

## COUNCIL

Minutes of the meeting held on 25 April 2023 commencing at 7.00 pm

Present: Cllr. Hunter (Chairman)

Cllr. Layland (Vice Chairman)

Cllrs. Abraham, Andrews, Ball, Bayley, Bonin, Brown, Bulford, Dr. Canet, Cheeseman, Clack, Clayton, Penny Cole, Perry Cole, Collins, G. Darrington, P. Darrington, Dickins, Dyball, Edwards-Winser, Esler, Eyre, Fleming, Fothergill, Griffiths, Grint, Harrison, Hogarth, Hudson, Kitchener, Layland, London, Maskell, McArthur, McGarvey, McGregor, Nelson, Pender, Pett, Purves, Reay, Thornton, Waterton and Williams

Apologies for absence were received from Cllrs. Barnett, Morris, Raikes, Roy, Williamson and Streatfeild

52. To approve as a correct record the minutes of the meeting of the Council held on 21 February 2023 and the Extraordinary Meeting held on 4 April 2023

Resolved: That the Minutes of the meeting of Council held on 21 February 2023 and of Extraordinary Council held on 4 April 2023, be approved and signed by the Chairman as a correct record.

53. 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 received.

54. Chairman's Announcements

The Chairman announced that she had been delighted to attend the launch of 27- 37 High Street, the Swanley Business Hub along with fellow District & Local Councillors. It was anticipated that the Hub would be open at the beginning of May 2023. Following the morning events attending the Hub that evening she attended the Making it Happen Community Awards. There were many fantastic nominees and she was delighted to present the certificates to all the nominees. Every certificate and award was well deserved. The Chairman also highlighted to Members that Run, Walk, Push against dementia was taking place on Sunday 14 May 2023, and encouraged Members to support the event.

Keeping on the health theme the Chairman announced that Lullingstone Park Golf Course reopened to the public on Saturday 22 April, under the management of

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Everyone Active. Both the Edenbridge and Sevenoaks Leisure Centres would reopen on Monday 1 May with a celebratory Community Open Day, also under Everyone Active.

The Chairman was thrilled to announce that the Council had been awarded “Platinum” status once again from Investors in People. This was the fifth time in a row the Council had achieved the top-level accreditation from the organisation, which was a fantastic achievement and she congratulated staff for achieving the prestigious award. Sevenoaks was one of only two local authorities to hold the status.

In other exciting news, Historic England had invited the Council to be the first, and only, Local Authority in the UK to undertake Heritage Crime Officer Training, which would help the Council safeguard the rich heritage of the District.

The Chairman reminded Members of her fundraiser in aid of Sevenoaks Volunteer Transport Group, and encouraged their participation.

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

No questions had been received.

56. 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.

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

**a) Sevenoaks District Community Safety Partnership Strategy & Action Plan 2023-24**

Councillor Fleming proposed and Councillor Dyball seconded the recommendation from Cabinet. The report sought the adoption of the Community Safety Partnership Strategy & Action Plan.

Members spoke to the motion, and in reply the Leader advised that he was aware of the increase in shoplifting cases within the Town and had raised this with the Police & Crime Commissioner. He expressed the importance of shops reporting any thefts as every effort was used to ensure that action was taken, and in a recent case, thieves had been apprehended and jailed.

Resolved: That the 2023 – 24 Sevenoaks District Community Safety Strategy & Action Plan, be adopted.

**b) Environmental Protection Service Plan 2023/24**

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Councillor Fleming moved and Councillor McArthur seconded the recommendation from Cabinet. The report sought the adoption of the Service Plan for 2023/24.

Resolved: That the Environmental Protection Service Plan, be approved.

### c) White Oak Residential

Councillor Fleming moved and Councillor Dickins seconded the recommendation from Cabinet to approve the provision of £21, 852, 476 in the Capital Programme to deliver the scheme which was to be funded as noted in the financial implications to the report.

Members debated the recommendation and it was moved by Councillor Clayton and duly seconded that the motion, be amended to include, "subject to the inclusion of affordable housing, within the scheme."

Members discussed the amendment, highlighting the Council's priority for affordable housing in the District and that the developer itself could set a precedent. In the Leader's right of reply he advised that paragraph 4, says that profit from the residential phase was required to part contribute to the construction of the new leisure centre, which any other developer would not be doing. It was usual for the Council to request developers demonstrate the community benefit, which he believed the new leisure centre facilities demonstrated a community benefit in one of the areas in the district with two of the highest levels of deprivation and health inequalities. Two 100% affordable housing schemes had been delivered in Swanley, one with 17 units on the high street.

