

**TUNBRIDGE WELLS BOROUGH COUNCIL****RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

**CABINET**

**Thursday 7 June 2007**

**Present: Councillor Bullock (Chairman)  
Councillors Barrington-King, Horwood, Mrs Mayhew, Scholes  
and Mrs Thomas.**

**Officers in Attendance:** William Benson, Director of Change and Business Support, David Candlin, Head of Economic Development and Regeneration, Sean Clark, Head of Financial and Property Services, Robert Cottrill, Director of Planning and Development, Bronwyn Creed, Solicitor and Deputy Monitoring Officer, Lois Howell, Head of Legal, HR and Democratic Services, Jim Kehoe, Head of Planning Services, Wendy Newton-May, Committee Administrator, Richard Powell, Director of Services to the Community, Gary Stevenson, Head of Environment and Street Scene, Raymond Warren, Performance and Improvement Manager, and Sheila Wheeler, Chief Executive.

**APOLOGIES FOR ABSENCE**

CAB003/07 No apologies for absence were received.

**DECLARATIONS OF INTEREST**

CAB004/07 In accordance with the Council's Code of Conduct, Part 5, and following advice from the Monitoring Officer, Councillor Scholes declared a personal interest in decision number CAB011/07, because he was involved in the symphony orchestra, whose performances at the Assembly Hall could be affected by the increase in car park charges.

**APPROVAL OF CABINET MINUTES DATED 10 AND 23 MAY 2007**

CAB005/07 With regard to the Cabinet minutes dated 10 May, it was noted that decision number CAB185/06 should be amended to change the Portfolio Holder to Councillor Bulman.

In addition, Members were advised that recommendation (1) of decision number CAB186/06 should be amended to read 'end of March 2009'.

It was agreed that the minutes of the Cabinet meetings held on 10 and 23 May 2007 be confirmed as correct records, subject to the amendments as detailed above.

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

CAB006/07 The Chairman of the former Overview and Scrutiny Committee submitted a report advising the Cabinet that the Committee had considered a report into the Car Park Charging Review, at its meeting on 20 March, and had agreed not to take it forward as a scrutiny study.

It was noted that Councillor Neve had disagreed with this resolution and Members had received his **minority report** for consideration.

**RESOLVED** – That the report be noted.

---

---

**RECOMMENDATIONS TO COUNCIL****DECISION NO. CAB007/07****NON-EXEMPT****PORTFOLIO:****ENVIRONMENTAL AND STREET SCENE****PORTFOLIO HOLDER:****Councillor Barrington-King****TITLE OF REPORT:****\* Smoke Free Premises – Enforcement Policy (070607/CAB003)****PRIORITIES:****A2 - Caring for our Environment  
A7 – Ensuring that we are well managed, proactive and deliver value for money.****DISCUSSION:**

Members considered the proposed enforcement policy that would provide guidance for enforcement officers, businesses and the public and ensure that the Council's actions to implement the Smoke Free Regulations by 1 July 2007 were reasonable and proportionate.

The Cabinet noted that the Council had been helping businesses to prepare through the provision of the Smoke Free Award over recent years and, during the last few months, advice had been given to businesses at seminars, during inspections, through press articles and on the Council's website.

Members were advised of the enforcement options available to officers, which included informal action, fixed penalty notices, issuing of simple caution and prosecution. The Head of Environment and Street Scene explained that his officers would be undertaking enforcement in conjunction with their current duties.

It was noted that the Council had been allocated £48,000 for 2007/08 from the Department of Health to meet the start up costs of preparing for the implementation and initial enforcement of the new legislation.

**DECISION MADE:**

That the draft Smoke Free Premises and Vehicles Enforcement Policy, as set out in the appendix to the report, be recommended to full Council for adoption at their extraordinary meeting on 11 June 2007 and that an update report be brought back to Cabinet in six months.

**REASONS FOR DECISION:**

To ensure that authorised officers have a framework within which to ensure compliance with the Smoke Free Legislation from 1 July 2007.

**Contact Officer: Gary Stevenson, Head of Environment and Street Scene  
Tel: 01892 526121 or e-mail: gary.stevenson@tunbridgewells.gov.uk**

---

---

**DECISION NO. CAB008/07**
**NON-EXEMPT****PORTFOLIO:****LEADER****PORTFOLIO HOLDER:****Councillor Bullock****TITLE OF REPORT:****\* Improvement Plan 2007-10 (070607/CAB009)****PRIORITIES:****All****DISCUSSION:**

Members were made aware of the numerous actions from the Corporate Improvement Plan 2006 which had been implemented over the past year. They were also provided with details of a number of actions for the authority to take in order to reach the next stage of its path of improvement. A number of projects that were required to be completed over the coming year were outlined in the report for Members' information, and it was noted that a rolling programme of inspection activity was set up to assist the authority.

