

TUNBRIDGE WELLS BOROUGH COUNCIL

RECORD OF DECISIONS

(in terms of Access to Information Rule 18)

CABINET

Thursday 20 December 2007

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

Officers in Attendance: David Candlin, Head of Economic Development and Regeneration; Sean Clark, Head of Financial and Property Services; Nazeya Hussain, Head of Community and Corporate Planning; Richard Powell, Director of Services to the Community; Samantha Timms, Committee Administrator; Raymond Warren, Performance and Improvement Manager; Neil Weeks, Head of Legal Services; and Sheila Wheeler, Chief Executive.

APOLOGIES FOR ABSENCE

CAB102/07 Apologies for absence were received from Councillor Len Horwood.

DECLARATIONS OF PREJUDICIAL INTEREST

CAB103/07 None.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB104/07 None.

APPROVAL OF CABINET MINUTES DATED 15 NOVEMBER 2007

CAB105/07 The Minutes of the Cabinet dated **15 November 2007** were confirmed as a correct record.

CONSIDERATION OF REPORT FROM SELECT COMMITTEE – SLIVERS OF TIME – LOCAL ECONOMY AND HOUSING SELECT COMMITTEE DATED 4 DECEMBER 2007

CAB106/07 The Local Economy and Housing Select Committee had considered the 'Slivers of Time' initiative at its meeting on 4 December 2007 after the Overview and Scrutiny team had obtained the financial information to show that spending on temporary staff was over £100,000 and that a pilot within the Council would be viable. They made the following recommendations to Cabinet (**071220/CAB010**):

- (1) That a Senior Officer be identified to liaise with Human Resources, Kent County Council and 'Slivers of Time' on a Tunbridge Wells pilot;

- (2) That Richard Manby, Head of Public Sector Slivers of Time Working, be invited to address the Local Economy and Housing Select Committee to discuss the next steps in the piloting process; and
- (3) That a Lead Member be identified to oversee the pilot; the Committee recommends Councillor Williams.

It was agreed that the Chief Executive liaise with the Director of Planning and Development to identify the Senior Officer to liaise with Human Resources, Kent County Council and Slivers of Time. It was also suggested that the same officer be responsible for communicating with partners.

RESOLVED – That the Select Committee be thanked for their report and that recommendations (2) and (3) of the Local Economy and Housing Select Committee be agreed. In relation to recommendation (1), the Chief Executive will liaise with the Director of Planning and Development to identify a Senior Officer to liaise with Human Resources, Kent County Council and ‘Slivers of Time’ on a Tunbridge Wells pilot.

CABINET DECISIONS

DECISION NO.CAB107/07

NON-EXEMPT

PORTFOLIO:

N/A

PORTFOLIO HOLDER:

N/A

TITLE OF REPORT:

Forward Plan (071220/CAB001)

PRIORITY:

Delivering high quality services to our customers

DECISION MADE:

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

Amendments

7 February 2008, Draft District Chapter for the Kent Area Agreement – should now be: 27 March 2008, Local Action Plan (Kent Area Agreement) pending progress at the Kent level on agreeing the 35 indicators.

28 February 2008, 2008/09 Members’ Remuneration – summary of report needs to have added ‘whilst also considering the 2007/08 levels’ after 2008/09.

Additions

Planning & Development Portfolio Holder
Kent Sustainable Communities Protocol – 9 January 2008

Environment & Street Scene Portfolio Holder Decision
Public Conveniences – early 2008

Corporate Services Select Committee
Review of Pilot for Sunday Car Park Charging – early 2008

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

DECISION NO.CAB108/07

NON-EXEMPT

PORTFOLIO:

LEADER OF THE COUNCIL

PORTFOLIO HOLDER:

Councillor Bullock

TITLE OF REPORT:

Draft Strategic Plan 2008-2011 (071220/CAB003)

PRIORITY:

All

DISCUSSION:

Members were informed that the Strategic Plan 2008-2011 would build on the 2007-2010 Plan and that it would set out the Council's approach to delivering its corporate priorities.

The Plan outlined a number of strategic objectives and key performance indicators, which, together, underpin the design and delivery of Council services, the prioritisation and allocation of resources and the achievement of value for money.

