

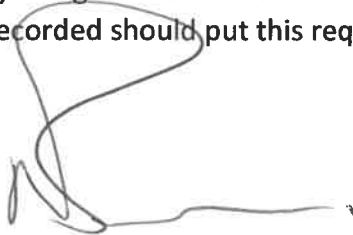
18th November 2020

You are hereby summoned to attend a virtual meeting of the **SEVENOAKS TOWN COUNCIL** to be held via Zoom on **Monday 23rd November 2020** 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/jzfOXwNITwk> 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 voting on items for which the Member has a Disclosable Pecuniary Interest. (s.31 & s.33 of the Localism Act 2011).	

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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> Council is asked to consider and formally adopt the minutes of virtual Council meetings held on: 2nd March, 23rd March, 29th June and 20th July 2020	Copies previously circulated and available on request
5	<u>MINUTES OF COMMITTEES</u> During the Covid-19 Lockdown and prior to the commencement of virtual meetings, Town Council matters were dealt with under emergency measures [<i>Minute 567ii, Council 23.03.2020</i>], including by means of a Report to Council and Committees. Council is asked to consider and formally adopt the Notes of Reports to Committees together with the Minutes of virtual meetings, as follows: <u>PLANNING COMMITTEE:</u> Notes of Reports to Committee: 24th February, 9th March, 23rd March, 6th April, 20th April, 4th May, 18th May, 1st June, 15th June, 29th June, 13th July, 27th July, 10th August, 24th August, 2nd September, 7th September and 21st September 2020 Minutes of Committee Meetings: 5th October, 19th October and 2nd November 2020 <u>FINANCE AND GENERAL PURPOSES COMMITTEE:</u> Notes of Reports to Committee: 27th April and 8th June 2020 Minutes of Committee Meetings: 2nd March, 20th July and 14th September 2020 <u>OPEN SPACES AND LEISURE COMMITTEE:</u> Minutes of Committee Meetings: 6th July, 28th September and 9th November 2020 <u>COMMUNITY INFRASTRUCTURE COMMITTEE:</u> Notes of Report to Committee: 22nd June 2020 Minutes of Committee Meetings: 17th August and 12th October 2020	Copies previously circulated and available on request

	<u>PERSONNEL COMMITTEE:</u> Notes of Report to Committee: 30th March 2020 Minutes of Committee Meeting: 26th October 2020 <u>Youth Services Committee:</u> Minutes of Committee Meeting: 9th September 2020	
6	<u>STAG WORKING PARTY NOTES</u>	
6.1	To receive and note, the notes of the Stag Governance Working Party meetings held on 8 th October 2020 and 16 th July 2020.	Attached
6.2	To receive and note, the notes of the Stag Finance Working Party held on 21 st October 2020.	Attached
7.	<u>OUTCOME OF COMPLAINT RECEIVED: CEMETERY FEES & CHARGES</u> To note the outcome of complaint hearing.	Attached
8.	<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 20th July 2020
Held via Zoom and Livestreamed on YouTube

Meeting Commenced: 20:18

Meeting Concluded: 20:22

Present:

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

In attendance: Town Clerk, Responsible Financial Officer, Senior Committee Clerk

126. Apologies for Absence

Apologies for absence were submitted as noted above.

127. Requests for Dispensations

There were no requests for dispensations.

128. Declarations of Interest

There were no Declarations of Interest.

129. Minutes of the Town Council Meeting held on 29th June 2020

RESOLVED: To receive and agree the Minutes of the meeting held on 29th June 2020 as a true record.

130. Annual Return for Year Ended 31st March 2020

Council received the Annual Governance and Accountability Return 2019/20 and considered the recommendations from the Finance and General Purposes Committee held immediately prior to this meeting [*Minute 116*, Finance & General Purposes Committee 20.07.2020 refers*].

- Previously recorded as Minute no.111

RESOLVED:

1. That the Annual Governance Statement 2019/20 be approved and adopted;
2. That the Accounting Statements 2019/20 be approved and adopted; and
3. That the supporting papers for submission to the External Auditors (Draft Annual Return) be approved and adopted.

131. Press Release: None

There being no further business the Chairman closed the Meeting.