The Head of Legal, HR and Democratic Services suggested amending the wording to the Statement of Contracts in Appendix A of the Improvement Plan to read:

" The Borough Council's general policy towards contracts affecting staff is set out below:

The Council takes all reasonable steps to protect the interests of employees who may be affected by a decision to let a contract for services. Contractors are asked to bid on the basis that TUPE (the Transfer of Undertakings (Protection of Employment)) Regulations apply and are asked to price their tenders on the basis that they will provide transferring employees with access to a broadly comparable pension scheme.

The Council's arrangements for incorporating the Code of Practice on Workforce Matters in Local Authority Service Contracts into the service specification and conditions for relevant contracts monitoring compliance with the Code are under development and are considered on a case by case basis."

**DECISION MADE:**

- (1) That progress on the Corporate Improvement Plan 2006, as shown in Appendix A to the report, be noted;
- (2) That full Council, at their extraordinary meeting on 11 June 2007, be recommended to approve the Improvement Plan 2007-10 to fulfil its statutory obligations to produce a Best Value Performance Plan for formal publication before 30 June 2007, subject to the amendment as detailed above; and
- (3) That progress be scrutinised through regular quarterly cabinet reports over the coming year.

**REASONS FOR DECISION:**

To fulfil the statutory responsibilities associated with producing a Best Value Performance Plan.

**Contact Officer: Raymond Warren, Performance and Improvement Manager**  
**Tel: 01892 526121 or e-mail: raymond.warren@tunbridgewells.gov.uk**

---

**CABINET DECISIONS****DECISION NO. CAB009/07****NON-EXEMPT****PORTFOLIO:**

N/A

**PORTFOLIO HOLDER:**

N/A

**TITLE OF REPORT:**

Forward Plan (070607/CAB002)

**PRIORITY:**

Delivering high quality services to our customers

**DECISION MADE:**

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

Corporate Services Portfolio Holder –

- (1) 2006/07 Revenue Outturn – 2 August 2007
- (2) 2006/07 Capital Outturn – 2 August 2007
- (3) Property Asset Management Plan – to be confirmed

Safer and Stronger Communities Portfolio Holder – Trinity Financial Assistance – now 20 September, not 12 July.

**REASONS FOR DECISION:**

To comply with Access to Information Procedure Rule 14.

**Contact Officer: Wendy Newton-May, Senior Committee Administrator**  
**Tel: 01892 554219 or e-mail: wendy.newton-may@tunbridgewells.gov.uk**

---

**DECISION NO. CAB010/07****NON-EXEMPT****PORTFOLIO:**

ENVIRONMENT AND STREET SCENE

**PORTFOLIO HOLDER:**

Councillor Barrington-King

**TITLE OF REPORT:**

**Car Park Charges – Consideration of Proposal to Increase Existing Council Car Park Charges from August 2007 and Representations Received (070607/CAB004)**

**PRIORITY:**

**A1 – Promote and maintain a thriving and diverse local economy**  
**A2 – Caring for our environment**  
**A7 – Ensuring that we are well managed, proactive and deliver value for money services**

**DISCUSSION:**

Cabinet was reminded that the non-key Portfolio Holder decision 070427/059 set out the detailed charges to introduce a 10 pence per hour increase to achieve the current Budget Framework and maintain the tariff structure and differentials agreed as part of earlier car park charge reviews. It was noted that the Council's intention to increase car parking charges in Tunbridge Wells and Paddock Wood from August 2007 was advertised on 4 May, and details of the representations received were provided. In addition, the Portfolio Holder advised that seven further representations had been received since the agenda had been published. Full details of the existing and proposed charges as advertised were set out in appendix 1 to the report.

It was suggested that all day parking in Commercial Road, Paddock Wood should be increased by more than the proposed price of 50p, to deter commuter parking. It was therefore agreed that the all day charge should be increased to £8.00. Officers advised that this proposal would now need to be advertised and any objections would be considered by Cabinet at a future meeting.

