

6th April 2021



You are hereby summoned to attend a virtual meeting of the **SEVENOAKS TOWN COUNCIL** to be held **via Zoom** on **Monday 12th April 2021** following a meeting of the **Finance and General Purposes Committee** starting at 7pm. Town Councillors are reminded that they have a duty to state a Declaration of Interest prior to the appropriate agenda item and to consider the Crime and Disorder Act 1998 s.17 when reaching a decision.

Please note that the proceedings of this meeting will be streamed live to YouTube for the public to watch via the following link: <https://youtu.be/www2MnbnveE> and may be recorded in line with regulations set out in the Openness of Local Government Bodies Regulations 2014. A copy of Sevenoaks Town Council's procedure for the recording of meetings is available online at sevenoakstown.gov.uk or by request.

Members of the public wishing to address the Council Meeting should notify the Town Council by 12 noon on the day of the meeting. Zoom joining instructions will then be provided. Members of the public not wishing to be recorded should put this request to the Clerk at the earliest possible opportunity.

Town Mayor

To assist in the speedy and efficient despatch of business, members wishing to obtain factual information on items included on the agenda are asked to enquire of the Town Clerk prior to the day of the meeting.

AGENDA

PUBLIC QUESTIONS

To enable any questions previously submitted by members of the public on any matter to be drawn to the attention of the Town Council.

1	<u>APOLOGIES FOR ABSENCE</u> To receive and note apologies for absence.	—
2	<u>REQUESTS FOR DISPENSATIONS</u> To consider written requests from Members which have previously been submitted to the Town Clerk to enable participation in discussion and	

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	voting on items for which the Member has a Disclosable Pecuniary Interest. (s.31 & s.33 of the Localism Act 2011).	
3	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest from members in respect of any items of business included in this report.	—
4	<u>MINUTES</u> To receive, adopt and sign the minutes of the meeting of the Sevenoaks Town Council held on 1 st March 2021 as a true record.	Attached
5	<u>MINUTES OF COMMITTEES</u> Council is asked to consider and adopt the minutes of the following Committees meetings held via Zoom:	Copies previously circulated and available on request
5.1	<u>Planning Committee:</u> 22 nd February 2021 8 th March 2021 22 nd March 2021	
5.2	<u>Finance and General Purposes Committee:</u> 1 st March 2021 29 th March 2021	
5.3	<u>Youth Services Committee:</u> 24 th March 2021	
5.4	<u>Personnel Committee:</u> 29 th March 2021	
6.	<u>CONCLUSION OF COMPLAINTS PANEL HEARING HELD ON 11TH FEBRUARY 2021</u>	Attached
7.	<u>PRESS RELEASE</u> To consider any agenda item, which would be considered appropriate for a press release.	—

Sevenoaks Town Council

Minutes of the Town Council Meeting held on 1st March 2021

Available to view on YouTube, following the Finance & General Purposes Committee:

[Finance & General Purpose Committee 01/03/21 - YouTube](#)

Meeting Commenced: 8.03 p.m.

Meeting Concluded: 8.08 p.m.

Cllr Keith Bonin	Present	Cllr Nicholas Busvine, Mayor	Present
Cllr Sue Camp	Present	Cllr Dr Marilyn Canet, Dep Mayor	Present
Cllr Tony Clayton	Present	Cllr Andrew Eyre	Present
Cllr Victoria Granville-Baxter	Present	Cllr Roderick Hogarth	Present
Cllr Lise Michaelides	Present	Cllr Tom Morris Brown	Present
Cllr Rachel Parry	Present	Cllr Richard Parry	Present
Cllr Robert Piper	Present	Cllr Simon Raikes	Present
Cllr Claire Shea	Present	Cllr Edward Waite	Apologies

In Attendance: Town Clerk, Responsible Finance Officer and Senior Committee Clerk

468. Apologies for Absence: as shown above.

469. Requests for Dispensations: none received.

470. Declarations of Interest: none received.

471. Minutes of the Town Council Meeting held on 18th January 2021

RESOLVED: to accept and sign the Minutes as a true record of the meeting.

472. Minutes of the Planning Committee Meetings held on 11th January, 25th January, 8th February and 10th February 2021

RESOLVED: to accept and sign the Minutes as true records of the meetings.

473. Minutes of the Finance & General Purposes Committee held on 18th January 2021

RESOLVED: to accept and sign the Minutes as a true record of the meeting.

