

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

**CABINET**

**Thursday 12 April 2007**

**Present: Councillor Howell (Chairman)  
Councillors Bullock, Bulman, Cunningham, Horwood, Mrs Mayhew, Scholes  
and Mrs Thomas.**

**APOLOGIES FOR ABSENCE**

CAB164/06 Apologies for absence were received from Councillor Davies.

**DECLARATIONS OF INTEREST**

CAB165/06 In accordance with the Council's Code of Conduct, Part 5, Councillor Cunningham declared a personal and prejudicial interest in decision number CAB174/06 because one of the properties included on the Register of Buildings at Risk was his own. He left the meeting during discussion of the item.

**APPROVAL OF CABINET MINUTES DATED 8 MARCH 2007**

CAB166/06 It was noted that the minutes dated 8 March should be amended to correct the name of a speaker identified in the footnote to Mr Walsh, not Mr West.

It was agreed that the minutes of the Cabinet meeting held on 8 March 2007 be confirmed as correct record, subject to the above amendment.

**CONSIDERATION OF REPORT FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

CAB167/06 The Chairman of the Overview and Scrutiny Committee advised the Cabinet that, in the new Scrutiny structure, Members who did not have Cabinet or chairmanship responsibilities would be expected to serve on the Select Committees. Those Members would be provided with a comprehensive remit of what was expected from them and what their duties were, and would be expected to fully engage in the work of the Select Committee.

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**RECOMMENDATIONS TO COUNCIL**

**DECISION NO. CAB168/06**

**NON-EXEMPT**

**PORTFOLIO:**

**ENVIRONMENTAL**

**PORTFOLIO HOLDER:**

**Councillor Cunningham**

**TITLE OF REPORT:**

**\* Formalisation of Existing Kent Waste Partnership Working Arrangements (070412/CAB002)**

**PRIORITIES:**

**A2 - Caring for our Environment  
A5 – Delivering high quality services to our customers**

**DISCUSSION:**

Following the recent adoption of the Kent Local Authorities' Joint Kent Municipal Waste Strategy, Members were advised that work had now been completed on drafting the Constitution for the new Kent Waste Partnership. The final draft was attached as an appendix to the report, which included the comments made by the Kent Secretaries Officers' Group.

It was noted that Kent County Council and all Kent districts and borough councils were being asked to agree formally to the formation of the partnership and the adoption of the Constitution.

Members were also asked to add a further recommendation nominating the Portfolio Holder with responsibility for this area to represent the Council on the Joint Waste Management Committee.

**DECISION MADE:**

- (1) That the formation of the Kent Waste Partnership and Joint Waste Management Committee be supported;
- (2) That the Kent Waste Partnership's draft Constitution be adopted; and
- (3) That the Portfolio Holder with responsibility for this area be nominated to represent the Council on the Joint Waste Management Committee.

**REASONS FOR DECISION:**

To ensure that the Council becomes a member of the Kent Waste Partnership, actively participates in the delivery of the Kent Local Authorities' Joint Kent Municipal Waste Strategy and maximises the opportunities for securing additional resources from the various waste and recycling funding streams.

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**DECISION NO. CAB169/06****NON-EXEMPT****PORTFOLIO:****FINANCE, RESOURCES AND ADMINISTRATION****PORTFOLIO HOLDER:****Councillor Horwood****TITLE OF REPORT:****\* Treasury Management Policy and Strategy and Prudential Indicators (070412/CAB007)****PRIORITIES:****A7 – Ensuring that we are well managed, proactive and deliver value for money services****DISCUSSION:**

Members discussed the proposed changes to be made to the Treasury Management Policy. They were advised of two amendments to be made to the report, namely:

Paragraph (13) – should read 'At the 16 March **2006**'; and  
 Paragraph (21) point 2 – should read '**5.20%** in 2007/08, **5.02%** in 2008/09'

**DECISION MADE:**

- (1) That the Treasury Management Policy be adopted including the proposed investment limits shown in paragraphs (8) to (10) to the report;
- (2) That the use of and limits of specified investments and of non-specified investments, as set out in paragraph (11) and Appendix A of the report, be approved;
- (3) That the Treasury Management Strategy targets, as set out in paragraph (21) of the report, be approved;
- (4) That the prudential indicators - external debt and treasury management and the locally determined treasury limits, as set out in paragraphs (24) to (32) of the report, be approved;
- (5) That the Cabinet receives regular reports monitoring the Council's compliance with the Treasury Management Policy, Treasury Management Strategy and Treasury Management Prudential Indicators; and
- (6) That, at the year end, the Cabinet receives a report comparing the approved estimated Prudential Indicators with the actual outturn.

