

## **TUNBRIDGE WELLS BOROUGH COUNCIL**

### **RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

#### **CABINET**

**Wednesday 9 January 2008**

**Present: Councillor Roy Bullock (Chairman)  
Councillors Paul Barrington-King, Len Horwood, Mrs Catherine Mayhew,  
James Scholes and Mrs Elizabeth Thomas.**

**Officers in Attendance:** William Benson, Director of Change and Business Support; David Crosby, Head of Housing Services; Nazeya Hussain, Head of Community and Corporate Planning; Janice Greenwood, Principal Environmental Health Officer; Wendy Newton-May, Committee Administrator; Richard Powell, Director of Services to the Community; Raymond Warren, Performance and Improvement Manager; Neil Weeks, Interim Head of Legal Services; Sheila Wheeler, Chief Executive and Angela Woodhouse, Overview and Scrutiny Partnership Manager.

#### **APOLOGIES FOR ABSENCE**

CAB117/07 No apologies for absence were received.

#### **DECLARATIONS OF PREJUDICIAL INTEREST**

CAB118/07 None.

#### **NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB119/07 None.

#### **APPROVAL OF CABINET MINUTES DATED 20 DECEMBER 2007**

CAB120/07 The Minutes of the Cabinet dated [20 December 2007](#) were confirmed as a correct record.

#### **CONSIDERATION OF REPORT FROM SELECT COMMITTEE – EVERY CHILD MATTERS – LOCAL ECONOMY AND HOUSING SELECT COMMITTEE DATED 4 DECEMBER 2007**

CAB121/07 The Local Economy and Housing Select Committee had considered the Every Child Matters initiative at its meeting on 4 December 2007, which had also involved discussion of the involvement of the Lead Member for Every Child Matters. The Committee had made the following recommendations to Cabinet ([080109/CAB001](#)):

- (1) That Cabinet produce a detailed explanation of the roles and responsibilities of the Lead Member for Every Child Matters;
- (2) That Cabinet identify any training that is needed in order to successfully fulfil the role; and

- (3) That Cabinet decide whether the role of Lead Member should be filled by a Member of the Local Economy and Housing Select Committee, due to the fact that it was this Committee that had been tasked with tackling the issue.

**RESOLVED –**

- (1) That the Select Committee be thanked for their report; and
- (2) That the Select Committee be informed that the Cabinet would be reviewing the Lead Member role, including the job and person specification, and make a recommendation to Annual Council in May 2008.

---

**CABINET DECISIONS**

**DECISION NO.CAB122/07**

**NON-EXEMPT**

**PORTFOLIO:**

N/A

**PORTFOLIO HOLDER:**

N/A

**TITLE OF REPORT:**

**Forward Plan (080109/CAB002)**

**PRIORITY:**

**Delivering high quality services to our customers**

**DECISION MADE:**

That the Forward Plan be approved, subject to the following:

**Addition**

Corporate Services Portfolio - Proposal to Award Freedom of the Borough – Cabinet on 7 February 2008

**Amendment**

Housing and Community Access Portfolio – Consultation and Engagement Strategy – was Cabinet 7 February now 27 March 2008.

**REASONS FOR DECISION:**

To comply with Access to Information Procedure Rule 14.

**Contact Officer: Wendy Newton-May, Senior Committee Administrator**  
**Tel: 01892 554007 or e-mail: wendy.newton-may@tunbridgewells.gov.uk**

---

**DECISION NO.CAB123/07**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER OF THE COUNCIL**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**TITLE OF REPORT:**

**Comprehensive Area Assessment (CAA) Consultation**

**PRIORITY:**

**All**

**DISCUSSION:**

Members were advised that the Comprehensive Area Assessment (CAA) would be replacing the Comprehensive Performance Assessment (CPA) arrangements for local authorities from April 2009. There were a number of key differences between the two, and these were detailed for Members' information in the report. The consultation document was reproduced at Appendix A to the report and it was noted that the deadline for responses was 15 February 2008.

Members discussed the draft response to the consultation questions, which was set out in Appendix B to the report. It was agreed that the proposals for CAA still lacked sufficient detail on how it affected Councils in two-tier areas. It was therefore difficult to fully understand the impact it would have on Tunbridge Wells Borough Council and the communities it served.

It was also felt that there was a distinct lack of detail regarding how the new assessment regimes of Use of Resources and Direction of Travel balanced with a proportionate approach that the consultation document suggested.

It was agreed that the response be submitted to the Audit Commission as the Council's official response to the consultation, with a covering letter from the Chief Executive outlining the areas of additional concern expressed by Members.

The Cabinet congratulated the officers involved in the production of the document.

**DECISION MADE**

That the response outlined in Appendix B to the report be submitted to the Audit Commission as the Council's official response to the consultation on the Comprehensive Area Assessment proposals, with a covering letter from the Chief Executive outlining the areas of additional concern expressed by Members.

**REASONS FOR DECISION:**

To inform Members of the joint audit bodies' proposed methodology for CAA and to allow comments on the main consultative questions being asked of local authorities.

