

COUNCIL

Minutes of the meeting held on 22 February 2022 commencing at 7.00 pm

Present: Cllr. Esler (Chairman)

Cllr. Hunter (Vice Chairman)

Cllrs. Abraham, Ball, Bayley, Bonin, Dr. Canet, Carroll, Cheeseman, Clack, Penny Cole, Perry Cole, G. Darrington, P. Darrington, Dickins, Dyball, Edwards-Winsler, Eyre, Fleming, Griffiths, Grint, Hogarth, Hudson, Kitchener, Layland, Maskell, McArthur, McGarvey, McGregor, Morris, Nelson, Osborne-Jackson, Pender, Pett, Purves, Raikes, Reay, Roy, Thornton, Waterton and Williamson

Apologies for absence were received from Cllrs. Andrews, Barnes, Barnett, Brown, Clayton, Coleman, Collins, Fothergill, Harrison and London

36. To approve as a correct record the minutes of the meeting of the Council held on 16 November 2021.

Resolved: That the Minutes of the meeting of Council on 16 November 2021, be approved and signed as correct record.

37. To receive any declarations of interest not included in the register of interest from Members in respect of items of business included on the agenda for this meeting.

No additional declarations of interest were made.

38. Chairman's Announcements.

The Chairman announced the loss of Councillor Faye Parkin, who had suddenly passed away on 27 January 2022. Faye Parkin was elected in 2003 and the Leader of the Council shared some of his memories and joined the Chairman in a moments silence as a mark of respect.

With immense pleasure the Chairman announced that the White Oak Leisure Centre opening, held on 12 February 2022, was a great success. She spent the day, along with many others invited to the opening, being given a tour of all the facilities. Invitees were able to sample all the equipment, and many did. She was delighted to meet Colin Jackson and other well-known sporting figures. The occasion had a wonderful buzz and she understood that more than 5000 booked to attend and participate in the free opening offer. The new White Oak Leisure Centre features a huge array of facilities designed for everyone in the local community to enjoy.

Council - 22 February 2022

At the end of last week Storm Eunice caused some disruption to the District. Many trees were felled, a small number of homes were damaged and hundreds of people were left without power in their homes. The Chairman thanked Council Officers for their response to the storm, which focussed on seeking to keep residents safe.

Partner authorities in Kent also played their part. The clean-up and restoring power to homes continued into this week and she was am grateful for the continuing efforts of all those involved.

After two difficult years for many of our residents and local businesses; Government have set out their path for living with the Covid 19 virus. The Chairman was very grateful to Council Members and Officers, and colleagues in organisations across the District, that had provided support to those in need and kept services running. People would continue to need support moving into the next phase of the pandemic, but, she hoped for much of the year ahead, that leading more normal lives could begin again.

To date over 300 invitations had been received and 195 had been attended, with more invitations in the diary to attend. The 'Making it Happen' Voluntary and Community Awards event would be on Wednesday 9 March 2022 at St. Nicholas' Church, Sevenoaks, recognising residents and organisations in the District that had gone the extra mile. Finally, the Chairman advised of her next charity events and invited all Members to attend.

39. To receive any questions from members of the public under paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

Two questions had been received from a member of the public, Mr David Green Chairman of the Sevenoaks Society, in accordance with paragraph 17 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Mr Green

On 25 February 2020 the Council resolved (resolution 41b)) 'That a definitive statement be sought from the owner of the former Farmers public house site, of their timelines to dispose of the site or to fully implement the planning permission'. What steps (other than the successful pursuit of payment of the Community Infrastructure Levy have been taken by the Council in the subsequent two year period to obtain such a definitive statement and with what result?

Response: Leader of the Council

'As Members know there is nothing written in legislation that gives us the authority to make or enforce them to make commence development of the site. We did seek out a statement from them as to the timescales and they responded verbally in June 2021 stating they intended to submit a new planning application, nothing has been received. They have been in contact regarding a future development of the site - a pre application for 69 units. The site has not been submitted as part of the call for sites. We have contacted them again in September 2021 as the site was getting untidy, and have had no response to that contact. However, we contacted

them again today following the storms and they have advised that they have contracted with a fencing company to reinstate the fencing on site. We have also undertaken successful legal action to the tune of nearly £500,000 of CIL (Community Infrastructure Levy) payments on that site.'