**REASONS FOR DECISION:**

Compliance with the Local Government Act 2003, the Council's Constitution: Financial Procedure Rules and good professional practice as set out in the Code of Practice for Treasury Management in the Public Services and Prudential Indicators.

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**CABINET DECISIONS****DECISION NO.CAB170/06****NON-EXEMPT****PORTFOLIO:****FINANCE, RESOURCES AND ADMINISTRATION****PORTFOLIO HOLDER:****Councillor Horwood****TITLE OF REPORT:****Forward Plan (070412/CAB001)****PRIORITY:****Delivering high quality services to our customers**

**DECISION MADE:**

That the Forward Plan of Key Decisions be approved, subject to the following additions:

## Economic Development and Transport Portfolio –

- (i) Car Park Charges - Consideration of proposal to increase existing Council car park charges from August 2007 and any representations received – 7 June 2007; and
- (ii) Car Parking Charging Review - Consideration of options for extended hours of Council car parking operation in support of Tunbridge Wells town centre business patterns including seven day per week patrolling with commensurate charges.

## Finance, Resources and Administration Portfolio –

- (i) Members' Remuneration – 10 May 2007;
- (ii) Quarterly Revenue Report – 2 August 2007;
- (iii) Quarterly Capital Report – 2 August 2007;
- (iv) Quarterly Performance Management Report – 2 August 2007;
- (v) Quarterly Monitoring of the Treasury Management Strategy Targets and Prudential Indicators (for information) – 2 August 2007

**REASONS FOR DECISION:**

To comply with Access to Information Procedure Rule 14.

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**DECISION NO. CAB171/06****NON-EXEMPT****PORTFOLIO:****HOUSING****PORTFOLIO HOLDER:****Councillor Mrs Mayhew****TITLE OF REPORT:****The Government's Consultation Paper on Proposals to Improve Disabled Facilities Grant Programme Delivery (070412/CAB003)****PRIORITY:****A3 – Having Suitable Housing for Local People****DISCUSSION:**

Members considered the Department for Communities and Local Government (DCLG) consultation on proposals to improve the delivery of the disabled adaptations programme. A draft response to the consultation paper was set out at Appendix 1 to the report for Members' information.

It was noted that emphasis would be placed on Registered Social Landlords' (RSLs) role in contributing towards the regional strategy on providing accessible housing and to reach local agreement with local authorities in relation to major housing adaptations for their tenants with a view to sharing the costs. Members requested that a further report be submitted to Cabinet as soon as possible regarding progress of work being undertaken by a county-wide project group comprising representatives of district councils, Kent County Council and RSLs to take forward this matter, and the outcome of proposed discussions with RSLs.

**DECISION MADE:**

- (1) That the proposals contained within the Government's consultation paper, "Disabled Facilities Grant Programme: The Government's proposals to improve programme delivery", be noted;
- (2) That the draft response outlined in Appendix 1 to the report be approved;
- (3) That the Head of Housing Services, in consultation with the Housing Portfolio Holder, be authorised to make any minor textual amendments to the response; and
- (4) That a further report be submitted to Cabinet as soon as possible updating Members on the progress of work being undertaken by the county-wide project group regarding funding of adaptations for tenants of Registered Social Landlords (RSLs) and of proposed discussions with RSLs.

**REASONS FOR DECISION:**

To ensure that the Council's views on the proposals to improve the delivery of the Disabled Facilities Grant (DFG) programme are represented. Local authorities have a duty to administer DFGs under the Housing Grants, Construction and Regeneration Act 1996 (as amended by The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002).