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

Resolved: That the provision of £21, 852, 476 in the Capital Programme to deliver the scheme which was to be funded as noted in the financial implications to the report, be agreed.

58. 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.

One question had been received from a Member in accordance with paragraph 19.3 of Part 2 (The Council and District Council Members) of the Constitution.

Question 1: Cllr Purves

"At the Extraordinary Meeting on 4 April, it was agreed that up to £1.83 million would be budgeted by SDC for costs associated with the failure of Sencio.

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This funding to be borrowed from earmarked reserves which would need to be repaid. A solution to repay the reserves to be agreed before conclusion of the 2024/25 budget setting process.

That £1.83 million now is £2 million according to the letter of 18 April from the Health and Communities Manager, to fund a deep clean, maintenance, safety and running costs for the three sites for two years, plus £330 thousand identified by Evelyn Partners for pensions, so the figure now in the region of £2.3 million.

So, £1.83 million agreed at the Extraordinary Meeting by SDC would appear to be woefully insufficient.

Is c. £2.3 million going to be the final figure for SDC to find and how is this money going to be repaid to the Reserves?"

Response: Leader of the Council

"In the letter sent on 18 April, the amount was rounded up by officers and they apologise if this had caused any confusion. At a specially convened meeting of the Council on Tuesday 4 April 2023, Councillors agreed to start the process of appointing a new interim leisure provider to run the facilities for up to two years together with £1.83m borrowing from earmarked reserves.

The £330,000 for pensions mentioned in the Evelyn Partners creditors report relates to unpaid amounts at that time. That is not the final position of Sencio within the Kent Pension Fund. We were awaiting to hear from the Kent Pension Fund as to what the full position was when Sencio ceased trading and what the impact on SDC, if any may be.

As highlighted in the report appendix presented at the April meeting of the Council, the cost envelope of £1.83m reflects known costs. The appendix stipulated that the £1.83m did not include pension and loan liabilities, procurement, consultancy or legal costs. These figures were presently unknown, therefore any final figure would be based on current and up to date information being received.

As agreed by Council earlier this month: This funding would be borrowed from earmarked reserves in the short-term and would need to be repaid. A solution to repay the reserves would need to be agreed before the conclusion of the 2024/25 budget setting process.

Therefore it would be for Members to decide how the money is going to be paid to reserves. Once Everyone Active had been trading for several months, with open book accounting in operation, a more accurate position would be known. However I am pleased to announce that since the beginning of this week the reception areas at both Sevenoaks and Edenbridge Leisure Centres opened for Memberships and that was going well. Lullingstone Golf Course had already opened and there were golfers already enjoying both courses."

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Supplementary question: Cllr Purves

In the same letter, it says unfortunately Sencio Memberships were not transferrable, and many will be losing money through no fault of their own, an unknown figure but should this council not reimburse those residents and include it in the budget, why should they lose out.

Response: Leader of the Council

Cllr Fleming replied stating that he was sure most Members' would recall this being debated at the Extraordinary meeting and the proposer at that point, was unable to also give a number of memberships or an amount for the council to agree on. As it had been said, Sencio were a separate entity to the Council and a separate operator which as recently as January 2023 had told the Council, they had turned a corner and were out of the woods. As mentioned, the Council was also a creditor of Sencio and we were also looking to recover costs. On the Council's website there was advice for those who had Memberships for how they could try and recover their money as well.

In accordance with the Constitution, no further discussion was allowed.

59. 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.

60. 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 of 6 February 2023 – 31 March 2023. He took the opportunity to thank all Members' for their work, especially for the last 4 years, in navigating through a pandemic and it had demonstrated the best of the Council and the work which Councillors do in their individual wards.

In response to a question the Leader advised that it was for the new operators of the leisure centres to determine their payment policies as they would at their other centres across the UK.

61. Annual report on Special Urgency decisions

The report was noted.

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

- a) **Audit Committee Annual Report 2022/23**

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The Chairman of Audit Committee commended his report to the Council, thanking Members and Officers for their work. There were no questions.

### b) **Scrutiny Committee Annual Report 2022/23**

The Chairman of Scrutiny Committee commended his report to the Council, thanking Members and Officers for their work. A Member requested as part of questions, if in the future it would be known in Sencio had any on demand loan facilities that could be called in at very short notice. Officers noted the question.

THE MEETING WAS CONCLUDED AT 7.45 PM

CHAIRMAN