolved: that

- a) the draft Sevenoaks District Housing Register Allocations Scheme, be considered;
- b) any changes to the draft scheme arising, being incorporated by the Housing Strategy Manager, following consultation with the Portfolio Holder for Housing & Health, be approved; and
- c) the draft scheme be made available for public consultation.

77. Financial Results 2021/22 to the end of November 2021

The Portfolio Holder for Finance & Investment presented the report which updated Members on the financial results of the council's expenditure. The Deputy Chief Executive and Chief Officer - Finance & Trading set out that the year-end forecast position was an unfavourable variance of £32,000 against the Council's net service expenditure budget totalling £17.015m. The Finance & Investment Advisory Committee had considered the same report.

He explained that the financial position continued to be actively monitored as the Council approached the end of the year and a small surplus was currently forecast. The largest current unfavourable forecast was in Direct Services as this Council had continued to deliver these key frontline services to the same standard as normal when many other Councils have reduced or stopped their services. This overspend was being offset by Covid grants such as the income compensation scheme.

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. Treasury Management Strategy

The Portfolio Holder for Finance & Investment presented the report that outlined the Council's Treasury Management Strategy which sets out the Council's Policies for managing its investments and for giving priority to the security and liquidity of those investments. The Principal Accountant (Capital and Treasury) advised that the Annual Investment Strategy remained largely the same as for 2021/22 with Bond, Property, Equity and Multi-Asset Funds as alternative Investment options being retained. Changes to the Treasury Management and Prudential Codes would take effect from 2023/24.

Members were also advised that in regards to calculating Minimum Revenue Provision (MRP) assets were only deemed as operational once they had received a full practical completion certificate. Members also indicated that they would set a benchmark target of an overall return of 2% above the SONIA rate.

Resolved: That it be recommended to Council that the Treasury Management Strategy for 2022/23 be approved as updated in the light of comments.

79. Property Investment Strategy Update Report

The Portfolio Holder for Finance & Investment presented the report which updated Members with an update on the progress of the Property Investment Strategy to date.

The Deputy Chief Executive and Chief Officer - Finance & Trading advised that investments previously made through the Property Investment Strategy continued to provide a good revenue income stream to the Council and assist it in remaining

financially self-sufficient. The budgeted net income for the 2021/2022 year was £1.372m and a higher amount of £1.386m was forecast to be achieved. By externally borrowing to part-fund White Oak Leisure Centre and other schemes, the Council was prevented from making further direct investments primarily for yield. Thus, no changes to the strategy criteria were proposed. The situation would continue to be monitored with the aim to make further investments via the Council or Quercus 7 in future.

Resolved: That

- a) The report be noted;
- b) It be recommended the Council that the changes to the Property Investment Strategy criteria, as discussed above be agreed.

80. Bevan Place, Swanley Development Proposal

Members considered the report which outlined the Council's plans to redevelop the former Swanley Working Men's Club site and adjacent car park at Bevan Place.

The Strategic Head of Commercial and Property advised that paragraph 4 of the report should be altered to read as: "The proposed scheme included up to 93 homes."

The scheme would also incorporate retail uses along the High Street, a communal garden and landscaped surface car-parking for residents. The scheme would include the highest environmental and sustainability standards possible to ensure the scheme was not only an exemplar benchmark scheme for Swanley, but would also enhance residents' well-being.

Officers were seeking approval to progress the scheme, applying for planning permission and procuring a lead design contractor to deliver the scheme subject to obtaining all the necessary statutory consents. Practical completion was expected by 2024.

The Portfolio Holder for Finance & Investment advised that the Finance & Investment Advisory Committee and Housing & Health Advisory Committee had considered the same report. Members of the Finance & Investment Advisory Committee had looked in detail at the information detailed within the exempt appendices. There were concerns expressed over the financial projections of the proposals as a longer-term ambition. The Committee agreed that Cabinet needed to satisfy themselves with the robustness of the assumptions and the robustness of the mitigations for the risks, and the case for locking in the current rates for borrowing and include its findings.