**DECISION MADE:**

- (1) That the objections received be noted; and
- (2) That the revised car parking charges set out in Appendix 1 to the report be implemented from 1 August 2007 and season tickets from 1 April 2008; and
- (3) That the all day charge for Paddock Wood car parks be re-advertised as £8.00.

**REASONS FOR DECISION:**

To implement increases in parking charges to support costs of managing the provision and improvement of the service and achieve the income targets set in the Budget Framework.

**Contact Officer: Emma Chapman, Parking Manager**  
**Tel: 01892 526121 or email [emma.chapman@tunbridgewells.gov.uk](mailto:emma.chapman@tunbridgewells.gov.uk)**

**DECISION NO. CAB011/07****NON-EXEMPT****PORTFOLIO:****ENVIRONMENT AND STREET SCENE****PORTFOLIO HOLDER:****Councillor Barrington-King****TITLE OF REPORT:**

**Car Park 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 (070607/CAB005)**

**PRIORITIES:**

**A1 – Promote and maintain a thriving and diverse local economy**  
**A2 – Caring for our environment**  
**A7 – Ensuring that we are well managed, proactive and deliver value for money services**

**DISCUSSION:**

Members considered a proposal to extend the car park charging and patrolling operation to include Sundays and discussed whether the prevailing Monday to Saturday car park tariff be implemented between 10am and 4pm.

Details of the estimated Sunday car parking ticket income were provided in the report for Members' information. It was noted that an extension of the charging regime to Sundays required an amendment to the Parking Places Order and details of the proposals needed to be formally advertised.

Mr Bech and Mr Doyle had registered to speak on this item and expressed their concerns at the negative impact that Sunday charging might have on the Assembly Hall and the neighbouring residential roads. It was explained that, at this stage, the Council would be consulting with the public and the outcome of the consultation would be reported back at a later date.

Cabinet discussed the option of running a pilot scheme for a year, which could then be reviewed and adjusted if necessary. It was suggested that the appropriate Select Committee be asked to consider undertaking such a review, to include an examination of the wider parking issues within the Borough.

**DECISION MADE:**

- (1) That the proposal to extend the prevailing Monday to Saturday car parks tariff to Sundays between the hours of 10am and 4pm, as a pilot study to the end of this financial year, be formally advertised and any representations received considered at a future Cabinet meeting; and
- (2) That the appropriate Select Committee be asked to consider evaluating the above pilot study as part of its work programme, and the wider issues of parking in the Borough.

**REASON FOR DECISION:**

To enable proposals to be formally advertised for extending car park charging and patrolling by Parking Attendants that assist in the management of the car parks, achieve the income targets set in the Budget Framework, and ensure that service users contribute to the cost of providing the service.

**Contact Officer: Gary Stevenson, Head of Environment and Street Scene**  
**Tel: 01892 526121 or e-mail: [gary.stevenson@tunbridgewells.gov.uk](mailto:gary.stevenson@tunbridgewells.gov.uk)**

---

**DECISION NO. CAB012/07**

**NON-EXEMPT**

**PORTFOLIO:**

**PLANNING AND DEVELOPMENT**

**PORTFOLIO HOLDER:** Councillor Mrs Thomas

**TITLE OF REPORT:** Planning Services – Progress with, and Securing of, Performance Improvements (070607/CAB006)

**PRIORITIES:**  
**A2 – Caring for our environment**  
**A5 – Delivering high quality services to our customers**  
**A6 – Improving customer service and satisfaction**  
**A7 – Ensuring that we are well managed, proactive and deliver value for money services**

**DISCUSSION:**

The Portfolio Holder for Planning and Development presented a report advising Members of the latest progress on the 164 recommendations that had been made by Trevor Roberts Associates (TRA) (these were shown in Appendix 1 to the report).

The recent and planned performance was illustrated at Appendix 2 of the report and Members were pleased to note that the overall proportion of applications determined within the 8/13 week target period had risen from 53% to over 85%.

Members were advised that the TRA recommendations were now part of the Planning Services' Service Plan 2007-2010.

**DECISION MADE:**

- (1) That the programme and resourcing of improvements set out in Appendix 1 to the report, utilising existing planned expenditure and/or Planning Delivery Grant, be approved; and
- (2) That the improvement of performance be welcomed, especially in the second half of 2006/07, following changes made to the Planning function of the Council.

**REASON FOR DECISION:**

In order to secure short and long term performance improvements in Planning Services.