474. Minutes of the Personnel Committee held on 1st February 2021

RESOLVED: to accept and sign the Minutes as a true record of the meeting.

475. Minutes of the Community Infrastructure Committee held on 1st February 2021

RESOLVED: to accept and sign the Minutes as a true record of the meeting.

476. Minutes of the Open Spaces & Leisure Committee held on 15th February 2021

RESOLVED: to accept and sign the Minutes as a true record of the meeting.

477. Meeting Schedule 2021/2022

The Council received the proposed schedule of meetings for 2021/22. It was noted that the Annual Council meeting would now take place on Tuesday 4th May 2021 and the Planning Committee on Monday 10th May 2021.

RESOLVED: That the schedule of Meetings 2021/22 (Attached as **Appendix A**) be adopted.

478. Press Release: None

There being no further business the Mayor closed the meeting.

Signed
Mayor

Dated

Meeting Schedule 2021-2022 (Approved STC 01.03.21)

MAY 2021		
Tues 4	Annual Council Meeting	
Thu 13	Stag Trustees	
Mon 10	Planning	
Mon 17	Planning	
Weds 19	Youth Council	Youth Services
Mon 24	No meeting	
Mon 31	May Bank Holiday - Whitsun	
JUNE 2021		
Tues 01	Planning	
Mon 07	Finance & General Purposes	Town Council
Mon 14	Planning	
Wed 16	Sevenoaks Town Team	
Mon 21	CIC	
Mon 28	Planning	
Wed 30	Youth Council	Youth Services
JULY 2021		
Mon 05	Open Spaces & Leisure	
Wed 07	Stag Trustees	
Mon 12	Planning	
Mon 19	No meeting	
Mon 26	Planning	
AUGUST 2021		
Mon 02	Finance & General Purposes	Town Council
Mon 09	Planning	
Mon 16	Community Infrastructure	
Wed 18	Sevenoaks Town Team	
Mon 23	Planning	
Mon 30	Bank Holiday	
SEPTEMBER 2021		
Mon 06	Planning	
Wed 08	Youth Council	Youth Services
Mon 13	Finance & General Purposes (Grants)	Town Council
Mon 20	Planning	
Tues 21	Stag Trustees AGM & Ordinary Meeting	
Mon 27	Open Spaces & Leisure	
OCTOBER 2021		
Mon 04	Planning	
Wed 06	Sevenoaks Town Team - AGM	
Mon 11	Community Infrastructure	
Mon 18	Planning	
Mon 25	Personnel	
NOVEMBER 2021		
Mon 01	Planning	
Wed 03	Youth Council	Youth Services
Mon 08	Open Spaces & Leisure	
Mon 15	Planning	
Mon 22	Finance & General Purposes (Estimates)	Town Council
Mon 29	Planning	

Appendix A

DECEMBER 2021		
Mon 06	Town Council (Christmas)	
Tues 07	Stag Trustees	
Mon 13	Planning	
Wed 15	Sevenoaks Town Team	
Mon 20	Planning	
Mon27	STC Offices Closed	
JANUARY 2022		
Mon 03	No Meeting	
Mon 10	Planning	
Wed 12	Youth Council	Youth Services
Mon 17	Finance & General Purposes (Precept)	Town Council
Mon 24	Planning	
Mon 31	Community Infrastructure	
FEBRUARY 2022		
Mon 07	Planning	
Tues 10	Stag Trustees	
Mon 14	Open Spaces & Leisure	
Mon 21	Planning	
Wed 23	Sevenoaks Town Team	
Mon 28	Finance & General Purposes	Town Council
MARCH 2022		
Mon 07	Planning	
Mon 14	Annual Town Meeting - B&B Cntr	
Mon 21	Planning	
Wed 23	Youth Council	Youth Services
Mon 28	Personnel	
APRIL 2022		
Mon 04	Planning	
Wed 06	Sevenoaks Town Team	
Mon 11	Finance & General Purposes	Town Council
Tues 12	Stag Trustees	
Fri 15	Bank Holiday – Good Friday	
Mon 18	Bank Holiday – Easter Monday	
Tues 19	Planning	
Mon 25	No meeting	
MAY 2022		
Mon 02	Bank Holiday – May Day	
Tues 03	Planning	
Mon 09	Annual Council Meeting	
Mon 16	Planning	
Wed 18	Youth Council	Youth Services
Mon 23	No meeting	
Mon 30	Planning	
JUNE 2022		
Thu 02	Bank Holiday (moved from 30 May	
Fri 03	Bank Holiday – Queen’s Jubilee	

