

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

**CABINET**

**Thursday 8 March 2007**

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

**APOLOGIES FOR ABSENCE**

CAB148/06 Apologies for absence were received from Councillor Cunningham.

**DECLARATIONS OF INTEREST**

CAB149/06 In accordance with the Council's Code of Conduct, Part 5, Councillor Mrs Mayhew declared a personal and prejudicial interest in decision number CAB153/06 on the basis that she lived in a private street; she withdrew from the meeting during consideration of that item.

**APPROVAL OF CABINET MINUTES DATED 8 AND 21 FEBRUARY 2007**

CAB150/06 It was agreed that the minutes of the Cabinet meetings held on 8 and 21 February 2007 be confirmed as correct records.

Councillor Davies, Portfolio Holder for Economic Development and Transport, informed Members that the Kent County Council Highways Advisory Board held a meeting on 6 March 2007 and had not agreed with the Joint Transportation Board minute TB21/06 dated 15 January 2007 to remove the bus lanes from the A26. Their recommendation was to retain the bus lanes; the final decision would be with the Kent County Councillor Portfolio Holder responsible.

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

CAB151/06 The Chairman of Overview and Scrutiny Committee updated Cabinet on their current work programme; the following was noted:

- a) Policy and Development Sub-Committee was meeting on 14 March 2007 to discuss the working of Cabinet Advisory Panels.
- b) Urban Practitioners attended a meeting on 7 March 2007.
- c) Attendance at meetings was being addressed.
- d) Members' Handbook was currently being updated.

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**RECOMMENDATIONS TO COUNCIL**

**DECISION NO. CAB152/06**

**NON-EXEMPT**

**PORTFOLIO:**

**PLANNING**

**PORTFOLIO HOLDER:**

**Councillor Mrs Thomas**

**TITLE OF REPORT:**

**\* Renewable Energy Supplementary Planning Document  
(070308/CAB008)**

**PRIORITY:**

**Caring for our Environment**

**DISCUSSION:**

The responses from the public consultation on the draft Renewable Energy Supplementary Planning Document were highlighted to Members of the Cabinet; these responses would be included in the Supplementary Planning Document for development control purposes and as part of the Borough's Local Development Framework.

Members were informed that under the new planning system, monitoring would be required for Supplementary Planning Documents; therefore, officers were looking to develop relevant and measurable monitoring tools that would be brought forward as part of the LDF Annual Monitoring Report.

**DECISION MADE:**

- (1) That the text of the Renewable Energy Supplementary Planning Document be approved for development control purposes and as part of the Tunbridge Wells Borough Local Development Framework; and
- (2) That the publication of the document be undertaken.

**REASONS FOR DECISION:**

Tunbridge Wells Borough Local Development Scheme, Action in Borough Council's Carbon Management Plan, South East Plan, Kent & Medway Structure Plan, PPS1: Planning and Climate Change, PPS12: Renewable Energy.

**Contact Officer: Alan Legg, Principal Design and Heritage Officer**  
**Tel: 01892 526121 or e-mail: alan.legg@tunbridgewells.gov.uk**

**CABINET DECISIONS****DECISION NO.CAB153/06****NON-EXEMPT****PORTFOLIO:**

**FINANCE, RESOURCES AND ADMINISTRATION**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**TITLE OF REPORT:**

**Forward Plan (070308/CAB001)**

**PRIORITY:**

**Delivering high quality services to our customers**

**DECISION MADE:**

That the Forward Plan of key decisions be approved, subject to the following:

Addition: Environmental Portfolio Holder – Formalisation of Existing Kent Waste Partnership Working Arrangements – 12 April 2007

Amendment: Finance, Resources and Administration Portfolio Holder – Future Use of Cranbrook Offices – 10 May 2007

**REASONS FOR DECISION:**

To comply with Access to Information Procedure Rule 14.

**Contact Officer: Samantha Timms, Senior Committee Administrator**  
**Tel: 01892 554219 or e-mail: sam.timms@tunbridgewells.gov.uk**

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**DECISION NO. CAB154/06**

**NON-EXEMPT**

**PORTFOLIO:**

**ECONOMIC DEVELOPMENT & TRANSPORT**

**PORTFOLIO HOLDER:**

**Councillor Davies**

**TITLE OF REPORT:**

**Maintenance of Street Lighting in Private Roads (070308/CAB002)**

**PRIORITY:**

**Ensuring we are well managed, proactive and deliver value for money services.**

**DISCUSSION:**

Members were reminded that prior to the termination of the County/Borough Highway Partnership on 1 April 2005, street lighting in private streets throughout the Borough was maintained by the Partnership; this arrangement was in place from 1974 or earlier.