**Contact Officer: Raymond Warren, Performance and Improvement Manager**  
Tel: 01892 554219 or e-mail: [raymond.warren@tunbridgewells.gov.uk](mailto:raymond.warren@tunbridgewells.gov.uk)

---

**DECISION NO.CAB124/07**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER OF THE COUNCIL**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**TITLE OF REPORT:**

**Use of Resources 2009 Consultation (080109/CAB004)**

**PRIORITY:**

**All**

**DISCUSSION:**

The Performance and Improvement Manager explained that the CAA consultation paper set out a number of changes to local authority assessment and inspection regimes. It was noted that alongside the new annually scored Direction of Travel (DoT) judgement for District Councils, the existing Use of Resources (UoR) assessment was being revised for 2009 onwards. The consultation document was reproduced at Appendix A to the report and the deadline for responses to the consultation was 15 February 2008.

Members discussed the recommendations in the draft consultation response, which was attached at Appendix B to the report.

Members expressed concern at the fact that, by the time the Use of Resources assessment reports were published, the information contained within in them was significantly out of date. An example was given of the establishment of the Council's Audit Committee.

It was explained that, although the scores would not recognise some issues, an explanatory narrative would be included in the UoR and DoT.

**DECISION MADE:**

That the response outlined in Appendix B to the report be submitted to the Audit Commission as the Council's official response to the consultation on the Use of Resources Assessment 2009, with a covering letter from the Chief Executive expressing the Cabinet's disappointment at the inconsistency of the proposed scoring mechanism system.

**REASONS FOR DECISION:**

To inform Members of the Audit Commission's draft proposals and agree the Council's formal response.

Contact Officer: Raymond Warren, Performance and Improvement Manager  
Tel: 01892 554219 or e-mail: [raymond.warren@tunbridgewells.gov.uk](mailto:raymond.warren@tunbridgewells.gov.uk)

---

**DECISION NO.CAB125/07**

**NON-EXEMPT**

**PORTFOLIO:**

**SAFER AND STRONGER COMMUNITIES**

**PORTFOLIO HOLDER:**

**Councillor Scholes**

**TITLE OF REPORT:**

**Youth Strategy for the Borough of Tunbridge Wells  
(080109/CAB005)**

**PRIORITY:**

**All**

**DISCUSSION:**

Members discussed the draft Youth Strategy for the Borough for 2008-2011, which addressed the Council's obligation to produce and adopt a Youth Strategy by April 2008 under the Kent Local Area Agreement. In addition, encouraging participation by young people in youth cultural and community activities was one of the Borough Council's corporate objectives.

The Cabinet noted that the purpose of the Strategy was to acknowledge and address the key issues and priorities for young people in the borough, as identified by young people themselves.

Members were advised that the Strategy would now be sent out for wider consultation to the providers of youth facilities, such as parish councils, YMCA, RSLs and certain businesses etc. It would then go back to the youth forums for final consideration.

The Cabinet considered the Sports and Leisure section of the Strategy, and agreed that Bewl Water should be included in the list of leisure facilities available in neighbouring districts.

**DISCUSSION CONT:**

It was also mentioned that fitness provision for the under 16s at sports and leisure centres was an area consistently requested by young people and should be examined, as well as the provision of an ice rink in the Borough.

Discussion took place on how the events for young people were advertised. The Head of Community and Corporate Planning explained that there was a dedicated page on the Council's website and a new youth website was in the process of being developed, which the youth forums would eventually take ownership of. However, it was recognised that there was a need to increase awareness of these facilities and activities and this would be addressed.

It was felt that one of the targets identified in the Strategy (reducing the number of young people 16-18 not in employment, education or training (NEET) in line with county target of no more than 5.65%) was not stringent enough for this Borough, and the Head of Community and Corporate Planning agreed to discuss this with the relevant partners.

**DECISION MADE:**

- (1) That the publication of the draft Youth Strategy for wider consultation be approved; and
- (2) That the draft Youth Strategy go forward for discussion to the Environment and Safer and Stronger Communities Select Committee on 22 January 2008.

**REASONS FOR DECISION:**

1. To meet the Council's obligations under the current Local Area Agreement.
2. To ensure that the Council and its partners work more effectively in engaging young people and providing a range of quality services for them in the borough.

**Contact Officer: Nick Green, Community Development Officer**  
**Tel: 01892 554219 or e-mail: [nick.green@tunbridgewells.gov.uk](mailto:nick.green@tunbridgewells.gov.uk)**

---

**DECISION NO.CAB126/07**

**NON-EXEMPT**

**PORTFOLIO:**

**HOUSING AND COMMUNITY ACCESS**

**PORTFOLIO HOLDER:**

**Councillor Mrs Mayhew**

**TITLE OF REPORT:**

**Draft Private Sector Renewal Policies (080109/CAB006)**

**PRIORITY:**

**A3 – Having Houses Suitable for Local People**

**DISCUSSION:**

The Cabinet was advised that the draft Private Sector Housing Enforcement Policy (attached at Appendix A to the report) detailed the statutory provisions available to the Council's Private Sector Housing & Initiatives Team when undertaking its statutory duties and was aligned to the requirements of the Council's Corporate Enforcement and Prosecution Policy. It also supported the Council's corporate aims and objectives, the Council's Housing Strategy 2006-2011 (adopted February 2007) and Private Sector Renewal Strategy 2004-2009 (adopted April 2004).