Town Council Meetings commence at conclusion of F&GP

Sevenoaks Town Team commences at 6.30pm

Youth Council commences at 6pm

All other meetings commence at 7pm

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Complaint Panel 26.2.2021 Conclusion to complaint from [REDACTED] 11.2.2021
Ref Planning Committee held on 25.1.2021 and recommendation on Planning Application 20/03751/FUL Alpine Residential Home

	<p>STC Complaint Panel consisting of Cllr Busvine, Mayor, Cllr Clayton and Cllr Eyre and the Town Clerk met with [REDACTED] via zoom to review his complaint.</p> <p>At the beginning of the meeting the Mayor reminded all present that the Complaint Panel was to review whether STC had followed its correct procedures and policies in considering the planning application.</p> <p>It was also noted that STC was not the Planning Authority and voluntary Town Councillors made recommendations as a statutory consultee. It was agreed that STC's recommendation would be considered to have some weight in the planning process.</p> <p>It was also noted that any matters relating to Town Councillors conduct could not be considered by the Complaint Panel as these were required in law to be considered independently by the Monitoring Officer at Sevenoaks District Council.</p> <p>[REDACTED] was asked what his interest was in the planning application and he confirmed that his daughter attended Granville School which could be impacted by the planning proposal. He also thought that having watched the video of the STC Planning Committee some aspects of Councillors behaviour was concerning to him. He believed the meeting had also been watched by many concerned residents (126 @ 26.2.2021).</p>		
Ref	Complaint	STC (officer) comments	Complaint Panel Finding
1	<u>Attn: Linda Larter, Town Clerk – Linda is effectively the CEO of Council operations, overseeing the committees, planning and other departments</u>	Noted	

2	Formal Complaint – Improper Due Process & Irrational Decision Making by Sevenoaks Town Council Planning Committee on 25 January 2021	Noted	
3	<p><u>Background</u></p> <p>We refer to the Sevenoaks Town Council Planning Committee (the Committee) and the meeting it held on 25 January 2021 (the Meeting). Specifically, our complaint relates to the discussion around planning application 20/03751/FUL Alpine Residential Home 8A-10 Bradbourne Park Road Sevenoaks and the (narrow) decision by the Committee to recommend approval.</p> <p>Evidence and materials relevant to this complaint include:</p> <p>Zoom video recording of the meeting, available at https://www.youtube.com/watch?v=-drpnJIOxeo (the Video Recording)</p> <p>Minutes of the Sevenoaks Planning Committee Meeting held on 25 January 2021, available at: https://www.sevenoakstown.gov.uk/UserFiles/Files/Minutes/114439-2021_01_25_Planning_Minutes.pdf (the Minutes)</p> <p>Sevenoaks Councillor Code of Conduct, adopted 24 July 2012 (the Code of Conduct)</p>	Noted	
4	<p><u>Formal Complaint</u></p> <p>The planning application considered by the Committee at the Meeting related to Alpine Residential Home at 8A-10 Bradbourne Park Road</p>	Noted.	[REDACTED] reiterated that he thought that not all Councillors