Cabinet was informed that on 4 July 2005, the Tunbridge Wells Joint Transportation Board agreed that the maintenance of street lighting in private streets be terminated and that the relevant householders and landowners be notified; Cabinet approved the minutes on 4 August 2005.

The Head of Legal, HR and Democratic Services, informed Members that the decisions made by Joint Transportation Board and Cabinet did not include adequate consideration of the Council's legal powers and duties; therefore, the Cabinet was asked to reconsider options for the maintenance of lights and lighting in private streets taking into account the Public Health Act 1875 and its duties under the Crime and Disorder Act 1998.

Members considered the three options that had been identified together with associated costs and discussed each one in detail. Members of the Cabinet agreed to continue to fully maintain streetlights and lighting in all the private streets that Tunbridge Wells Borough Council currently maintains. The Joint Transportation Board would be informed of this decision.

**DECISION MADE:**

That Tunbridge Wells Borough Council assume the cost of fully maintaining streetlights and lighting in all the private streets on which lights and lighting were currently maintained by Tunbridge Wells Borough Council.

**REASONS FOR DECISION:**

To make a final decision on the future maintenance of existing street lighting in private streets inline with the requirement to accord with section 17 of the Crime and Disorder Act 1998.

Contact Officers: Gary Stevenson, Head of Environment and Street Scene and Lois Howell, Head of Legal, HR and Democratic Services  
Tel: 01892 526121 or e-mails: [gary.stevenson@tunbridgewells.gov.uk](mailto:gary.stevenson@tunbridgewells.gov.uk) and [lois.howell@tunbridgewells.gov.uk](mailto:lois.howell@tunbridgewells.gov.uk)

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DECISION NO. CAB155/06

NON-EXEMPT

JOINT PORTFOLIOS:

**HOUSING AND PLANNING**

PORTFOLIO HOLDERS:

**Councillors Mrs Mayhew and Mrs Thomas**

TITLE OF REPORT:

**Gypsy and Traveller Accommodation Need Scheme 2005/06 and Kent County Council Gypsy and Traveller Sites Select Committee Report (070308/CAB003)**

PRIORITIES:

**Caring for our environment; Having housing suitable for local people; and develop safer and stronger communities.**

DISCUSSION:

Members were briefed on the results of the Gypsy and Traveller Accommodation Need Survey conducted by the Council in 2005/06 and the contents of the Kent County Council Select Committee Report on Gypsy and Traveller Sites.

The objective of the Survey was to identify the housing needs and aspirations of gypsies and travellers who were housed or living on authorised or unauthorised sites in the four local authority areas. Members noted the results of the Survey that were included in the report and were given as an appendix.

The Head of Housing Services informed Cabinet that, should the report be approved, the results of the Survey would be shared with other stakeholders including Parish/Town Councils, the Borough Housing Partnership and Registered Social Landlords – the final report would be published on the Council's website.

The Survey also identified a need for eight additional authorised permanent sites in Tunbridge Wells Borough over the next five years. This would need to be taken into account in the development of the Local Development Framework.

Members noted the recommendations of the Kent County Council Select Committee Report on Gypsy and Traveller Sites.

DECISION MADE:

- (1) That the results of the Gypsy and Traveller Accommodation Needs Survey regarding future site provision be taken into account in the development of the Local Development Framework (LDF);
- (2) That discussions be held with relevant internal Services and partner agencies regarding the consultant's Survey recommendations in respect of the provision of services to the Gypsy and Traveller community;

**DECISION CONTINUED**

- (3) That the recommendations of the Kent County Council Select Committee Report on Gypsy and Traveller Sites be noted and relevant actions arising therefrom, listed in the report, be endorsed; and
- (4) That Councillor Mrs Mayhew be named as the Tunbridge Wells Borough Council's representative on the Kent and Medway Steering Group relating to gypsies and travellers.

**REASON FOR DECISION:**

To further the Council's corporate aims of 'Caring for our environment', 'Having housing suitable for local people' and 'Developing safer and stronger communities', and to comply with the Council's legal duty to carry out an assessment of the accommodation needs of Gypsies and Travellers in accordance with the provisions of the Housing Act 2004.