Public Sector Equality Duty

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

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Resolved: that

- (i) the development of a new residential-led scheme on this site which would deliver up to 93 new homes, retail uses, communal and public garden, resident car parking and highway improvements to Bevan Place, be endorsed;
- (ii) the viability challenges this site and scheme presents, be noted and the delivery of this scheme using an income-based financing model (rent model) that will result in the Council retaining housing and retail stock to generate income to repay the cost of the development, be approved;
- (iii) it be recommended to Council that the provision of £26,575,836 in the 2022/23 - 2024/25 Capital Programme to deliver the scheme within the parameters set in Section 57 of this report, be approved and that this was in addition to the previously approved amount of £730,000 in the 2021/22 Capital Programme for this project, be noted;
- (iv) the acquisition/inclusion of the adjacent West Kent Housing Association land and buildings, known as 1-12 Bevan Place, Swanley, be approved and to enter into a development agreement with West Kent Housing Association that will result in 14 residential units being transferred to West Kent Housing Association on a leasehold basis, the terms of which were outlined in the draft Heads of Terms in the confidential Appendix C and delegates authority to the Strategic Head of Property and Commercial Services and the Chief Officer Finance and Trading following consultation with the Cabinet Member for Finance & Investment to agree and finalise necessary agreements with West Kent Housing Association;
- (v) it be recommended to Council that officers be authorised to acquire any outstanding legal interests that may not be in the Council's ownership, which may include using its statutory powers, such as the use of compulsory purchase orders;
- (vi) Subject to Council's approval of the capital provision of £26,575,836 in the 2022/23 - 2024/25 Capital Programme, Cabinet delegate authority to the Strategic Head of Property and Commercial and the Chief Officer Finance and Trading, following consultation with the Cabinet Member for Finance & Investment to undertake further detailed design and feasibility work and to proceed with the scheme subject to final scheme viability and in accordance with financial parameters set in Section 57; and

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- (vii) Subject to Council's approval of the capital provision of £26,575,836 in the 2022/23 - 2024/25 Capital Programme, Cabinet delegates authority to the Strategic Head of Property and Commercial in consultation with the Chief Officer Finance and Trading and the Head of Legal Services to submit a planning application and to enter into any necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules and for the disposal of the residential units to be developed.
- (viii) Subject to Council's approval of the capital provision of £26,575,836 in the 2022/23 - 2024/25 Capital Programme, Cabinet delegates authority to the Strategic Head of Property and Commercial following consultation with the Chief Officer Finance and Trading and the Cabinet Member for Finance & Investment to prepare appropriate contractual arrangements to set up an appropriate delivery vehicle for the scheme and to return to Cabinet at a later date to approve the appropriate delivery vehicle.
- (ix) That it be recommended to Council that Council notes the proposed development scheme and financial model and approves the provision of £26,575,836 in the 2022/23 Capital Programme to deliver the scheme within the parameters set in Section 57 and detailed in Appendix D; and
- (x) It be recommended to Council to authorises officers to acquire any outstanding legal interests that may not be in the Council's ownership, which may include using its statutory powers, such as the use of compulsory purchase orders and return to Cabinet or Council to resolve invoking such powers if needed.

81. White Oak Leisure Centre Residential Quarter, Swanley - Development Proposal

Members considered the report that gave an update on SDC's project to redevelop the White Oak Leisure centre complex in Swanley.

The Strategic Head of Commercial and Property advised that work on Phase 1, construction of the new leisure centre, had completed and was due to open on Saturday 12 February 2022. Phase 2, demolition of the existing leisure centre and provision of a new car park, had commenced. The report sought approval to proceed with Phase 3, the residential element of the scheme, which would include 81 new homes. A hybrid planning application was granted permission in October 2019. A full planning application was to be sought by July 2022 and, subject to planning being obtained, works could start on site early in 2023.

The proposed development aimed to provide:

- New homes including both flats and houses with private gardens

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- Communal green space at the centre of the site
- Car parking
- Trees
- Enhancement of the urban fabric surrounding the new leisure centre

The Portfolio Holder for Housing & Health advised that both the Housing & Health, and Finance & Investment Advisory Committees had considered the same report, and in response to questions it had been confirmed that the initial 41 units that had been suggested were no longer financially viable. The Strategic Head of Property and Commercial explained that the cost and valuation assumptions needed to be revised to reflect current market conditions and site conditions.