	<p>Sevenoaks and the proposal to develop 47 flats (1 and 2 bedrooms) on the site. As you may be aware and as mentioned by Cllr Raikes in the Meeting, an application for a smaller development (46 bed nursing home for dementia sufferers, 05/03110/FUL) upon the same site was refused by the Committee in 2006. The reasons for this earlier rejection were a dominant, unneighborly, overbearing and cramped overdevelopment of the site, out of character with the scale of buildings in the locality and detrimental to the visual amenities of the street scene. While in 2017 a development with 16 extra care flats for 24 residents was approved, the approval came with a number of reservations incl. Policy N1 of the Sevenoaks Allocations and Development Management Plan which largely echoed the 2006 refusal. Hence it was with some surprise that we learnt that, in the Meeting, an even larger development, namely the 47 flats (1 and 2 bedrooms) with limited parking (15 spaces), which departs even further from or most likely fails to comply with the Design Principles of the above-mentioned policy, had been approved.</p> <p>Following this unexpected volte-face by the Committee, we reviewed the Video Recording and other material publicly available in connection with the decision. We are concerned to note aspects which are suggestive of improper due process and irrational decision making on the part of the Committee and individual Councillors.</p> <p>In sum:</p>		<p>acted reasonably and provided information that was not within the planning application and swayed opinions.</p> <p>It was noted that although Councillors were not planning experts, they did have experience both at reviewing plans and in their professions and could provide background information.</p> <p>It was agreed that Councillors would be reminded to consider planning applications on information provided within the application.</p>
5	<p><i>Improper Declarations of Interest/Improper Declarations of Lobbying</i></p> <p>At the start of the Meeting, Cllr Raikes clearly states that “we’ve all received a note regarding ... the Alpine ... I’ve also had a personal telephone call regarding the Alpine”. Other Councillors start to suggest</p>	<p>It was understood that only Cllr Raikes had been lobbied on that particular application. He had</p>	<p>It was noted that [REDACTED] thought it was not clear whether Councillors had been lobbied. He</p>

<p>something different however the topic then swiftly moves onto another application (Greatness) and potential lobbying without finally settling which other councillors may have been lobbied by, or have an interest in, the Alpine application. As a result, the Committee does not properly conclude or finally determine the scope of any interests and lobbying of Councillors in connection with the Alpine application nor the resultant bias, influence and conflicted Committee decision making that may arise during the course of the Meeting when considering the Alpine application. We note that it would seem unusual that an applicant, having the perseverance to deploy multiple mediums in an attempt to reach Cllr Raikes would limit their lobbying to just one Councillor especially given the ease of email correspondence and that this is a repeat application by the developer.</p> <p>As a reminder, as per the Code of Conduct, Councillors must (amongst other duties):</p> <ul style="list-style-type: none"> • Have regard to the following principles: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership, • Act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits, • Must not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence in the performance of official duties, 	<p>presumed that others had, however stated that they had only been lobbied on Greatness application.</p> <p>It should be noted that lobbying covers dissenting as well as supporting views.</p>	<p>asked if all Councillors had been asked since the complaint.</p> <p>Cllr Busvine, Cllr Clayton, and Cllr Eyre confirmed that they had not been lobbied on this application. However, it was agreed that Councillors would be asked to confirm whether they had been lobbied and responses reported.</p>
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	<ul style="list-style-type: none"> • Declare any private interests, both pecuniary and non-pecuniary, that relate to public duties and must take steps to resolve any conflicts arising in a way that protects the public interest. 		
6	<p>As a reminder, as per the Code of Conduct, Councillors must (amongst other duties):</p> <ul style="list-style-type: none"> • Have regard to the following principles: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership, • Act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits, • Must not place themselves under a financial or other obligation to outside individuals or organisations that might seek to influence in the performance of official duties, 	<p>Code of Conduct complaints are required to be investigated by the Monitoring Officer employed by Sevenoaks District Council.</p> <p>Upon receipt of the complaint STC CEO immediately forwarded to the Monitoring Officer who immediately contacted the complainant who completed the appropriate form.</p> <p>The Monitoring Officer responded with the following information:</p> <p><i>Dear [REDACTED]</i></p> <p><i>Thank you for your complaint form (attached).</i></p> <p><i>I am afraid to say that it appears to me that you have made a complaint about how</i></p>	<p>[REDACTED] noted that the Monitoring Officer had contacted him and that he was aware that he had to reformat his complaint on the SDC appropriate form however was not able to do this within the time limit provided.</p> <p>He had also been confused by the different Code of Conducts for SDC and STC.</p> <p>The Town Clerk informed [REDACTED] that there was a recommendation nationally for all tiers of councils to move towards the same Code of Conduct.</p>