**Contact Officer: David Crosby, Head of Housing Services**  
Tel: 01892 526121 or e-mail: [david.crosby@tunbridgewells.gov.uk](mailto:david.crosby@tunbridgewells.gov.uk)

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**DECISION NO. CAB156/06**

**NON-EXEMPT**

**PORTFOLIO:**

**HOUSING**

**PORTFOLIO HOLDER:**

**Councillor Mrs Mayhew**

**TITLE OF REPORT:**

**Appointments to Outside Body – Melville's Charity for Molyneux Almshouses (070308/CAB004)**

**PRIORITIES:**

**Delivering high quality services to our customers; Improving customer service and satisfaction; and Ensuring that we are well-managed, proactive and deliver value for money services.**

**DISCUSSION:**

Members discussed the appointment to the above organisation and agreed to the representative listed in the decision.

**DECISION MADE:**

That Councillor Mrs Mayhew be appointed as one of the Council's representatives for the Melville's Charity for Molyneux Almshouses for four years.

**REASON FOR DECISION:**

To appoint representatives on outside bodies as the time arises.

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**Contact Officer: Samantha Timms, Senior Committee Administrator**  
Tel: 01892 526121 or e-mail: [sam.timms@tunbridgewells.gov.uk](mailto:sam.timms@tunbridgewells.gov.uk)

DECISION NO. CAB157/06

NON-EXEMPT

PORTFOLIO:

HOUSING

PORTFOLIO HOLDER:

Councillor Mrs Mayhew

TITLE OF REPORT:

**Proposals for a Private Accredited Lettings Scheme**  
**(070308/CAB005)**

PRIORITIES:

**Having housing suitable for local people and Develop safer and stronger communities**

DISCUSSION:

Cabinet was reminded that in accordance with the Housing Act 2004, local housing authorities were required to keep the standard of housing conditions in the area under review and to identify any action remedial that may need to be taken.

The Head of Housing Services highlighted to Cabinet the proposals for a Private Accredited Lettings Scheme for the borough. The aim of the Scheme would be to increase the provision of decent, good quality and well-managed private rented homes, support good landlords and to assist others to attain the appropriate standards. Members noted that consultation on the draft Scheme had been carried out during January and February 2007.

Twelve responses had been received and were highlighted to Members. It was noted that Sevenoaks District Council had not yet formally submitted their response but had informally expressed an interest in partnership working in relation to the Scheme, but at a later date.

The Head of Housing Services explained to Cabinet that the Audit Commission had been kept informed regarding the work undertaken.

The Scheme would be targeted at the 20 properties whose landlords had shown an interest during the consultation period. It was proposed to approve grants of up to £3,000 maximum per accredited property for improvements. Also proposed was a revision of the Housing Renewal Assistance Policy 2006; this would enable grants to be made available for these measures from the Council's approved Discretionary Grants budget.

It was agreed that the Scheme be piloted for a period of 12 months from April 2007; this would provide the opportunity to establish the benefits and demand for the Scheme and the resource implications.

DECISION MADE:

- (1) That approval be given to pilot the proposed Private Accredited Lettings Scheme for a period of 12 months from April 2007;
- (2) That the Housing Renewal Assistance Policy 2006 be revised to enable grants to be made available to a maximum of £3,000 per accredited property for security and energy efficiency improvements; and
- (3) That progress on the pilot Scheme, and the resources necessary for full implementation of the Scheme, be reported back to Cabinet by January 2008, subject to a brief interim review taking place within the Discretionary Grant Scheme report.

**REASON FOR DECISION:**

To increase the provision of decent, good quality and well-managed private rented homes in the borough.

**Contact Officer: Kathy Alcock, Housing Policy and Initiatives Officer**  
**Tel: 01892 526121 or e-mail: [Kathy.alcock@tunbridgewells.gov.uk](mailto:Kathy.alcock@tunbridgewells.gov.uk)**

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**DECISION NO.CAB158/06**

**NON-EXEMPT**

**PORTFOLIO:**

**HOUSING**

**PORTFOLIO HOLDER:**

**Councillor Mrs Mayhew**

**TITLE OF REPORT:**

**Joint Homelessness Strategy – Towards 2010 (070308/CAB006)**

**PRIORITY:**

**Having housing suitable for local people**

**DISCUSSION:**

Cabinet was reminded that following the enactment of the Homelessness Act 2002, it had become a requirement for local housing authorities to carry out a review of homelessness and to draw up a homelessness strategy.

Sevenoaks District Council and Tunbridge Wells Borough Council had produced a joint strategy in 2003. However, with the experience of partnership working with Tonbridge and Malling Borough Council, the three local authorities agreed to develop a Joint Homelessness Strategy. This Strategy would be a sub-strategy of the Council's new Housing Strategy 2006-2011, was approved by Cabinet on 8 February 2007.

The aim of the Strategy required local housing authorities to reduce the number of homeless households in temporary accommodation by 50% on 2005 levels by 2010.