Question 2: Mr Green

Is there any reason (and is so what reason) to believe that works on the site will recommence during the next two year period?

Response: Leader of the Council

'Members, if you cast your mind back to the last time these questions were asked at Full Council, you will remember that the questioner stated that they were surprised that there weren't many developers lining up to develop the site. I can assure the speaker that that is just not the case. We have spoken to many developers about the site and the opportunities that the site affords and all have come back saying the value the current owners have placed on the site, it would not be viable to take forward either of the two planning permissions that were received on appeal. Including the planning permission that triggered the CIL payment when they commenced works on the site.

If I was to try and answer the question as to whether I believe, personally believed, they would be starting works on site in the next two years, I have to say that history would not be on the side of those that thought they would. However, with the successful legal action an extra £500,000 worth of costs on top of the costs that they have already incurred on the site. I am hoping that this will force them at some stage either to develop out a viable application for the site, which I'm sure the Sevenoaks Society will support, or sell the site for redevelopment by another party.'

Cllr Purves moved, and it was seconded by Cllr Dr Canet, that the question asked by David Green on behalf of the Sevenoaks Society be referred to Cabinet or Scrutiny.

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

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

No petitions had been received.

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

a) **Air Quality Action Plan - Request to consult**

Cllr Fleming moved and Cllr McArthur seconded the recommendation from Cabinet, which sought the approval for Environmental Health Team to be authorised to

undertake public consultation on the draft Air Quality Action plan and the contents be noted.

Resolved: That the contents of the 'Draft Air Quality Action Plans be noted and the Environmental Health Team be authorised to undertake public consultation of the draft plan.

b) White Oak Leisure Centre

Cllr Fleming moved and Cllr Dickins seconded that the recommendation from Cabinet. The report set out progress made on the scheme despite difficult market conditions due to unforeseen circumstances that additional costs had been incurred. Approval was sought to increase the Capital Programme by up to £2,995,379 recognising that a significant proportion of the amount was a risk assessed contingency and may not materialise.

Cllr Fleming spoke to the motion advising that looking forward there was an exciting future in the north of the District for sport and health, and any project would look at providing Council Tax payers the best value for money. Undertaking a large scale project in a pandemic and with new trade arrangements had presented challenges which had since been overcome. There were some extra costs which could have been avoided and Officers were looking at how best to recover these costs. Members were advised that the amount was a risk assessed contingency and may not materialise.

In response to questions Members were advised that contingency payments were from lessons learned and the contingency was for the demolition of the old centre. There was a better idea of site conditions and going forward and so the Leader was confident that the risk assessment contingency would not fully materialise. He stated that there were a number of extra costs, which he believed were avoidable and it was being looked into for how to best recover that money on behalf of council tax payers. Specialist contractors must be used when it comes to the removal of asbestos in the safest possible way.

It was stated that a number of bore holes and ground penetrating radars were used on site. Conversations would be taking place to discuss why these had not picked up the voids found. The problem was exasperated by the lack of accurate maps held by the owners of the site.

Resolved: 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.

c) Bevan Place, Swanley Development Proposal

Cllr Fleming moved, and Cllr Dickins seconded the recommendation from Cabinet for the provision of £26,575,836 in the 2022/23 Capital Programme to deliver the scheme within the parameters as set out in section 57 and Appendix D, be approved and that Officers be authorised to acquire any outstanding legal interests that may not be in the Council's ownership.

Resolved: That

- a) the proposed development scheme and financial model be noted, and 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, be approved; and
- b) 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 and return to Cabinet or Council to resolve invoking such powers as needed.

d) Swanley White Oak Leisure Centre, Residential Quarter, Swanley, Development Proposal

Cllr Fleming moved and Cllr Dickins seconded the recommendation from Cabinet that the approval of the provision of £20,189,137 in the Capital Programme to deliver the scheme which was to be funded as noted in the financial implications of the report. The report sought approval to proceed with phase 3, the residential element of the scheme which would include up to 81 homes.

