

Cabinet

Minutes of the meeting held on 12 October 2023 commencing at 7.00 pm

Present: Cllr. Perry Cole (Vice-Chairman)

Cllrs. McArthur, Dyball, Maskell and Reay

An apology for absence was received from Cllr. Thornton

Cllrs. Alger, Barnett, Leaman, James Morgan, Purves, Robinson, Roy, Shea, Skinner, Streatfeild, Varley and Williams were also present.

Cllrs. Lindop, Malone and Thornton were present via a virtual media platform which is not recognised as attendance under the Local Government Act 1972.

32. Minutes

Resolved: That the Minutes of Cabinet held on 12 September 2023, be approved and signed by the Chairman as a correct record.

33. Declarations of interest

No additional declarations of interest were made.

34. Questions from Members (maximum 15 minutes)

A Member asked a question regarding the development of the old Tesco site in Sevenoaks High Street. In response, the Chairman advised that although the Council had permitted the planning application, it had no legal powers to speed up development works on the site.

In response to further questions regarding lakes being kept clean and safe, the Portfolio Holder for Cleaner & Greener advised that the Environmental Health Team were aware of the incident at Hever Castle and were involved in the investigation in regards to contamination, undertaking health checks of the water.

A question was asked concerning the Local Plan and if the Council's view was to continue to progress it, despite other local authorities putting their plans on hold. In response to the question the Portfolio Holder for Development & Conservation advised that under the current system Local Plan 2040 should be submitted by June 2025 and it was expected that SDC's plan would be submitted in 2024 and with any future plan making under new systems would not be able to start until after Autumn 2024 with possible further delays and so it was important to continue to with the current local plan process to bring an accurate picture of the district and its needs.

Cabinet - 12 October 2023

In a final question regarding the Sevenoaks Leisure Centre, the Portfolio Holder for People & Places advised that it was the first time she was hearing of the leisure centre moving to Kemsing or the Quarry site and could confirm that it was just a rumour. In regards to the future provision of the leisure centre if and when any future proposal came forward, it would involve the local community views.

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

There were none.

36. Mid year appointments to Outside Organisations

Members considered the report which set out a change to the appointments of the Sevenoaks District Arts Council as part of the Council's Outside Organisations.

Resolved: That Cllr Dyball no longer be appointed to the Sevenoaks District Arts Council, and that Cllr Hogarth be appointed to the Sevenoaks District Arts Council.

37. Annual Parking Fees & Charges 2024- 2025

The Portfolio Holder for Cleaner & Greener presented the report which detailed the review of parking management for 2024/25. The review proposed changes to the hours of operation and charges in on-and off-street parking schemes, to support the local economy and services for residents. Increases were required to address rising operational costs, such as insurance and non-domestic rates. These increases would also be reinvested in the Council's car parks to ensure the assets remained safe and fit for purpose.

The Cleaner & Greener Advisory Committee had considered the same report and had recommended option three for consultation which proposed a zero percentage increase on all parking fees and charges, but an end to free parking and an expansion of operating hours/days across the District.

Public Sector Equality Duty

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

Resolved: That

- a) the parking management proposals be considered; and
- b) option 3, a zero percentage increase on all parking fees and charges, but an end to free parking and an expansion of operating hours/days across the district, be considered as the preferred option for consultation.

38. Fixed Penalty Notice (FPN) Fees

Cabinet - 12 October 2023

The Portfolio Holder for Cleaner & Greener presented the report which updated Members on the changes from a Statutory Instrument issued by the Government to increase on-the-spot fine levels for littering and fly tipping. To help strengthen Councils in their fight against waste crime the statutory instrument had increased the upper limits for various fixed penalty notices (FPNs) and was active from 21 August 2023. FPNs provided a quick and effective way of dealing with low-level straightforward environmental crimes and were an alternative to prosecution. It was highlighted to Members that non-payment rates were reasonably high, so the discounted level made them effective.

Currently, the Council had a framework in place to ensure that offenders were prosecuted if they chose not to pay the FPN or were a repeat offender. The maximum amount for being caught fly tipping would increase from £400 to £1000, and if paid within 10 days would be £300, and for littering the fee would increase from £150 to £500 with no reduction.

The Cleaner and Greener Advisory Committee had considered the same report and were in support on the proposals to increase the fees as stated.

In response to questions Members were advised that the Statutory Instruments were the maximum amount that could be imposed. There were detailed procedures for dealing with FPNs and they would be issued for small, domestic fly tipping.

Public Sector Equality Duty

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

Resolved: That

- a) the maximum FPN for being caught fly tipping be increased to £1000, and if paid within 10 days be reduced to £300; and

- b) the maximum FPN for being caught littering be increased to £500.

39. Gain or Retain a 5

The Portfolio Holder presented the report which set out the proposal to implement a charging scheme for advice provided to food businesses either prior to them opening or between food hygiene inspections. The scheme would provide a number of benefits for both businesses and the District Council as it was hoped would help drive higher compliance with regulations. The scheme aimed to ensure consistency of advice to food businesses and enable the Council to recover the costs of undertaking the work.