Signed

Dated

Chairman

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**Sevenoaks Town Council
Notes of the Stag Governance Working Party virtual meeting
Held on 8th October 2020**

Present: Cllr Busvine, Cllr Raikes, Cllr Shea, Cllr Waite, Town Clerk

1. Notes of the Stag Governance Working Party held on 16th July 2020

RESOLVED: It was unanimously agreed to amend the notes of the previous meeting as indicated in italics on attached copy.

2. Notes of the Meeting held with Chequermead Trustees on 5th August 2020.

RESOLVED: It was unanimously agreed to accept the notes of the meeting as a true record.

3. Cllr Shea amended slides

Cllr Shea provided three slides outlining the current discussion and potential ways forward. It was noted that the discussion was related to Agenda Item 5 – next steps.

4. Legal Advice

The Working Party noted the receipt of the following legal advice:

- i) Sevenoaks Town Council Legal Advice dated 28th August 2020
- ii) Stag Trustees letter dated 1st October 2020.

It was also noted that a further letter had been received from some Stag Trustees relating to item ii).

The following key points were discussed and noted

- Sensible advice
- New governance review would be a lengthy and potential costly exercise
- Professional charity expertise was needed to provide an informed debate and ultimately a decision by the Trustees if needed.
- The matter was legally for the Stag Trustees to pursue.
- Priority at present was to ensure Stag remained solvent, if this were not the case in the future other governance structures could be required.
- For this reason entering into potentially costly legal arrangements was not considered appropriate at this time.
- The review of governance did not reflect any suggestions of impropriety or poor management.
- Links with Sevenoaks Town Council and the local community should be preserved.
- Trustees debating new governance arrangements can involve other parties including Town Clerk if desired.
- The Chequermead current solution was not advocated.
- If the Stag survives COVID-19 it could be in a stronger position than previously due to less competition and potentially attract stronger performers and acts as seen during Live on the Vine 2020.

- Any new governance arrangements should build on the Stag's 10-year success.
- Town Councillors were able to discuss informally the governance of the Stag, however noted as Stag Trustees separate advice on the matter was needed.

RESOLVED:

- i) The Stag Governance Working Part to report to Sevenoaks Town Council did consider that the governance of the Stag required a review and introduction of independent trustees, subject to them being appointed through an appropriate basis and providing added value.
- ii) The Stag Governance Working Party to meet again in approximately two months to consider informally other models of governance by other theatres to be able to pass on information to the Stag.

**Notes of the Stag Governance Working Group
Held on Thursday 16th July 2020 at 7.00 p.m.**

Present: Cllr Busvine, Cllr Raikes, Cllr Shea, Cllr Waite, Town Clerk

The Town Council meeting held on 29th June 2020 when discussing funding for the Stag Resolved to set up two Working Groups one to review Stag Finances relating to the grant arrangement and one to review Governance of the Stag.

It was noted that those involved in the Working Group were discussing from a Sevenoaks Town Council perspective either as a Town Councillor or a Town Council official and not representing the Stag.

Cllr Busvine started the meeting by setting out his two serious concerns relating to the meeting held on 29th June.

Firstly, the words used when discussing the governance of the Stag could lead the public to assume that there was some underhand behavior or corruption taking place in the management of the Stag and he was deeply uncomfortable at any hint of suggestion about this. If someone had evidence of this it should be provided and investigated immediately.

Secondly, there was a lot of discussion about transparency at the same time a member of the public who has insisted that his question was put verbally at the meeting rather than by email as per 1600+ other members of the public was the Secretary to the local Liberal Democratic Group. When Councillors asked if anyone knew the person no member of the Liberal Democrat Group acknowledged this connection or Declaration of Interest.

He then added that he hoped that the Working Group could define the nature and scale of any problem that might justify a change to the Stag governance arrangements. He believed there needed to be a compelling case to change the governance structure of a successful model particularly during the current emergency. Any proposed changes should not include micromanagement of the venue.

All present agreed that there had not been any hint of evidence of any improper governance practices at the Stag in the past or current. Cllr Shea apologised for her comments at the meeting if they had caused offence.

Cllr Waite raised concerns over an inflammatory email that had been circulated by a Town Councillor / Trustee, which suggested that both he and Cllr. Dr. Canet did not support the Stag. Cllr Waite expressed real concern over the message which he found to be deeply offensive to both Cllr. Dr Canet and himself. Cllr Waite accordingly asked Cllr Raikes to apologise on behalf of the Conservative member of the Council. Cllr Raikes declined to respond.