The priorities outlined in the draft Strategic Plan would provide the context in which the Council would seek to underpin the transition to the new National Performance Framework, namely: Strengthen medium-term planning; establish a clear vision for the Council to deliver its commitments in the new Community Plan; and inform and support the proposed Council-wide CPA re-assessment in 2008.

Cabinet noted that the Plan would be made available for consultation and would be referred to the Corporate Services Select Committee for consideration and comment. The results of the consultation and any recommendations from the Select Committee would be reported to the February's Cabinet meeting.

Members made comments and asked that amendments be made to:

- Ensure that relevant sections under each corporate priority reflect outcomes on the ground in terms of articulating benefits for local communities rather than being output driven.
- Ensure that all risks related to partnership delivery of the Strategic Plan were articulated and managed through the Council's risk management processes.
- Page 14 – replace ' bi-annually' with 'twice per year'

DISCUSSION Cont./

- Page 14/15 – ensure this diagram reflects meetings that take place on a one to one basis between Officers and Portfolio Holders.
- Page 23 – second column, add 'up to March 2008' to the title.
- Page 42 – Include targets which focus specifically on improving health outcomes for young people within the Borough.
- Add a 'map' to indicate the linkage between all the Council's documents/Plans/Strategies.

DECISION MADE

- (1) That the draft Strategic Plan be released for wider consultation and for consideration by the Council's Corporate Services Select Committee; and
- (2) That last year's Strategic Plan be 'rolled over' and a more comprehensive, longer-term Strategic Plan be developed, once further information is available on the Kent Agreement and the Comprehensive Area Assessment.

REASONS FOR DECISION:

To allow public consultation to take place and any comments received will be incorporated into the final document.

**Contact Officer: Nazeya Hussain, Head of Community and Corporate Planning
Tel: 01892 554219 or e-mail: nazeya.hussain@tunbridgewells.gov.uk**

URGENT BUSINESS

The deadline for representations to the Department for Communities and Local Government was Friday 21 December 2007. Due to the short timescale, the following item was an urgent decision. In accordance with the Overview and Scrutiny Procedure Rule 15, the call-in procedure shall not apply to the decision because any delay likely to be caused by a call-in would seriously prejudice the Council's or the public's interest. The agreement of the Mayor and the Chairman of the Corporate Services Select Committee to the above procedure was given.

DECISION NO.CAB109/07

NON-EXEMPT

PORTFOLIO:

LEADER OF THE COUNCIL

PORTFOLIO HOLDER:

Councillor Bullock

TITLE OF REPORT:

**New National Performance Indicators Consultation
(071220/CAB004)**

PRIORITY:

All

DISCUSSION:

Members were informed that the government had proposed a set of 198 National Performance Indicators to replace Best Value Performance Indicators (BVPIs) that were collected by local authorities. Tunbridge Wells Borough Council was given 64 indicators that were proposed for collection from 2008/09.

The report outlined the general proposals for the new national performance framework, the proposed National Indicators (NIs) and how they would impact on Tunbridge Wells Borough Council. Appended to the report were the detailed responses to the proposed NIs.

Officers advised that, because the deadline for representations to the Department for Communities and Local Government was Friday 21 December 2007, Councillor Smith, Chairman of the Corporate Services Select Committee, had agreed to the disapplication of the usual call-in provisions under Overview and Scrutiny Procedure Rule 15.1, as any delay of the decision could cause such prejudice to the interest of the Council or the public.

Members made comments on a number of proposed National Performance Indicators, which would be incorporated within the Council's official response. Concern was expressed regarding the comparability of the perception-based indicators as well as some of the definitions which could potentially lead to unintended negative consequences.

DECISION MADE:

That the response to a range of NIs outlined in appendix B to the report be submitted to the Audit Commission as the Council's official response to the consultation on the new national performance framework.

REASONS FOR DECISION:

To enable the Council's response to the NIs to be submitted to the Audit Commission.

Contact Officer: Raymond Warren, Performance and Improvement Manager
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DECISION NO.CAB110/07

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

TITLE OF REPORT:

Draft People Strategy (071220/CAB005)

PRIORITY:

All

DISCUSSION:

Cabinet was presented with the draft People Strategy and new Organisational Values. The People Strategy would set out how the Council's human resources could be managed to assist in delivering the Council's key goals. The Strategy also discharged the Council's obligation to have a pay and workforce development strategy.