Members noted that a Stakeholders' Conference had taken place in March 2006 of which 79 delegates from statutory and voluntary agencies attended and in the Summer 2006 questionnaires were issued to 165 organisations; these organisations had been identified as having some involvement with homelessness. Members noted that a low response rate had been received.

The report identified the main target groups for homeless households and the main causes of homelessness; Members noted these.

Members' attention was drawn to the draft Strategy's key priorities, these being: 1) provision of housing options and advice; 2) supporting people to access and maintain accommodation; 3) improving access to private sector housing stock; and 4) effective partnership working.

The consultation draft Strategy had been circulated to Members of the three local authorities for approval between February and March 2007. Subject to approval from all three, the draft Strategy would be published for public consultation and community consultation for a period of six weeks to the end of April 2007 and the final Strategy, subject to receiving the results from the consultation, would be submitted to the three authorities for approval by Summer 2007.

**DECISION MADE:**

**REASONS FOR DECISION:**

To further the Council's corporate aim of 'Having housing suitable for local people' and to comply with the Council's legal duty to prepare a Homelessness Strategy in accordance with the provisions of the Homelessness Act 2002.

**Contact Officer: Helen Barker, Housing Needs Manager**  
**Tel: 01892 554219 or e-mail: helen.barker@tunbridgewells.gov.uk**

**DECISION NO. CAB159/06****NON-EXEMPT****PORTFOLIO:****PLANNING****PORTFOLIO HOLDER:****Councillor Mrs Thomas****TITLE OF REPORT:**

**Major Planning Applications Procedure Note – Regulation 4  
 Direction (070308/CAB007)**

**PRIORITIES:**

**Promoting and maintaining a thriving and diverse local economy;  
 Caring for our environment; and having housing suitable for local  
 people**

**DISCUSSION:**

The report provided Cabinet with details of Planning Service's proposed changes to planning procedures on major planning applications, following recommendations arising from the Trevor Roberts' Report. The Head of Planning Services summarised the changes and outlined the content of the proposed procedure and guidance notes that would be issued.

Members were informed that both Eastern and Western Area Planning Committees had been consulted on the Procedure Note and supporting documentation.

**DECISION MADE:**

- (1) That the Major Planning Applications Procedure Note – Regulation 4 Direction and Guidance Note on Supporting Planning Information be approved and published; and
- (2) That the Procedure Note and accompanying Guidance Note be reviewed periodically and the Head of Planning Services, in consultation with the Portfolio Holder for Planning, be authorised to make minor amendments.

**REASON FOR DECISION:**

In order to improve the quality and speed of decision making on major applications to ensure the Council's Best Value Performance Indicator 109(a) of determining over 70% of major planning applications within 13 weeks is achieved.

**Contact Officer: Lynda Middlemiss, Principal Planning Officer**  
**Tel: 01892 526121 or e-mail: lynda.middlemiss@tunbridgewells.gov.uk**

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**DECISION NO.CAB160/06**

**NON-EXEMPT**

**PORTFOLIO:**

**COMMUNITY DEVELOPMENT AND LAW AND ORDER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**TITLE OF REPORT:**

**Ward Walk Pilot (070308/CAB009)**

**PRIORITIES:**

**Develop safer and stronger communities; Delivering high quality services to our customers; and improving customer service and satisfaction.**

**DISCUSSION:**

Cabinet was informed that the Council sought to enhance its engagement with local residents and therefore to pilot a new model of engagement; local Ward Members would lead this.

Members were informed that a pilot was proposed to test out a new model that was based on interviewing local residents, within a pre-defined area over a course of time on local issues and perceptions about their neighbourhood. The aim would be to engage residents across the borough and to use the information to inform early action on immediate concerns as well as support long-term policy development.

Cabinet noted that pilots in Sandhurst and Paddock Wood would test the approach with a view to wider roll out.

It was agreed that parish and town councils and the local Kent County Councillor be invited to attend the walks when they arrive in their area after the pilot scheme had taken place.

**DECISION MADE:**

That the new approach to community engagement and for the Council to undertake a pilot to test the approach be agreed.

**REASON FOR DECISION:**

To set out the new approach to enhancing the Council engagement with its citizens and to provide ward Councillors with tools to establish effective and accessible engagement arrangements at the neighbourhood level.