	<ul style="list-style-type: none"> • Declare any private interests, both pecuniary and non-pecuniary, that relate to public duties and must take steps to resolve any conflicts arising in a way that protects the public interest. 	<p><i>Sevenoaks Town Council determined a planning application.</i></p> <p><i>I will not be able to register your complaint as it stands. I have no authority to deal with complaints about Town Council committee decisions and you would need to make such a complaint to the Town Council.</i></p> <p><i>I am afraid I must respectfully advise you that even if a decision-making process is flawed, it is not appropriate to assume that this in itself means there was a breach of the Code of Conduct. However, if you remain of the view that a breach <u>also</u> took place, please re-submit your complaint to indicate:</i></p> <ol style="list-style-type: none"> <i>1. Which of the fifteen numbered obligations in the Code of Conduct were breached; and</i> <i>2. The name[s] of the Members who committed the breach.</i> 	
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		<p><i>Unless I hear from you I will take no further action.</i></p> <p>At the point of completing this information the Monitoring Officer had not received any further response.</p>	
7	The insufficient consideration given by the Meeting to potential conflicts and lobbying as relates to the Alpine application can be considered as a failure of due process and procedure for the Meeting and also a potential breach of the Code of Conduct. This calls into question the robustness and validity of the Committee's subsequent decision later in the Meeting to approve the application which, as below, for other reasons also raises questions.	Please see comments in 5 above.	<p>The Panel was clear that no councillors were involved in the development or had any conflict of interest.</p> <p>As mentioned previously Councillors would be asked to confirm any lobbying.</p>
8	Finally, we note that the Minutes inaccurately reflect this segment of the conversation and make it appear as if the issue were finally determined so we are very grateful for modern technology and the existence of the Video Recording for an accurate public record.	See below	It was noted that [REDACTED] stated that having received information prior to the Complaint Panel meeting and the Mayor's comments he had a much greater understanding of STC's process.
8	<i>Improper/Irrational Decision Making</i>		
8.1.	Turning to the actual decision itself, as mentioned above, a much smaller development in the past had been refused by the Committee.	Every planning application and amended planning application is viewed independently on the information presented at the time.	

	<p>Cllr Raikes represents the relevant ward for this site, namely Sevenoaks Town & St John's, and starts this section of the Meeting with a formal motion to refuse the application due to it being out of character with this part of the road, detrimental to the street scene and overdevelopment of the site. Cllr Raikes specifically states as follows:</p> <p>"I think it's fairly straight forward ... we had a previous application ... back in ... 2019 ... to knock down the existing Alpine [a 24 person care nursing home] ... and to replace it ... [with] the erection 16 care flats ... We recommended refusal and we did so on the basis it was out of keeping with the neighbouring properties and excessively bulky resulting in overdeveloping injuries to street scene, overdevelopment of the site, proposals contrary to guidance set out in the Residential Character Area Assessment SPD and under provision of car parking spaces in a particularly congested area of town especially during morning and evening school run. What we now have is the same site plus they've taken over ... the site of the next door chalet bungalow ... On a site less than double of what we are looking at before, they are now talking about putting up 47 extra care units ... [The proposed development] fills the whole plot ... so totally out of character with everything else ... it seems totally out of place ... [refers to street scene and neighbours – residential, two stories etc] ... this is effectively four stories high and a massive great building which covers virtually the whole width of the plot. My recommendation is that we refuse it as being out of character, detrimental to the street scene and overdevelopment of the site ... I have not gone into the residential area character assessment ... car parking is 15 car parking spaces for 47 flats of which ... 28 are one bedroom, 17 two bedrooms ... [also references concern with development overlooking including of local primary school] ... my refusal is fairly emphatic". See Video Recording 45.03</p>	<p>Noted.</p> <p>Every planning application and amended planning applications should be discussed by the Committee on its individual merits based on the information presented at the time.</p>	
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8.2.	<p>Other councillors were then asked for comment.</p> <p>Cllr Bonin sets that he supports the application. He states that “to make care-based housing viable, there needs to be adequate economies of scale ... you need lots flats”. Such an assertion is at odds with the fact the developer had submitted multiple prior applications for a smaller care-based housing development. Indeed, 16 care flats was, as recently as 2018/2019, viewed economically viable by the developer.</p> <p>Cllr Bonin also states that “This site lends itself well to having this number of flats” however does not give a meaningful explanation as to why this would be the case (particularly when compared to the level of local detail shared by Cllr Raikes, resident in the ward). In terms of parking, Cllr Bonin mentions that “only 13 parking bays required by the rules and actually there is 15 planned, 2 more than is required by planning rules ...”. Although we understand it is always important to have relevant guidance to hand, the Committee and other public and community-based decision making must be contextualized to the nature and impact of a proposed development within the life of a local community rather than a tick the box compliance exercise.</p> <p>Later in the Meeting, Cllr Parry points this out to Cllr Bonin and describes the parking, given the nature of the Sevenoaks community, as “woefully inadequate for 40+ dwellings”.</p>	<p>It is accepted practice for all councillors present to discuss and provide their own opinion as part of the democratic process.</p> <p>Sevenoaks Town Councillors are not professional planning experts. The Town Council acts only in the capacity of a statutory consultee to make recommendations to Sevenoaks District Council, which is the Planning Authority and makes the Planning Decisions.</p>	