**Contact Officer: Jim Kehoe, Head of Planning Services**  
**Tel: 01892 526121 or e-mail: jim.kehoe@tunbridgewells.gov.uk**

**DECISION NO. CAB013/07**

**NON-EXEMPT**

**PORTFOLIO:** CORPORATE SERVICES

**PORTFOLIO HOLDER:** Councillor Horwood

**TITLE OF REPORT:** Cranbrook Offices (070607/CAB007)

**PRIORITY:**  
**A4 – Developing stronger and safer communities**  
**A7 – Ensuring that we are well managed, proactive and deliver value for money services**

**DISCUSSION:**

The Director of Change and Business Support advised the Cabinet of the results of the consultation exercise undertaken by Urban Practitioners to identify community needs, investigate the needs of users and alternative accommodation and to develop options for the site in the light of identified community need.

Although the report from Urban Practitioners did not make any definitive recommendations, Members were informed of the key conclusions that had been identified and these were set out in the report.

Parish Councillor Mrs Marley had registered to speak on this item and expressed concern that Age Concern and the CAB had not yet secured alternative accommodation.

Cabinet discussed the proposed way forward that had been suggested by Urban Practitioners, which would then provide the necessary information on which to base an informed decision:

- That the financial feasibility of all the options (and the sub-options) contained within the report should be examined.
- That the demand for small commercial office space should also be researched (along with an analysis of the potential letting or sale income this would provide).
- That steps be undertaken to ascertain whether any community facility could be owned and operated by the Parish Council or, failing this, any other community organisation.
- That business plans be sought from the Cranbrook Consortium and Angley School.
- That the Directors of Change and Business Support and Planning and Development should produce an analysis of the potential for provision of either community facilities or housing elsewhere within Cranbrook (taking into account current Development Plan policies) and, more generally, a strategic assessment of how the Council's Cranbrook office site could fit into a broader 'masterplanning' exercise which could be undertaken following Cabinet's decision on Town Centre Regeneration in January 2007. This assessment should include all public sector assets within Cranbrook and the surrounding area and should explicitly explore the sites mentioned in the report (namely the library site and Providence Chapel).

**DECISION MADE:**

- (1) That the report from Urban Practitioners be noted; and
- (2) That the steps outlined above to provide further information on which to base a decision on the future use of the Cranbrook Office site be endorsed.

**REASON FOR DECISION:**

To move forward following the conclusions of the consultation exercise undertaken by Urban Practitioners.

**Contact Officer: William Benson, Director of Change and Business Support**  
**Tel: 01892 526121 or e-mail: [william.benson@tunbridgewells.gov.uk](mailto:william.benson@tunbridgewells.gov.uk)**

---

DECISION NO.CAB014/07

NON-EXEMPT

PORTFOLIO:

LEADER

PORTFOLIO HOLDER:

Councillor Bullock

TITLE OF REPORT:

The Transition from Comprehensive Performance Assessment (CPA) to Comprehensive Area Assessments (CAA)  
(070607/CAB008)

PRIORITIES:

All

DISCUSSION:

The Director of Change and Business Support provided Members with a summary of the Audit Commission's draft proposals to change the assessment framework for public sector bodies from CPA to an 'area-based' framework called CAA. The Council's response to the consultation paper was set out for Members' consideration in the report and it was noted that responses were due by 14 June 2007.

DECISION MADE:

That the response to the Audit Commission's consultation, as set out in paragraph (5) of the report, be agreed for submission to the Audit Commission by 14 June 2007.

REASONS FOR DECISION:

To put forward this Council's views on the transition from CPA to CAA to the Audit Commission.

Contact Officer: Raymond Warren, Performance and Improvement Manager

Tel: 01892 526121 or e-mail: raymond.warren@tunbridgewells.gov.uk

DECISION NO.CAB015/07

NON-EXEMPT

PORTFOLIO:

LEADER

PORTFOLIO HOLDER:

Councillor Bullock

TITLE OF REPORT:

Key Performance Indicators (070607/CAB010)

PRIORITIES:

All

**DISCUSSION:**

Members were provided with details of a series of high-level key performance indicators (KPI) that would measure the Council's progress in achieving its four – and associated - corporate objectives. The hierarchy of performance indicators was set out in the report and illustrated the importance of the KPIs as an overview of the Council's overall performance, the various levels at which performance was managed and where responsibility was allocated.

It was noted that the KPI targets would be reviewed on a rolling basis over the forthcoming three years.

Cabinet agreed that it would be useful for all Members to have a better understanding of the Local Area Agreement (LAA). The Chief Executive advised that a forum for Chief Executives, Leaders, Policy Officers and Directors and relevant Portfolio Holders would be organised later in the year to raise awareness of LAA.