The Town Clerk advised that she had not seen the email referred to.

It was also noted that there had been some political emails etc circulated. Such activities were outside the scope of the Town Council and should remain so.

All agreed that they wanted to work in the best interest of the Stag to ensure its sustainability for the future. A priority was also to assist the venue through the current emergency of the pandemic and not distract resources.

Cllr Shea and Cllr Waite believed the current governance arrangements needed to be adjusted to enable independent Trustees or Directors, however not as a majority. They believed this would increase transparency for the public and provide access to additional skills to help support the management of the Stag.

Cllr Busvine acknowledged that Cllr Waite had consistently raised concerns over the governance of the Stag at meetings of Trustees / Directors.

Cllr Shea and Cllr Waite also had concerns about the perception of the link of the two organisations with one providing grant aid to the other. It was noted that this was very public and not at all behind closed doors, noting that over 500 people had viewed the meeting where this took place. The Town Council had always provided grant assistance to the Stag and other organisations. On this occasion it was larger sum due to the current emergency.

The Town Clerk stated that it was fair to say that if the charity was being created now it may be different to what was created ten years ago. However, it was not correct to say that the Stag charity was a subsidiary of Sevenoaks Town Council. It was a separate legal entity and a legitimate charity. It may not be what some people want now but these were the legal facts.

The Town Clerk had also sought initial legal advice from the lawyer who worked on the creation of the charity. This had been circulated in advance to those present and is attached. The key points were:

- The Stag as an independent charity should seek legal advice immediately relating to another organisation – Sevenoaks Town Council - reviewing its governance.
- The Stag charity had been created with a clear line of demarcation between Trustee and Town Councillors roles and activities. At the Town Council meeting held on 29th June 2020 this appears to have been breached.
- Trustees should be advised to obtain legal advice as soon as possible regarding their potential non objectivity.
- Any changes relating to the current robust governance arrangements should not be carried out without initial specialized legal advice.

The Town Clerk would be supplying a copy of the document to the CEO at the Stag and Town Councillors.

Those present debated how to continue and agreed the following:

1. Discussions about changes to Articles of Association need to happen with Stag Trustees.
2. All present were keen to state that the current Business Model was successful and should not be changed. If there were any change of governance, this should be a priority.
3. The Town Council's involvement within the governance structure provided a background of financial stability for the venue.
4. The Working Group would carry out a fact-finding exercise relating to current Best Practice relating to theatre governance this would include Chequermead. The Stag's original governance had been based on Chequermead Theatre which had been subsequently changed in recent years.
5. Reviewing other theatre's Best Practice should include details of how much the venues were subsidized.
6. The Town Clerk would request a virtual meeting with representatives of Chequermead.
7. Cllr Shea had produced a set of slides considering the discussion at the meeting these would be reviewed and represented at the next meeting.

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Sevenoaks Town Council**Stag Finance Working Party
Held virtually at 7 p.m. on 21st October 2020****Present:**

Sevenoaks Town Council	Stag
Cllr Bonin	Andrew Eyre
Cllr Clayton	Christine Parvin
Cllr Hogarth	
Cllr Morris Brown	
Linda Larter	
Ros Shaw	

1. Apologies for Absence

Cllr Camp had apologised if she was needed as a 'reserve'.

2. Stag Fundraising Appeal

The Stag reported the following in relation to the fundraising appeal. Sevenoaks Town Council had agreed to match fund up to £60,000.

- Charitable donations raised
 - As expected in the original recovery plan and as reported previously the level of public donations has dropped to negligible levels. September's average for public donations is just £57 per day. We do continue to receive other one-off donations and we will continue to seek those in our marketing – for example we received a donation of £333 from Waitrose as part of their CSR response. We also continue to receive income from those who have practically decided to do something to help The Stag – the prime example being that of Linda and Jamie putting on the Live on the Vine concerts which has produced such a brilliant response both in terms of income to The Stag but also such a valuable awareness of the continuing presence of The Stag and of its future. Jamie has continued that with the "It's time to come back inside" re-opening season of shows. Similarly, a young lady called Maisie contacted us and proactively set up a stall at one of the Live on the Vine concerts and subsequently also sold and raffled goods and will donate around £1,000 to The Stag. It is clear individuals who want to actively support The Stag do not need The Stag to set up a money raising scheme - just the commitment to do something. We will of course use our facilities and backup to assist active fund-raisers where we can.
 - The public appeal currently stands at £53,477 which does not include the Live on the Vine donation and which also does not include Gift Aid we received on many of the generous direct donations we received.
 - We will continue to accept individual donations but the longer-term aim now is to provide multiple routes to receive money and to concentrate on increasing regular annual income through the membership scheme – for The Stag to once again become sustainable in the long-term.