The Chairman gave Members the opportunity to ask factual questions on the report before formally moving into debate. It was confirmed by the Leader that the residential quarter had been agreed to provide part of the funding for the new White Oak Leisure Centre. The outline planning permission had previously been agreed and now the council was in a different position to when the application had been made. Once funding had been agreed, it would then enable the scheme to go through the planning process.

The Chairman welcomed any debate on the item and some Members took the opportunity to raise concerns regarding the mix of properties earmarked for the site, viability and affordable housing.

Resolved: That the provision of £20,189,137 in the Capital Programme to deliver the scheme which was to be funded as noted in the financial implications of the report, be approved.

e) Treasury Management Strategy 2022/23

Cllr Fleming moved and Cllr Dickins duly seconded the recommendation from Cabinet. The report sought approval for the Treasury Management Strategy 2022/23 in light of Cabinet's Comments.

Resolved: That the Treasury Management Strategy 2022/23 in light of Cabinet's Comments, be approved.

f) Property Investment Strategy Update Report

Cllr Fleming moved and Cllr Dickins duly seconded the recommendation from Cabinet, for the Property Investment Strategy Criteria as recommended by Cabinet be agreed.

Resolved: That the Property Investment Strategy Criteria as recommended by Cabinet be agreed.

g) Budget and Council Tax Setting 2022/23

Cllr Fleming proposed and Cllr Dickins seconded, the recommendation from Cabinet. The report sought approval of the proposed budget and required level of Council Tax for 2022/23, and proposed a net expenditure budget of £17.297m with the District Council Tax increasing by 2.2% resulting in Band D Council Tax being £229.86, an increase of £4.95.

The Leader spoke to the motion stating that Members had before them another balanced ten-year budget, now twelve years on from the first, an achievement that remained unique within Local Government and had laid the foundation for the budget tonight.

He stated that the independent Corporate Peer Challenge carried out late last year remarks that "The Council has consistently demonstrated good financial management, including through the effective delivery of savings and by making difficult decisions early." "The council also innovates. The organisation's ten-year budget, for instance, is an example to the sector and supports long-term proactive decision making." The report also went on to say that "This extended financial framework provides an excellent platform which has supported effective budget management and planned, long-term, decision making."

He stated that this meant that Members were looking at a below inflation increase in council tax, meaning residents kept more of their hard-earned money, the services that residents told Members that matter most to them, such as the weekly collection of waste and recycling were protected. It also meant that the Council was able to build and buy homes for those most in need within the communities. As well as, investing in the future of the district's environment, looking to protect and preserve what makes the district such an amazing place to live, work and visit.

The Leader advised that the council would continue to invest across the district, bringing communities modern facilities and protecting and growing our local

Council - 22 February 2022

economy with the largest capital programme for over 40 years. It also meant that again this year, building on a solid foundation, the hard yards had been done, made the savings, reduced bureaucracy, innovated and delivered.

Whilst Government funding to recompense for money spent supporting the district's residents and businesses during the pandemic exceeded the councils estimated in year covid pressures, the only partial compensation for lost income would mean, like other districts, the Council had been 'under-compensated' to an average of £12 per resident, £1 million pounds or if carried through to tonight's budget the equivalent of a 10% increase in council tax. Added to the historic reduction in direct government support that moved from £55.95 per resident received in 2010 to the nil funding of the last four years it shows just how significant the financial journey had been.

He stated that the council had lost £5m pounds through the removal of revenue support grant, £1m pounds Covid lost income, and over £3m pounds in inflationary and other pressures over the last decade. All of which were not passed on to the council taxpayers and all dealt with in the budget before members tonight.