**Contact Officer: Nazeya Hussain, Head of Community and Corporate Planning**  
**Tel: 01892 526121 or e-mail: nazeya.hussain@tunbridgewells.gov.uk**

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**DECISION NO.CAB161/06**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE, RESOURCES AND ADMINISTRATION**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**TITLE OF REPORT:**

**Risk Management – Strategic Risk Review (070308/CAB010)**

**PRIORITIES:**

**All**

**DISCUSSION:**

The Head of Internal Audit and Risk Management informed Cabinet of the results of the strategic risk review and proposed that the identified risks and action plans for the management of the risks should be agreed.

It was agreed that the Management Board would further discuss these matters, ensuring that the current review was consistent with the risks identified in the previous review.

**DECISION MADE:**

- (1) That the key strategic risks be agreed as those identified in the report; and
- (2) That the Management Board's proposed action plans to manage the Strategic risks be agreed.

**REASONS FOR DECISION:**

To inform Members of the results of the strategic risk review.

**Contact Officer: Ian Cumberworth Head of Internal Audit and Risk Management**

**Tel: 01892 526121 or e-mail: [ian.cumberworth@tunbridgewells.gov.uk](mailto:ian.cumberworth@tunbridgewells.gov.uk)**

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**EXEMPT ITEMS**

**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 items of business referred to below on the grounds that they may involve the likely disclosure of exempt information as defined in Part 1 of the Schedule 12A of the Act namely: -

**DECISION NOS. CAB162/06 and CAB163/06**

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

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**DECISION NO.CAB162/06**

**EXEMPT**

**PORTFOLIO:**

**PLANNING**

**PORTFOLIO HOLDER:** Councillor Mrs Thomas

**TITLE OF REPORT:** 18 Victoria Road, Royal Tunbridge Wells (070308/CAB011)

**PRIORITY:** Caring for our environment

**DISCUSSION:** Members were asked to agree that negotiations continue with the owner of the above derelict property, with a view to the disposal of the property. If after three months no progress is made a further report be made to Cabinet to consider all other courses of action, which may include a Compulsory Purchase Order.

**DECISION MADE:** That the Cabinet authorises officers, in consultation with the Portfolio Holder, to negotiate with the owner to dispose of the property. If after a period of three months these negotiations are unsuccessful a further report be made to Cabinet with a view to authorising a Compulsory Purchase Order.

**REASONS FOR DECISION:** To facilitate the re-development of a derelict property that has a detrimental impact on the street scene.

**Contact Officer: Alan Bringloe, Enforcement Officer**  
**Tel: 01892 526121 or e-mail: alan.bringloe@tunbridgewells.gov.uk**

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**DECISION NO.CAB163/06**

**EXEMPT**

**PORTFOLIO:** HOUSING

**PORTFOLIO HOLDER:** Councillor Mrs Mavhew

**TITLE OF REPORT:** Development of Land at Andrew Road, Southborough  
(070308/CAB012)

**PRIORITY:** Having housing suitable for local people

**DISCUSSION:** Members' approval was sought to continue with the disposal of land at Andrew Road, Southborough, to Town and Country Housing Group under the new terms as outlined in the report.

**DECISION MADE:**

- (1) That the disposal of the land at Andrew Road, Southborough, to Town & Country Housing Group under the new terms as outlined in the report be agreed; and
- (2) That the Director of Change & Business Support and the Chief Executive be authorised to agree the sale of the land to the Town & Country Housing Group on the terms set out in the report.

**REASONS FOR DECISION:**

To further the Council's corporate aim of 'Having housing suitable for local people'.

**Contact Officers: Jennifer Hudson, Affordable Housing Officer, Chris Johnston, Estates Officer**

**Tel: 01892 526121 or e-mails: [jennifer.hudson@tunbridgewells.gov.uk](mailto:jennifer.hudson@tunbridgewells.gov.uk) or [chris.johnston@tunbridgewells.gov.uk](mailto:chris.johnston@tunbridgewells.gov.uk)**

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(NOTE:

- (1) In accordance with Cabinet Procedure Rule 5.2 on public speaking at Cabinet meetings, Mr West and Mrs Wardrop both attended and spoke on decision CAB154/06;
- (2) In accordance with Cabinet Procedure Rule 5.3, Councillors Neve and Mrs North attended the meeting and spoke on the following decisions: Councillor Mrs North CAB150/06, Councillor Neve CAB151/06, and both Councillors Neve and Mrs North CAB154/06, both Councillors left the meeting after consideration of decision number CAB154/06;
- (3) Councillor Bullock left the meeting after consideration of decision CAB161/06. Councillor Howell left the meeting after consideration of minute CAB159/06. Councillor Davies, Deputy Leader, took the chair for the remaining items of business (CAB152/06, CAB160/06, CAB161/06, CAB162/06 and CAB163/06.)