8.3.	On occasion in the Video Recording, it appears as if Cllr Bonin is reading from a pre-prepared script as opposed to engaging in an open and neutral discussion of the merits either way to the application.	It is unknown whether Cllr Bonin has prepared some notes for himself, there is no reason why he should not prepare for any meeting.	
8.4.	<p>We refer again to the Code of Conduct which, in addition to the requirements identified above, also provides that councillors must:</p> <ul style="list-style-type: none"> • Make all choices ... on merit, • Be as open as possible about decisions ...and be prepared to give reasons for those decisions and actions, 	Please see 6 above.	
8.5	Cllr Shea then states her support. She notes “We have talked previously in this Committee about the need ... for smaller housing for older people to stay in Sevenoaks”.	Please see 8.2 above	
8.6	A number of councillors then raise queries. Cllr Clayton queries the height of the building. This is not properly answered in that the height in metres or number of stories (particularly as may be compared to neighbouring buildings) is not shared in response. The precise answer has been shared previously by Cllr Raikes and is repeated later in the meeting when it is confirmed the development is four stories high whilst all other close neighbouring properties are two story.	Noted	

8.7	<p>Cllr Waite queries whether the development will be warden assisted and relevant car parking for wardens.</p> <p>Cllr Shea volunteers to answer. She states that she “can’t answer on the parking side immediately ...” but goes on to describe extra care housing in general – and the key here is in general. She mentions there “there might be treatment rooms, hairdressing salons ... usually meals provided onsite I haven’t looked today at the details of this one ... but that is what, as a principle, what extra care provides”. See Video Recording 58.55</p>	Please see 8.2 above	
8.8	<p>Cllr Camp, Chair of the Meeting, later clarifies that the only confirmed information they have is the housing will be available to residents aged 55+.</p> <p>This suggests the information shared by Cllr Shea around extra care general principles is, at best, tangential and generic and, at worst, misleading particularly given its lack of relevance to the application at hand (unless, of course, Cllr Shea had some prior contact with or special information from the developer which, as per the improper conflicts/lobbying disclosure, we are unable to ascertain).</p> <p>Again, this calls into question adherence to the Code of Conduct and whether the councillors really equipped themselves to “make all choices ... on merit” as opposed to speculative and unfounded assertions.</p>	<p>Please see 8.2 above</p> <p>Please see 6 above</p>	
8.9	<p>Obviously, similar to Cllr Bonin and Shea, we appreciate that there must be pressure on the Committee to approve this kind of housing in Sevenoaks.</p>	Please see 8.2 above	

	<p>However, the duty of the Committee, in considering the application, was indeed to consider the application at hand, the relevant facts and details.</p> <p>None of the reasons shared by either Cllr Bonin and Shea really discharge this duty by giving light as to a site specific compelling rationale reason for approving this proposal (compare this to the level of neighbourhood and impact context shared by the local ward councilor, Cllr Raikes).</p> <p>We recall the Code of Conduct requirement to “be as open as possible about decisions ...and be prepared to give reasons for those decisions and actions”.</p>	Please see 6 above	
9	<p>The tone of the Meeting also appeared to change when considering the Alpine application. The Meeting came across as more tense and on high alert particularly when councillors voiced their objections to the application – this was not apparent in any of the other applications.</p>	This is not thought to be the case.	<p>The Complaint Panel had reviewed the online meeting and could not see this issue. They suggested the tone may have changed as Councillors considered the importance of the planning application before them and as they started to review details online.</p> <p>It was agreed that Councillors would be reminded to consider how their statements might be interpreted or misconstrued by third parties, but that this should never inhibit a robust debate.</p>