It was noted that the Housing Policy and Research Manager had drafted the Policy in consultation with the then Head of Legal, HR & Democratic Services and her views had been incorporated into the policy.

Members were advised that a draft Regulators' Compliance Code had been laid before Parliament for approval in October 2007. The statutory code would come into force in April 2008. The new Code will replace the Enforcement Concordat (first introduced in 1998). The draft policy would therefore need to evolve to take account of the new Code.

Members also considered the draft Non-Licensable Houses in Multiple Occupation (HMO) Policy and were informed that, although the Council did not have a statutory duty to produce a policy in respect of non-licensable HMOs, it had a duty to raise the standard of housing in the borough. The draft Non-Licensable HMO Policy and work schedule, in Appendix B to the report, set out the approach that the Private Sector Housing & Initiatives Team would take to tackle non-licensable HMOs.

The Head of Housing Services provided Members with details of a Protocol, reproduced at Appendix C to the report, which outlined how the local housing authorities in Kent & Medway would continue to work in partnership with Kent Fire & Rescue in tackling means of escape in both single private dwellings and HMOs. It was expected that all Kent local authorities would adopt the Protocol to ensure consistency of approach across the county.

Clarification was requested regarding the definition of 'Private Sector Housing' and Members were advised that this did cover all housing within the Borough. It was agreed that an informative should be included in the documents to define this term more clearly.

It was also suggested that the Local Economy and Housing Select Committee be asked to monitor the progress on implementation of the Non-Licensable HMO Policy.

**DECISION MADE:**

- (1) That the draft Private Sector Housing Enforcement Policy and the draft Non-Licensable Houses in Multiple Occupation (HMO) Policy be approved for the purpose of consultation with stakeholders and the wider community;
- (2) That delegated authority be given to the Head of Housing Services to finalise the policies following consultation, in conjunction with the Portfolio Holder for Housing & Community Access and the Head of Legal Services/Monitoring Officer;
- (3) That the Local Economy and Housing Select Committee be requested to monitor the progress on implementation of the Non-Licensable HMO Policy as part of its work programme; and
- (4) That the Joint Protocol between Kent Local Housing Authorities and Kent & Medway Fire & Rescue Authority be approved and adopted.

**REASONS FOR DECISION:**

To further the Council's corporate aim (A3) of "Having housing suitable for local people".

**Contact Officer: Stephanie Bollen Hickman, Housing Policy and Research Manager**  
Tel: 01892 554042 or e-mail:Stephanie.bollenhickman@tunbridgewells.gov.uk

**DECISION NO.CAB127/07**

**NON-EXEMPT**

**JOINT PORTFOLIOS:** HOUSING AND COMMUNITY ACCESS AND PLANNING AND DEVELOPMENT

**PORTFOLIO HOLDERS:**

**Councillors Mrs Mayhew and Mrs Thomas**

**TITLE OF REPORT:**

**Kent Sustainable Communities Protocol (080109/CAB007)**

**PRIORITY:**

**A2 – Caring for our environment**  
**A3 – Having housing suitable for local needs**  
**A4 – Developing safer and stronger communities**

**DISCUSSION:**

Members considered the Sustainable Communities Protocol for Kent, which was attached at Appendix 1 to the report and had been developed by a sub-group of the Kent Housing Group. It was noted that the aim of the Protocol was to ensure that future housing developments within Kent met the objective of creating long lasting sustainable communities.

The Head of Housing Services advised that it was anticipated that all Kent district councils and key RSLs operating in Kent would adopt the Protocol and apply the principles of the Protocol in future service delivery and in particular in the design and management of affordable housing schemes. He mentioned that the proposed implementation of Choice-based Lettings in 2008/09 would require the Council's existing Housing Allocation Policy to be amended.

However, the Head of Legal Services advised Members that the Protocol was contrary to the Council's existing Housing Allocation Policy and therefore the Cabinet could not approve something that contravened Council policies already in existence.

Members recognised the issues and problems that the Protocol attempted to address, and agreed to take the document into consideration when reviewing and developing the Housing Allocation Policy. However, they did express concern at the inequalities issues that the Protocol may cause for certain members of the community.

It was agreed that the Chief Executive, Leader and Portfolio Holder for Housing and Community Access would discuss this issue further with Jon Rosser, Chief Executive of Town and Country Housing Group.

**DECISION MADE:**

- (1) That the Council do not adopt the Kent Sustainable Communities Protocol because, following legal advice, it is contrary to the Council's existing Housing Allocation Policy and cannot, therefore, be approved;
- (2) That the Protocol be taken into consideration when reviewing and developing the Council's future Housing Allocation Policy.

**REASONS FOR DECISION:**

To ensure that Cabinet does not approve a protocol that contravenes Council policies already in existence.

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

---