The Council had reviewed and developed a set of new 'Organisational Values' that outlined the characteristics, outlook and behaviours that the Council expects of its staff.

Members were informed that the Strategy would be circulated to the Corporate Services Select Committee for consideration and its comments; the process included internal and external consultation.

DECISION MADE:

- (1) That the draft People Strategy be approved for publication and consultation; and
- (2) That the draft People Strategy be referred to the Corporate Services Select Committee for comment and consideration and that the draft Strategy be subject to consultation with staff, Members and Unison.

REASONS FOR DECISION:

To allow the draft strategy to go forward for public consultation and any comments will be considered and incorporated into the final People Strategy as appropriate.

Contact Officer: Jane Phillips, Human Resources Manager
Tel: 01892 554219 or e-mail: jane.phillips@tunbridgewells.gov.uk

DECISION NO.CAB111/07

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

TITLE OF REPORT:

Council Tax – Calculation of the Tax Base 2008/2009
(071220/CAB006)

PRIORITY:

A7: Ensuring that we are well managed, proactive and deliver value for money service

DISCUSSION:

Members were informed that as part of the council tax setting process for the coming year, the Council was required to calculate the Tax Base in the period 1 December 2007 to 31 January 2008. The Tax Base must be notified to Kent County Council, Kent Police Authority and Kent and Medway Towns' Fire Authority by 30 January 2008.

The calculation took into account the number of dwellings in each tax band; the estimated additions and subtractions during the year; the exemptions; disabled persons' relief adjustments; discounts for single occupancy/empty property; and collection rate.

The Head of Financial and Property Services concluded by stating that the Tax Base for the whole borough for 2008/09 was £44,262.76, which represented a 0.9% increase of 408 properties. The majority of the new properties were in Royal Tunbridge Wells.

DECISION MADE:

- (1) That the report of the Head of Financial and Property Services for the calculation of the Council Tax Base for the year 2008/09 be approved; and
- (2) That pursuant to the Head of Financial and Property Service's report and in accordance with the Local Authorities (Calculation of Tax Base) (Amendment) (England) Regulations 2003, the amount calculated by Tunbridge Wells Borough Council as its council tax base for the year 2008/09 shall be as follows:

	2008/09	2007/08 for comparison
For the whole area	44,262.76	43,854.52
For the following special expenses, town and parish council		
Tunbridge Wells Special Expenses	19,957.24	19,608.35
Southborough Special Expenses	4,335.65	4,323.48
Bidborough Special Expenses	533.95	518.76
Capel Special Expenses	924.68	920.63
Benenden	874.89	895.94
Brenchley	1,373.02	1,352.49
Cranbrook	2,609.60	2,617.56
Frittenden	392.68	394.75
Goudhurst	1,308.39	1,301.91
Hawkhurst	1,889.42	1,903.65
Horsmonden	983.18	967.58
Lamberhurst	726.39	723.15
Paddock Wood	3,049.94	3,036.89
Pembury	2,346.47	2,333.05
Sandhurst	602.36	599.59
Speldhurst	2,354.90	2,356.74

REASONS FOR DECISION:

To ensure that the Council's Tax Base for the year 2008/09 is calculated.

Contact Officer: Ross Sutton, Acting Chief Accountant
Tel: 01892 526121 or e-mail: ross.sutton@tunbridgewells.gov.uk

DECISION NO.CAB112/07

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

TITLE OF REPORT:

Draft Medium Term Financial Strategy (071220/CAB007)

PRIORITY:

ALL

DISCUSSION:

Members considered the draft Medium Term Financial Plan (MTFS), that was required to complement the Strategic Plan and support the delivery of the Council's Priorities. The document set out the Council's strategic approach to the management of its finances, assets and council tax. In addition, it was noted that the MTFS covered other issues such as the use of reserves and the current reliance on investment interest to support revenue expenditure.

It was noted that a number of issues would need to be put in place if this were to be achieved. An action plan, that outlined a series of key targets designed to facilitate the achievement of the Council's Financial Strategies during the lifetime of this document, was attached to the report for Members' information.