10	<p>Finally, what is obvious from the Video Recording, is that many of the councillors have not read the relevant papers, meaningfully engaged with them nor understood the details of the development.</p> <p>Cllr Shea directly admits this in the Video Recording – “I haven’t looked today at the details of this one” and speculatively refers to treatment rooms and hairdressing which Cllr Raikes clarifies are definitely not part of the application.</p> <p>There are unresolved queries around the height (which should have been obvious if the papers had been read). Given the high stakes, this is inexcusable from elected council members whose decisions could radically affect the lives of constituents.</p>	Please see 8.2.	<p>It was noted that [REDACTED] was concerned that some of the comments on the online meeting to have presented the details of the application in a confusing or inaccurate way.</p> <p>The STC process was for individual plans to be allocated to a Ward Councillor who would present to the Planning Committee. It was not possible for all Councillors to review all plans.</p> <p>It was agreed that substantial planning applications would be ‘flagged up’ to Town Councillors prior to the meeting to provide an opportunity for them to review in addition to their own allocation.</p>
11	<p>Cllr Piper comments and states that the Committee doesn’t have enough information as how the building will function and be used and, again, comes back to whether it is warden assisted v something else and that this information is crucial for any proper decision making. He notes “In reality, it is miles from anywhere ... just seems to be in the wrong place”.</p> <p>A Councillor mentions it looks good for “aging commuters” which triggers much laughter however, such an exchange emphasizes the lack</p>	Please see 8.2	<p>It was also noted that [REDACTED] considered some of the comments on the online meeting (including comments from Cllr Piper, Cllr Shea and Cllr Camp) as confusing the details of the application and various comments about the planning application were provided by</p>

	<p>of information and understanding at the Committee level as to how this building will function and be fit for purpose.</p> <p>Cllr Shea returns to defend the proposal and, despite Cllr Camp reminding the Committee that the only confirmed information is that it is for age 55+, states in support that such housing is “intended as a home for life by providers I’ve worked with in the past”. She reassures the Committee that this means parking will not be an issue, however, as is clear, this reassurance is unsubstantiated by evidence and the point not properly tested by the Meeting.</p>		<p>Councillors as shown in the original complaint.</p> <p>It was also note that the current online meetings were more difficult for Councillors. Previously meeting in the Chamber, the plans would have been available for all to view at the same time.</p> <p>Town Councillors would be reminded to take additional care in their actions which could be viewed differently on a zoom meeting.</p>
12	<p>Cllr Camp, as Chair, then moves the meeting to make a decision. Councillor Raikes recommends refusal and is seconded by Cllr Parry.</p> <p>Cllr Raikes’s reasons are as mentioned above, and he also notes that the development may overlook a prominent local primary school.</p> <p>The first vote of the Committee results in a draw. 6 for refusal, 6 for approval with 2 abstentions (Cllr Camp and Cllr Piper).</p> <p>It is not clear if the abstaining councillors have read all the paperwork.</p> <p>As Chair, Cllr Camp, issues the deciding vote and decides to support the approval.</p>	<p>It is the normal process for a planning application to be allocated to one of the Ward Councillors to review their planning applications in detail and forward a recommendation to the other Town Councillors who may or may not have seen all details to every planning application.</p> <p>It is the normal process to enable all councillors who want to provide their own point of view to be able to do so.</p>	<p>The additional comments made by [REDACTED] that although he accepted that Town Councillors were volunteers and made recommendations on planning applications rather than making the decision, they did have weight on the planning process and influence SDC process.</p> <p>The Panel explained the process further and explained that concerned residents should be encouraged to contact SDC and SDC Councillors. If the planning</p>

	<p>As a result, a second motion is moved by Cllr Bonin, seconded by Cllr Shea to approve and this is passed.</p> <p>Understandably, a hung decision that is only pushed over the line by the casting vote of the Chair is an extremely narrow one and not one that creates a robust mandate for the development.</p> <p>Further, given the widespread confusion in the Committee about what was actually being proposed for this development, verbatim admissions from many councillors as to not reading the relevant paperwork and the misleading information shared by key proponents, we would suggest it is not unreasonable to challenge this decision making and the narrow (and highly problematic) approval as improper and irrational.</p>	<p>Sevenoaks Town Councillors are not experts or part of the Planning Authority they make a Recommendation to Sevenoaks District Council, the Planning Authority.</p> <p>Standing Orders provide the Chairman with the authority to have the casting vote.</p> <p>When a vote is lost a further recommendation would be made.</p>	<p>application was 'called in' to the SDC Planning Development Control meeting it was possible to provide representation direct to the Committee and SDC Councillors.</p>
13	<p>To come back to the Code of Conduct as a reminder, Councillors must:</p> <ul style="list-style-type: none"> • Have regard to the following principles: selflessness, integrity, objectivity, accountability, openness, honesty and leadership, • Make all choices ... on merit, • Be as open as possible about decisions ...and be prepared to give reasons for those decisions and actions, 	<p>Please see 6 above</p>	