Members requested that, for future agendas, the Key Performance Indicators be reproduced in a larger font.

**DECISION MADE:**

That the recommended set of Key Performance Indicators (KPIs) be approved to allow an overview of the Council's performance according to its Corporate Priorities and that quarterly updates on progress be received.

**REASONS FOR DECISION:**

To agree and establish targets for each Key Performance Indicator.

**Contact Officer: Raymond Warren, Performance and Improvement Manager**  
**Tel: 01892 526121 or e-mail: raymond.warren@tunbridgewells.gov.uk**

**DECISION NO.CAB016/07****NON-EXEMPT****PORTFOLIO:****LEADER****PORTFOLIO HOLDER:****Councillor Bullock****TITLE OF REPORT:****Appointments to Outside Bodies – LGA Rural Assembly**  
**(070607/CAB011)****PRIORITY:****A5 – Delivering high quality services to our customers****DISCUSSION:**

Members discussed the appointment to the LGA Rural Assembly and agreed that Councillor Ms Palmer should be appointed as one of the Council's representatives. It was noted that Councillor Waldock was interested in the other vacancy.

**DECISION MADE:**

That Councillor Ms Palmer be appointed as one of the Council's representative for the LGA Rural Assembly.

**REASONS FOR DECISION:**

To agree a representative for the LGA Rural Assembly.

**Contact Officer: Sam Timms, Senior Committee Administrator**  
**Tel: 01892 526121 or e-mail: sam.timms@tunbridgewells.gov.uk**

**DECISION NO.CAB017/07****NON-EXEMPT****PORTFOLIO:**

**HOUSING AND COMMUNITY ACCESS**

**PORTFOLIO HOLDER:**

**Councillor Mrs Mayhew**

**TITLE OF REPORT:**

**Housing Renewal Assistance Policy/Housing Grant Outturn for 2006/07(070607/CAB012)**

**PRIORITY:**

**A3 – Having suitable housing for local people**

**DISCUSSION:**

The Head of Housing Services advised the Members that the Housing Grant spend for Disabled Facilities Grants at year-end was £693,000 – representing an overspend of £203,000 on the original budget. Members were informed that, due to the high demands for the grant and an increasing number of complex cases, an increased budget of £656,000 had been approved for the current financial year. The budget for Discretionary Private Sector Property Improvement Grants for 2006/07 was £200,000, of which £176,000 had been spent. A commitment of £24,000 had been carried forward to fund two Empty Property Initiative grants and the budget for 2007/08 was £200,000.

Cabinet were reminded that the Council currently operated a five year Home Improvement Grant repayment period. Officers had researched the repayment period operated by other Kent local authority housing authorities which had indicated that the majority also had five year repayment periods.

It was suggested that the Local Economy and Housing Select Committee be asked to review Home Improvement Grants and the repayment period of these Grants as part of its work programme.

**DECISION MADE:**

- (1) That the Housing Grant expenditure outturn for 2006/07 be noted;
- (2) That the five-year repayment condition period for Home Improvement Grants remains unchanged for the time being in line with the majority of Kent local housing authorities;
- (3) That progress on demand and grant spend on the 2007/08 budget be monitored and reported back to the Local Economy and Housing Select Committee in November 2007;
- (4) That the Local Economy and Housing Select Committee be asked to undertake a review of the Home Improvement Grants system, and in particular, the repayment period of the grant.

**REASONS FOR DECISION:**

To provide Members with details of the Council's Expenditure on Disabled Facilities Grants and Discretionary Private Sector Property Improvement Grants 2006/07.

**Contact Officer: Janice Greenwood, Environmental Health Officer**  
**Tel: 01892 526121 or e-mail: Janice.greenwood@tunbridgewells.gov.uk**

---

(NOTE:

(1) In accordance with Cabinet Procedure Rule 5.2 on public speaking at Cabinet meetings, Mr Doyle and Mr Bech both attended and spoke on decision CAB011/07; Parish Councillor Mrs Marley attended and spoke on decision CAB013/07;

(2) In accordance with Cabinet Procedure Rule 5.3, Councillors Neve and Weeden attended the meeting and spoke on the following decisions:

Councillor Neve - CAB006/07, CAB010/07, and CAB011/07  
Councillor Weeden – CAB010/07, CAB011/07 and CAB013/07.

Councillor Neve left during discussion of decision CAB012/07.)