**Contact Officer: David Crosby, Head of Housing Services**  
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**DECISION NO. CAB172/06****NON-EXEMPT****PORTFOLIO:****HOUSING****PORTFOLIO HOLDER:****Councillor Mrs Mayhew****TITLE OF REPORT:****South East Regional Housing Strategy Review (070412/CAB004)****PRIORITY:****A3 - Having housing suitable for local people****DISCUSSION:**

The Head of Housing Services provided Members with details of the South East Regional Housing Board's consultation paper on the revision of the Regional Housing Strategy. It was noted that the current Regional Housing Strategy ran until the end of March 2008 and the Regional Housing Board's consultation paper set out proposed funding priorities for the three-year period 2008-2011.

A draft response to the consultation paper was set out at Appendix 1 to the report for Members' approval, which the Borough Housing Partnership, RSL partners and Parish Councils had been invited to comment on.

Members were advised that Capel Parish Council had responded to the consultation by expressing its disappointment that the paper played down the role of rural affordable housing.

**DECISION MADE:**

- (1) That the proposals contained within the South East Regional Housing Board's consultation paper, "South East Regional Housing Strategy Review 2007", be noted; and
- (2) That the draft response outlined in Appendix 1 to the report be approved, subject to the inclusion of an appropriate comment to respond to the concerns raised by Capel Parish Council.

**REASON FOR DECISION:**

To ensure that the Council's views on the proposals set out in the South East Regional Housing Board's consultation paper are represented.

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**DECISION NO. CAB173/06**

**NON-EXEMPT**

**PORTFOLIO:**

**PLANNING**

**PORTFOLIO HOLDER:**

**Councillor Mrs Thomas**

**TITLE OF REPORT:**

**Tunbridge Wells Borough Local Development Framework:  
Affordable Housing – Supplementary Planning Document  
Consultation Draft (070412/CAB005)**

**PRIORITIES:**

**A1 – Promoting and maintaining a thriving and diverse local economy**  
**A3 – Having housing suitable for local people**  
**A4 – Developing safer and stronger communities.**

**DISCUSSION:**

Members considered the Draft Affordable Housing Supplementary Planning Document (SPD), which supported and set out the detail of how adopted planning policy in respect of affordable housing in the Tunbridge Wells Borough Local Plan (2006) would be implemented and would support the delivery of affordable housing in the Borough. It was noted that, once adopted, the SPD would form part of the Tunbridge Wells Borough Local Development Framework.

The SPD was attached at Appendix 1 to the report and reflected initial advice from the Local Development Framework Member Working Party, the Housing Service and the Housing Corporation.

The Cabinet was advised that public consultation was expected to run for six weeks, commencing on 23 April 2007.

**DECISION MADE:**

- (1) That the Affordable Housing SPD Consultation draft be approved for the purpose of public consultation; and
- (2) That the Head of Planning Services, in consultation with the Planning Portfolio Holder, be authorised to make any minor amendments or factual updating necessary prior to the publication of the consultation draft.

**REASON FOR DECISION:**

In accordance with the Tunbridge Wells Borough Local Development Framework (Local Development Scheme 2007); and identified key action in the Borough.

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**DECISION NO. CAB174/06****NON-EXEMPT****PORTFOLIO:****PLANNING****PORTFOLIO HOLDER:****Councillor Mrs Thomas****TITLE OF REPORT:****Review of Buildings at Risk/Heritage Grants Strategy  
(070412/CAB006)****PRIORITY:****A2 – Caring for our Environment****DISCUSSION:**

Members were advised that the current Buildings at Risk programme required review in order to take account of the Council priorities. It was felt that the project criteria should be changed to reflect the current policies and strategies.

The Head of Planning Services informed the Cabinet that the current approach was restricted solely to those buildings and structures that were listed by the UK Government for their special architectural or historic importance, and also to those that were considered 'at risk' as a whole. However, many important heritage features currently escaped the Council's attention, either because they were not on the national list or because they were not whole buildings.