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14	Based on the evidence in the Video Recording, it is really hard to see how these standards have been properly met particularly in the context of lack of robust reasons for the decision (general principles rather than considering details of application at hand), lack of reading and absorbing relevant paperwork, lack of information and general Committee confusion.	It is considered that all procedures have been carried out correctly and that democratically elected Councillors chose to make their recommendations.	
15	<p><u>Conclusion</u></p> <p>Based on the information shared above, we believe there is enough evidence to suggest a significant failure of the Committee to observe proper and rationale due process and decision making in respect of its approval of the development application from Alpine at the Meeting.</p> <p>Please note that a copy of this complaint will also be shared with the relevant Planning Officer Sean Mitchell, so he is aware of the contest and the questions around the validity of the Committee approval. We are also considering discussing with local press and contacting the Local Government and Social Care Ombudsmen as well as other options.</p>	<p>It is considered that all procedures have been carried out correctly and that democratically elected Councillors chose to make their recommendations.</p> <p>Noted</p>	
16	A related freedom of information (FOI) request is also in the process of being filed.	The Freedom of Information Request when received will be processed as per legislative requirements.	It was noted that this had not been received to date.
	[REDACTED]		

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Town Councillor's asked to confirm details of lobbying.

Cllr Bonin	I can confirm that I was not lobbied or contacted on this application.		Cllr Michaelides	I can confirm that I was not lobbied on the Alpine residential home planning application.
Cllr Busvine	As stated on the panel this afternoon, I can confirm that I was not lobbied with regard to this application.		Cllr Morris Brown	Not present at the meeting
Cllr Camp	<i>No reply to date</i>		Cllr Mrs Parry	I wasn't lobbied at all.
Cllr Dr Canet	<i>No reply to date</i>		Cllr Parry	Although not absolutely sure that he did not receive an email about it, Richard is sure that he didn't read a lobbying email.
Cllr Clayton	I can confirm I was not lobbied - by anyone in either direction.		Cllr Piper	I was not contacted at all
Cllr Eyre	As discussed in the meeting, I can confirm that I was not lobbied about the recent Alpine Home planning application. If I was lobbied, then I did not see any messaging and it did not inform my contribution to the debate.		Cllr Raikes	Planning Committee Minutes 25.1.20201 records Cllr Raikes declared he had been lobbied on the following application: (Plan no.8) 20/03751/FUL Alpine Residential Home 8A – 10 Bradbourne Park Road
Cllr Granville Baxter	I can confirm that I was not lobbied on this application		Cllr Shea	I am happy to confirm that I had no contact or lobbying from any party of any persuasion on this application.
Cllr Hogarth	I was not directly lobbied although I have seen the email correspondence. I was not present at the meetings when this was considered		Cllr Waite	I do not believe that I was lobbied by either party before the application. I have also briefly checked my emails and do not see any messages concerning the application prior to the meeting.

Complaints Panel Conclusion:

It was considered that the Sevenoaks Town Council's procedures and policies had been followed correctly in relation to the consideration of the planning application and therefore the complaint is not upheld.

The Complaints Panel also wished to include the following informative:

- 1. Matters relating to individual Councillors Code of Conduct was a separate process investigated by Sevenoaks District Council which was time limited.**
- 2. It was agreed that Councillors would be reminded to consider planning applications on information provided within the application.**
- 3. It was agreed that Councillors would be asked to confirm whether they had been lobbied and responses reported.**
- 4. It was agreed that Councillors would be reminded about how their actions could be considered but that this should not curtail a robust debate.**
- 5. It was agreed that substantial planning applications would be 'flagged up' to Town Councillors prior to the meeting to provide an opportunity for them to review in addition to their own allocation.**
- 6. Town Councillors would be reminded to take additional care in their actions and comments which could be viewed differently on a zoom meeting.**
- 7. Concerned residents should be encouraged to contact SDC and SDC Councillors. If the planning application was 'called in' to the SDC Planning Development Control meeting it was possible to provide representation direct to the Committee and SDC Councillors.**