3. ACE Grant

The following successful grants were noted and congratulated on.

It was also noted that as a result the Stag does not anticipate needing further revenue support from STC for the next 6 months.

- Grants applied for / received
 - o The two principal awards for which The Stag applied (ACE Sustainability and BFI Emergency) have both now been received:
 - ACE Sustainability £444,395
 - BFI Emergency £ 9,306
 - This represents a direct replenishment of monies already spent from original reserves to prepare The Stag to re-open.
 - Businesses are not allowed to receive funds from both the ACE Sustainability and the BFI Sustainability funds so The Stag is not now allowed to apply to the BFI Sustainability Fund.
 - o We continue to apply to various capital asset grant giving agencies including an application to cover the replacement of the 1991 boilers which will amount to around £120,000.
 - o We have received a Theatres Trust Grant towards the Plaza doors of £5,000 which represents about half of the needed amount for that project.
 - o Most grant giving bodies will not fund all project costs but will contribute alongside other grants towards the overall cost of a project.
 - o Other capital projects we are looking at:
 - Refurbish the Plaza (in two parts; decoration including the wooden floor, refurbish and replace the 1991 architectural lighting) (Quotes are being obtained)
 - Replace the 1991 doors elsewhere in the building (particularly the front) (various parts: £2k, £2k, £4k, £5k remaining for the Plaza, £12k for the front)
 - Replace the aging (and gradually failing) 1991 boilers (£120,000)
 - Toilets (£30,000-£75,000)
 - Access doors to lift (and therefore ease access to theatre and café/bar)
 -

4. Stag Finance Working Party to be disbanded

It was noted that the Stag Finance Working Party had completed the brief set up by Sevenoaks Town Council to establish details of the match funding appeal and potential ongoing revenue requirements of the Stag up to March 2021.

The Stag representatives were reminded of the timetable for the Town Council's Precept setting and it was agreed that officers from both organisations would have a discussion if necessary, in early December 2020.

Conversations would also continue in relation to funding of capital projects and potential grants including CIL.

There being no further business the meeting closed at 8.00 p.m.



Mr and Mrs P [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Via email

4th November 2020

Dear Mr and Mrs P [REDACTED]

Re: Sevenoaks Town Council Complaint Hearing held on 2nd November 2020 via zoom

Thank you for attending the Complaint Hearing this week, we are sorry that you are having to have these difficult conversations during your bereavement.

Please see below a precis of the Complaint Hearing:

1	Complaint and Information Details relating to Mr P [REDACTED] complaint and STC's Cemetery Fees and Charges had been circulated to all present before the meeting.
2	Introductions Mr and Mrs P [REDACTED] were welcomed and condolences given, and the Mayor introduced everyone present.
3	Outline of key points of complaint The Mayor invited Mr and Mrs P [REDACTED] to outline the key points of the complaint. Which were as follows: i) There should not be an additional charge for a casket compared to a coffin, Mr P [REDACTED] believed there was no additional work involved.

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Town Clerk

	He had reviewed charges at Maidstone, Dartford and Tunbridge Wells cemeteries and they did not charge extra for caskets or non-parishioner rates. ii) Mr and Mrs P■■■■ believed that they lived in Sevenoaks, as they paid Council Tax to Sevenoaks District Council. iii) Cremated ashes were buried within the casket and should not have incurred additional cost of £240 which is normally charged for interment of cremated remains.
4	STC response The Mayor requested the Chief Executive to respond to the complaint points. i) Within the paperwork circulated the Open Spaces Manager had reported the difference in work relating to the casket requirements. <i>We excavate take away and return to back fill possibly 50% more soil, the time to dig the grave increases the grave as it is often longer and wider and then often additional time is spent making sure the grave is well shored between this grave and any used plot adjacent (not actually relevant in this case) Plots are 4' wide but if you dig a casket to 3' wide this leaves only 6" of solid soil to each side plus the other 6" of soil on the next grave, this one foot of soil will collapse very easily. So, more shoring needed, so additional labour time plus a proportion toward updating and servicing equipment. Looking around Gravesham charge more for Caskets.</i> In addition, the Open Spaces Manager had informed the Chief Executive of the following: <i>When we back filled his parents-in-law grave I made a note of how much went back in which was a 7.5 dumper truck load as opposed to the normal 4.5, so not double but significantly more and the time to dig the grave increases as the grave is often longer and wider and often additional time is spent making sure the grave has soil stability to avoid causing problems with the grave alongside.</i> ii) The Chief Executive explained that each area was parished. Mr & Mrs P■■■■ lived in Riverhead Parish Council area and paid their local council tax to them within the council tax payment to Sevenoaks District Council and also district wide council tax to Sevenoaks District Council.