Public Sector Equality Duty

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

Resolved: That

- a) the viability issues associated with this site and endorses the development of a new residential scheme on this site which will deliver 81 new homes, be noted;
- b) it be recommended to Council that the provision of £20,189,137 in the Capital Programme to deliver the scheme which was note be funded as noted in the Financial Implications, be approved;
- c) subject to Council's approval of the capital provision of £20,189,137 in the Capital Programme, Cabinet delegate authority to the Strategic Head of Property and Commercial and the Deputy Chief Executive and Chief Officer - Finance & Trading, following consultation with the Cabinet Member for Finance & Investments to undertake further detailed design and feasibility work and to proceed with the scheme subject to final scheme viability; and
- d) Cabinet delegate authority to the Strategic Head of Property and Commercial in consultation with the Deputy Chief Executive and Chief Officer - Finance & Trading and the Head of Legal and Democratic Services to submit a planning application and to enter into any necessary contracts to facilitate the development and construction of the proposed scheme in accordance with the Council's Contracts Procedure Rules and for the disposal of the residential units to be developed.

82. White Oak Leisure Centre

Members considered the report which provided an update on the progress made on the scheme of the White Oak Leisure Centre and additional costs associated with the construction. Works had commenced on site in May 2022 and construction had taken place at a steady pace.

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The Strategic Head of Commercial and Property advised that the Council had demonstrated prudent financial and project management discipline on this project and had under originally planned circumstances incurred a total project cost variance of 2.1%. However, unforeseen abnormal site conditions were encountered during ground works, resulting in unexpected costs and delays to the programme. The new leisure centre was now due to achieve practical completion on 11 February 2022. Despite unforeseen circumstances the Council had avoided disruptions and had been able to keep the disruption to leisure services for residents in Swanley to a minimum.

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

- a) progress made on the scheme despite difficult market conditions associated with the Covid-19 pandemic and abnormal site conditions encountered and the Council's ability to minimise disruptions to leisure services for the local community, be noted;
- b) due to unforeseen circumstances that additional costs associated with the construction of the scheme had to be incurred, be noted;
- c) an increase to the Capital Programme by up to £2,995,379, be approved, and it be recognised that a significant proportion of the amount was risk assessed contingency and may not materialise.

83. Budget and Council Tax Setting

The Portfolio Holder for Finance & Investment presented the report which was the final stage of the budget process that had seen significant member involvement. If approved the net expenditure budget for 2022/23 would be £17.3m with the District's Council Tax increasing by 2.2% resulting in Band D Council Tax being £229.86, an increase of £4.95. This report once again leaves the council with a fully funded self-sufficient budget over the next 10 years.

The Deputy Chief Executive and Chief Officer - Finance & Trading advised that it had once again been a challenging budget process with a number of changes made at each stage, which were listed in Appendix E including those supported at the last Cabinet meeting in January.

The Final Local Government Finance Settlement was announced earlier this week and there were no significant changes from the provisional settlement affecting this council.

It was noted that appendices N to R were not included for the meeting but would be included in the Council version of the report after the other preceptors have set their Council Tax.

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The report included his opinion, as the Statutory Finance Officer, on the robustness of the budget estimates and adequacy of reserves. It was noted that this report once again left the council with a fully funded self-sufficient budget over the next 10 years, a rare achievement in Local Government.

Public Sector Equality Duty

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

Resolved: That

- a) The saving proposals in Appendix E(ii) be included in the budget; and
- b) it be recommended to Council that
 - i. the Summary of Council Expenditure and Council Tax for 2022/23 set out in Appendix F be approved.
 - ii. the 10-year budget 2022/23 to 2031/32 which is the guiding framework for the detailed approval of future years' budgets set out in Appendix C to the report, including the growth and savings proposals set out in Appendix E to the report, and that where possible any variations during and between years be met from the Budget Stabilisation Reserve, be approved;
 - iii. the Capital Programme 2022/25 and funding method set out in Appendix J(i) and Capital Strategy 2022/23 set out in Appendix J(iii), be approved;
 - iv. the changes to reserves and provisions set out in Appendix K, be approved; and
 - v. the Local Council Tax Reduction Scheme 2021/22, be rolled forward to 2022/23, with effect from 1 April 2022 (Appendix M).

IMPLEMENTATION OF DECISIONS

This notice was published on 14 February 2022. The decisions contained in Minutes 70, 71, 72, 73, 75, and 77 take effect immediately. The decisions contained in Minutes 74, 76 and 80 take effect on 24 February 2022. The decisions contained in Minutes 78, 79, 81, 82 and 83 are references to Council.

THE MEETING WAS CONCLUDED AT 8.23 PM

CHAIRMAN