Members agreed that the project would target heritage "grotspots" throughout the Borough, not just the town centre as stated in the report. It was noted that where a partnership approach proved unsuccessful or inappropriate, procedures would then be considered in accordance with the Enforcement and Compliance Strategy.

It was also felt that the wording in paragraph (12) of the report should be amended to clarify that buildings targeted under the existing Buildings at Risk project could remain eligible under the criteria of the new strategy.

Members were advised that, to ensure openness, accountability and good value on larger projects, partnership grant offers over the value of £10,000 would be approved as a non-key decision by the Planning Portfolio-Holder, and would require three competitive quotes.

The Cabinet expressed their thanks and appreciation to the Senior Design and Heritage Officer for his perseverance and efforts to reduce the number of Buildings at Risk on the register.

**DECISION MADE:**

- (1) That the target criteria for partnership grant projects be changed as described in the report;
- (2) That partnership grant offers over the value of £10,000 be approved as a non-key decision by the Planning Portfolio-Holder; and
- (3) That progress be reported to Cabinet on an annual basis.

**REASON FOR DECISION:**

Due to the emergence of new priorities and objectives, it is considered that the Buildings at Risk Project requires review.

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**EXEMPT ITEM****LOCAL GOVERNMENT ACT 1972, SECTION 100A (4)**

**RESOLVED** – It was proposed and seconded that, under Section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the item of business referred to below on the grounds that it may involve the likely disclosure of exempt information as defined in Part 1 of the Schedule 12A of the Act namely: -

**DECISION NO. CAB175/06**

Paragraph (3) - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**DECISION NO.CAB175/06****NON-EXEMPT****PORTFOLIO:****FINANCE, RESOURCES AND ADMINISTRATION****PORTFOLIO HOLDER:****Councillor Horwood****TITLE OF REPORT:****Proposed Disposal of Open Space Land at Hawkenbury Road, Hawkenbury (070412/CAB008)****PRIORITY:**

**A5 – Delivering high quality services to our customers**  
**A7 – Ensuring that we are well managed, proactive and deliver value for money**

**DISCUSSION:**

Members discussed the proposal to dispose of the land at Hawkenbury Road, Hawkenbury.

The Head of Financial and Property Services advised that a scheme had been worked up for the site, and a planning application for 2 no. two-storey, 2 bedroom houses and 2 no. three-storey 3 bedroom houses with communal parking and access had been approved on 30 January 2007. A copy of the revised estimated valuation of the site was attached to the report for Members' information.

After consideration, the Cabinet agreed that the site should be sold for housing. Discussion took place on whether the site should be sold for affordable housing or on the open market, and it was decided that the development of the site should be tendered in parallel process, then the results could be compared and a decision made in line with the Council's priorities.

The Chairman of Overview and Scrutiny expressed the view that this decision should come back to Cabinet for a full debate, to allow other Members the opportunity to contribute to the discussion when making the final decision; however Cabinet agreed that the final decision would be made by the Head of Financial and Property Services, in consultation with the Housing and Finance, Resources and Administration Portfolio Holders.

**NOTE:** Councillor Bulman asked that it be recorded that he was opposed to this decision and he voted against the proposal.

**DECISION MADE:**

- (1) That the Estates Officer be authorised to sell the piece of vacant land for housing;
- (2) That development of the site be tendered in parallel process within the open market and for shared ownership;
- (3) That the Estates Officer be authorised to appoint agents to market the land and to seek offers to develop the land within the open market and to any of the Council's seven selected Registered Social Landlord (RSL) preferred partners for shared ownership; and
- (4) That the Head of Financial and Property Services in consultation with the Housing and Finance, Resources and Administration Portfolio Holder be authorised to accept an offer in line with the Council's priorities.

**REASONS FOR DECISION:**

To progress the Land Disposal Programme following an Open Space Asset Review to ascertain land that is surplus to Council requirements and which may have the possibility of development, especially for affordable housing sites.

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**(NOTE:**

In accordance with Cabinet Procedure Rule 5.3, Councillor Mrs North attended the meeting and spoke on the following decisions: CAB167/06, CAB174/06 and CAB175/06.)