	Residents who lived in Sevenoaks Parish paid their local council tax to Sevenoaks Town Council and district wide council tax to Sevenoaks District Council. Residents of Sevenoaks Town Council pay for the facilities the Town Council provides e.g. parks, cemetery, Stag grants via its local council tax, new Bat & Ball Centre. Therefore, these residents receive a discount on burials as they are already financially contributing to the cemetery. Residents from outside the Sevenoaks Town Council area are charged more as they do not financially contribute to the cemetery via their council tax. iii) The complaint was understood, and that Sevenoaks Town Council did not have a separate fee payable for including a casket of ashes within a casket or coffin. This would be considered further.
5	Summary The Mayor summarized by stating that he could understand people's surprise and concern when they learn about costs for burials and information about parishes and local government particularly when they are in a bereaved situation. The Complaint Panel would seriously consider Mr & Mrs P [REDACTED] complaint however also had to bear in mind the current financial constraints and what was in the best interest of Sevenoaks town residents. There may also be the opportunity in the future to re-open discussions with neighbouring parishes, e.g. Riverhead about financial contributions for parishioners using Sevenoaks town facilities and the offering of parishioner rates. A response would be provided by the end of the week.
6	Open Spaces & Leisure Committee 9th November 2020 at 7 p.m. The Chief Executive explained that the following week the Open Spaces & Leisure Committee would hold its annual consideration of fees and charges, including cemetery as part of its budget setting process.

	The details would be forwarded to Mr & Mrs P [REDACTED] when published. If Mr & Mrs P [REDACTED] wanted to address the Committee, they needed to inform the Chief Executive.
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Note 1: The main difference between a coffin and casket is in the design. Funeral coffins are tapered at the head and foot, wide at the shoulders, and often have six sides. But how do caskets differ? Funeral caskets are rectangular in shape with four sides and they are often constructed of better-quality materials with a hinged lid. Dignity Funerals

Note 2: the following information was obtained from websites following the meeting

Maidstone Borough charges

Says there is an extra charge for large coffins or caskets, or two plots will need to be purchased,
and non-residents are charged double fees

Dartford Borough charges

Set charge for oversize coffins

Non-residents charged treble fees

The Decision of the Complaint Hearing is as follows:

1. Sevenoaks Town Council maintains that there should be a different charge for Caskets compared to Coffins. This relates to the process of burial which includes digging (sometimes manually depending on adjacent graves) and shoring up process. The charges are clearly identified on its Fees & Charges and available to all Funeral Directors. The option is a matter of personal choice.
2. Sevenoaks Town Council maintains that it needs to charge non resident fees in the best interest of the local Sevenoaks Town ratepayer. It is common practice to charge non resident fees at an increased rate. The Town Council is aware that the difference between Sevenoaks District Council and Sevenoaks Town Council areas can be confusing to some members of the public and would hope that Funeral Directors are able to explain this sensitively at the time when burial arrangements are made.
3. Sevenoaks Town Council does not have a specific cost for enclosing a casket of ashes within a coffin, this is an unusual practice. The Town Council will seek advice on this

matter and consider charges in relation to this in the future. In the meantime, as a gesture of good will Sevenoaks Town Council will refund £240 to Mr and Mrs P [REDACTED]

4. Sevenoaks Town Council will consider again approaching in the future neighbouring parishes e.g. Riverhead Parish Council about financial contributions for parishioners using Sevenoaks town facilities and the offering of parishioner rates.

I hope that this process and information is helpful to you.

Yours sincerely,

Linda Larter MBE
Chief Executive / Town Clerk