Cabinet - 12 October 2023

She further advised that the introduction of a new chargeable scheme for the delivery of comprehensive advice to food business operators and to offer a set amount of advice and information within one chargeable fee that provided a Food Business Operator (FBO) with the best chance of obtaining a 5 rating at the time of inspection. He further set out the activities that would form part of the scheme and the benefits for businesses and the Council. The proposed charges would be on a cost recovery basis and it was hoped to implement from April 2024. The Gain or Retain Scheme would not be mandatory and the Environmental Health Team would continue to answer simple enquires and signpost businesses to readily available third party information such as the Food Standards Agency.

The Cleaner & Greener Advisory Committee had considered the same report and had recommended the adoption of the scheme and the fees and charges.

Members discussed the report, and in response to a question were advised that the costings were aligned with the cost of a re-score fee.

Public Sector Equality Duty

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

Resolved: That the

- a) contents of the report be noted;

- b) adoption of the Gain or Retain a 5 Scheme for Sevenoaks District, be agreed; and

- c) fees and charges as set out below be agreed:

	TASK	Unit Cost	Time (hrs)	Cost of task
Administration	Gain or Retain Request Form	17.71	0.1	£1.77
	Review of form- TL	33.41	0.5	£16.71

Cabinet - 12 October 2023

	Processing of charge- CS	17.71	0.1	£1.77
	Notification of charge	17.71	0.1	£1.77
	Creation of SR	17.71	0.2	£3.54
	Allocation of SR	17.71	0.2	£3.54
	Officer Training			£0.85
Task	Inspection	29.23	3	£87.69
	Travel	29.23	1	£29.23
	Writing up of report	29.23	1.5	£43.85
	Administration of report	29.23	0.2	£5.85
	Entry on System	29.23	0.2	£5.85
Management	Oversight by TL	33.41	0.25	£8.35
	TOTAL		7.35	£210.76

40. Future of the Air Quality Monitoring Stations

The Portfolio Holder for Cleaner & Greener presented the report which proposed to change the way air quality was monitored within the District. The current Bat & Ball and Greatness Air Quality Stations (AQS) were approaching the end of their serviceable lifespans and were expected within the next five years, to become uneconomical to repair. Air Quality had been steadily improving within the district over the past five years, in such that within the next 18 months the Council could be in a position to revoke a number of the four remaining Air Quality Management Areas.

Sevenoaks began monitoring air quality at Greatness Park in 1998 and the air quality station was now over 25 years old. The station at Bat & Ball was installed in 2005. Owing to the age of the stations, they and the analysers that were installed at each location, were approaching the end of their serviceable life. The Nitrogen Oxide Analyser at Bat & Ball failed in January 2023 and required replacement (cost estimated at £16,000) and it was anticipated that further replacement analysers and

Cabinet - 12 October 2023

repairs would be required to maintain the Air Quality Stations in the future. This would require significant investment.

The report recognised that the current position was unsustainable and that now was the right time to make a difficult decision around the future of the air quality stations. It was proposed that unless a suitable partner could be identified between now and April 2024, that both Air Quality Stations be decommissioned and closed.

In place of the existing Air Quality Stations, it was also proposed that the District Council sought to introduce new portable monitoring equipment that could be installed more widely across the district within areas of poorest air quality. A portable network as outlined would introduce flexibility into our air quality monitoring and subject to budgetary and technical constraints could be expanded as and when additional funding were to become available.

She advised that the Cleaner & Greener Advisory Committee had considered the same report and supported the recommendations to Cabinet.

Members discussed the report, and in response to questions Members were advised that the portable AQS were indicative, and would not be the same standard as the sites they were replacing. Though this information would be less detailed, the sites would be easier to locate, and the data from them would be more easily shared with and understood by the public. The Environmental Health Manager advised that the AQS were located in those areas due to the proximity of carriageway and residential. There was a nationally available data published by DEFRA which showed that other areas of the District were compliant with air quality objective levels.

Public Sector Equality Duty

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

Resolved: That

- a) a partner to take over the management and operating costs of the Air Quality Stations (Bat & Ball and/or Greatness Park) from 1st April 2024, be sought by the Environmental Health Team;
- b) if a suitable partner cannot be identified as above; that on the 1st April 2024 the Air Quality Monitoring Stations at Bat & Ball and Greatness Park are closed and decommissioned, be agreed.
- c) in replacement of the two existing Air Quality Stations; the District Council seek to develop a network of portable Air Quality Analysers to be sited strategically in areas of poorest air quality. The scale and extent of this network, be subject to technical constraints and available funding from

Cabinet - 12 October 2023

within existing Environmental Health budgets and/ or additional grant funding (or similar) if and when available, be agreed.

At the Chairman's discretion, The Portfolio Holder for Cleaner & Greener announced that this would be The Environmental Health Manager's last meeting, before moving to a new local authority and thanked him for his service. Members showed their appreciation.

IMPLEMENTATION OF DECISIONS

This notice was published on 16 October 2023. The decisions contained in Minute 36 and 39 take effect immediately. The decisions contained in Minute 37, 38 and 40 take effect on 24 October 2023.

THE MEETING WAS CONCLUDED AT 7.57 pm

CHAIRMAN