Across the district, the council continued to show the levels of community leadership, support and investment that can only come on the back of financial responsibility and stability:

White Oak Leisure Centre - Delivered

27-37 Swanley High street (meeting Point) - in construction

White Oak Residential - agreed tonight

Affordable Housing - Delivered with more to come

Bevan Place - agreed tonight

Sevenoaks Town Centre Regeneration - pre masterplan

Farmstead Drive (Spitals Cross) - agreed by full council

Edenbridge Leisure centre - viability and feasibility

Stangrove Estate - work commenced

He continued, stating that Members had both protected and invested in those universal services that matter most to residents, retained in-house services such as refuse collection and street sweeping, and brought some back in-house, such as environmental health and building control. Self-sufficiency and a property portfolio were never the end of the story, they were always to give the opportunity to make decisions which best serve the communities they represented.

The Leader advised that Members would know that he strongly believed that they should always balance the make-up of the money to spend, the main three pillars that remain after the removal of government support were Council Tax, Savings and Investment income, over reliance on any one of the three he believed

Council - 22 February 2022

destabilised as an authority and put at risk their ability to deliver the positive agenda they had set out.

In the last few months everyone would have seen rises in inflation, energy costs, food and other utilities affecting our household budgets, with this in mind it was important to look to see what they could do to support residents alongside dealing with the councils own challenging landscape of significant rises in inflation, costs and risks. Therefore, he proposed a significantly below inflation increase in Council Tax of just 2.2%, £4.95 per annum, or less than 10 pence a week. Taking the total Sevenoaks Council Tax figure to £229.86 for a Band D property for the year. Everything including services delivered, and refuse collected for less than five pounds a week. He commend this budget to members.”

The vote was taken by all those present throughout the debate.

For	Against	Abstention
Cllr Abraham Cllr Ball Cllr Bayley Cllr Bonin Cllr Carroll Cllr Cheeseman Cllr Clack Cllr Penny Cole Cllr Perry Cole Cllr G Darrington Cllr P Darrington Cllr Dickins Cllr Dyball Cllr Edwards-Winser Cllr Esler Cllr Eyre Cllr Fleming Cllr Grint Cllr Griffiths Cllr Hogarth Cllr Hudson Cllr Hunter Cllr Kitchener Cllr Layland Cllr Maskell Cllr McArthur Cllr McGarvey Cllr McGregor Cllr Morris Cllr Nelson Cllr Osborne-Jackson Cllr Pender Cllr Pett		Cllr Dr. Canet Cllr Purves

Council - 22 February 2022

Cllr Raikes Cllr Reay Cllr Roy Cllr Thornton Cllr Waterton Cllr Williamson		
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Resolved: That

- (a) the Summary of Council Expenditure and Council Tax for 2022/23 set out in Appendix F, to the report, be approved;
- (b) 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, be approved, 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;
- (c) 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), to the report, be approved;
- (d) the changes to reserves and provisions set out in Appendix K to the report, be approved;
- (e) the Local Council Tax Reduction Scheme 2021/22, be rolled forward to 2022/23, with effect from 1 April 2022 (Appendix M).
- (f) at the Cabinet meeting on 13 January 2022 the Council calculated as its council tax base for the year 2022/23, be noted:
 - (i) for the whole Council area as 51,514.27 being Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended, (the "Act"); and
 - (ii) for dwellings in those parts of its area to which a parish precept relates as in the attached Appendix P;
- (g) the council tax requirement for the Council's own purpose for 2022/23 (excluding Town and Parish precepts) be calculated as £229.86;
- (h) the following amounts be calculated for the year 2022/23 in accordance with Sections 31 to 36 of the Act:

Council - 22 February 2022

- (i) £56,157,629 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Town and Parish Councils.
- (ii) £39,339,510 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (iii) £16,818,119 being the amount by which the aggregate at (c)(i) above exceeds the aggregate at (c)(ii) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its council tax requirement for the year (Item R in the formula in Section 31B of the Act).
- (iv) £326.47 being the amount at (c)(iii) above (Item R), all divided by (a)(i) above (Item T), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its council tax for the year (including Town and Parish precepts).
- (v) £4,977,049 being the aggregate amount of all special items (Town and Parish precepts) referred to in Section 34 (1) of the Act (as per the attached Appendix P).
- (vi) £229.86 being the amount at (c)(iv) above, less the result given by dividing the amount at (c)(v) above by the amount at (a)(i) above (Item T), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no Town or Parish precept relates.
- (i) for the year 2022/23 the Kent County Council, the Kent Police & Crime Commissioner and the Kent & Medway Towns Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each category of dwellings in the Council's area as indicated in the table below, be noted:-

<u>Valuation Bands</u>	<u>Precepting Authority</u>			
	Sevenoaks District Council £	Kent County Council £	Kent Police & C.C. £	Kent & Medway Towns Fire Authority £
A	153.24	974.16	152.10	54.90
B	178.78	1,136.52	177.45	64.05
C	204.32	1,298.88	202.80	73.20
D	229.86	1,461.24	228.15	82.35
E	280.94	1,785.96	278.85	100.65
F	332.02	2,110.68	329.55	118.95
G	383.10	2,435.40	380.25	137.25

Council - 22 February 2022

H	459.72	2,922.48	456.30	164.70
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- (j) the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in Appendix R as the amounts of council tax for the year 2022/23 for each part of its area and for each of the categories of dwellings; and
- (k) the Council's basic amount of council tax for 2022/23, shown in (c)(vi) above, is not excessive in accordance with principles approved under Section 52ZB of the Local Government Finance Act 1992.

42. Matters considered by other standing committees:

a) **Future Appointment of External Auditors**

It was moved by Cllr McGarvey and seconded by Cllr Morris that the Council opt into the sector led option for the appointment of external auditors for five financial years. The report set out the request for full Council to make a decision to either opt into the national framework for the procurement of external audit or to run a separate procurement exercise.

Councillor Fleming declared a non-pecuniary interest that he was the Chair of the company that appoint PSAA to do the work on behalf of Local Government

Resolved: That Council accepts the public Sector Audit Appointment's invitation to opt into the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

b) **Audit Committee Independent Members**

It was moved by Cllr McGarvey and seconded by Cllr Morris that the appointment of up to two additional co-opted non-voting members, with an allowance of £800 per annum, be agreed.

Cllr McGarvey spoke to the motion advising that the Constitution allowed for full to appoint up to two Independent Members to Audit Committee. This had been considered by the Audit Committee and it was agreed that by having up to two Independent Members this would allow only one appointment to be made should only one candidate be sufficient.

Members debated the item expressing pros and cons to the proposal.

Resolved: That the appointment of up to two additional co-opted non-voting members with an allowance of £800 per annum each, be agreed.

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

a) **Pay Policy Statement**

Council - 22 February 2022

Cllr Fleming moved and Cllr Dickins seconded that the Pay Policy Statement was adopted and published on the Council's website. The report set out the Council's policies relating to the remuneration of each of its chief officers, the remuneration of its lowest paid employees and the relationship between the two. It was a requirement of the Localism Act that the Pay Policy Statement was approved annually by full Council.

Resolved: That the Pay Policy Statement be adopted by the Council and be published on the Council's website.

44. To consider any questions by Members under paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No questions had been received.

45. To consider any motions by Members under paragraph 20 of Part 2 (The Council and District Council Members) of the Constitution, notice of which have been duly given.

No motions had been received.

46. To receive the report of the Leader of the Council on the work of the Cabinet since the last Council meeting.

The Leader of the Council reported on the work that he and the Cabinet had undertaken in the period from 1 November 2021 - 4 February 2022.

47. Quarterly report on Special Urgency decisions.

Members considered the quarterly report on special urgency decisions.

Resolved: That the report be noted.

48. To receive reports from the Chairmen of the Audit and Scrutiny Committees on the work of the Committees since the last Council meeting.

Members noted the report presented by the Chairman of the Audit Committee, Cllr McGarvey.

THE MEETING WAS CONCLUDED AT 8.29 PM

CHAIRMAN