It was noted that in the second column of Annex 4, the following needed to be added to the title: '2007/08'.

DECISION MADE:

- (1) That the comments made on the draft Medium Term Financial Strategy be noted and the MTFS be amended, as agreed; and
- (2) That the draft Medium Term Financial Strategy be issued for public consultation and be submitted to the Corporate Services Select Committee for their consideration and comment.

REASONS FOR DECISION:

The strategic approach to financial management allows for the optimum use of resources in terms of value for money and will add strength to the Council's Strategic Plan.

Contact Officer: Sean Clark, Head of Financial and Property Services
Tel: 01892 526121 or e-mail: sean.clark@tunbridgewells.gov.uk

DECISION NO.CAB113/07

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

TITLE OF REPORT:

2008/09 to 2010/11 Draft Budget (071220/CAB008)

PRIORITY:

ALL

DISCUSSION:

Members discussed the current projections for the revenue and capital budgets for 2008/09 through to 2010/11 and reinforced the strategic aims within the Medium Term Financial Strategy.

The report set out the assumptions that had been built into the proposed 2008/09 and subsequent years' budgets as part of the 2008/09 budget setting process. The strategic aims of the Council and the budget position were submitted to Cabinet in July 2007.

The Head of Financial and Property Services informed Cabinet that the cost of concessionary fares, after grants, had now risen to £1.06m.

DECISION MADE:

- (1) That the draft budget be agreed as the basis for consultation;
- (2) That the commitment to a council tax increase at capping level be reaffirmed;
- (3) That officers bring forward proposals on how to balance the budget in subsequent years;
- (4) That a full review of the Capital Programme take place and the findings of that review to be brought back as part of the final budget proposals in February 2008; and
- (5) That direction be given on the use of the budget surplus and surplus investment income in February 2008.

REASONS FOR DECISION:

To ensure that the Council has a sustainable budget into future years that will allow the redirection of resources to the Council's priority areas.

Contact Officer: Sean Clark, Head of Financial and Property Services
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DECISION NO.CAB114/07

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

TITLE OF REPORT:

Asset Management Plan (071220/CAB009)

PRIORITY:

ALL

DISCUSSION:

Members last agreed an Asset Management Plan in November 2005. Since that date, the Council had made a number of changes including the approval of a three-year Strategic Plan and Medium Term Financial Strategy. Within those documents, the Council's priorities were reinforced and the Strategic Plan sets out a series of objectives to be achieved by 2011 and beyond.

Sound asset management will be essential to the delivery of those objectives and this draft Asset Management Plan will provide the supporting framework for that to happen.

It was noted that the Asset Management Plan was a key strategic planning document that would support the Council in delivering its priorities by complementing the Strategic Plan and Medium Term Financial Strategy.

The Head of Financial and Property Services asked that should Members have any comments to send them to him direct over the next two weeks.

DECISION MADE:

- (1) That any comments made on the Asset Management Plan be noted and any identified areas that Cabinet believe need to be strengthened or where there are omissions also be noted or where necessary changed; and
- (2) That the Asset Management Plan be released for public consultation, including the Corporate Services Select Committee.

REASONS FOR DECISION:

The Asset Management Plan outlines key resources and considerations that the Council needs to consider in order to deliver its priorities.

Contact Officer: Sean Clark, Head of Financial and Property Services
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DECISION NO.CAB115/07

NON-EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

TITLE OF REPORT:

Regeneration – Development Partner Appointment
(071220/CAB002)

PRIORITY:

A1

DISCUSSION:

Members were reminded that in January 2007, a report was submitted to Cabinet that outlined the alternatives to enable the Council to take forward the revitalisation of Royal Tunbridge Wells, Southborough, Paddock Wood and Cranbrook.

In September 2007, a report was submitted that outlined the current position within the selection process and what the next steps were; in addition, a report was brought before Members that sought agreement to include the Town Hall being incorporated within the Development Partner process.

The stage II process in selecting a preferred development partner was outlined to Cabinet and highlighted terms for further negotiation.

Members were informed that a shortlist of six submissions was issued with stage II tender documentation on 26 July 2007. A formal return of documentation was on 26 October 2007.

On 26 July, the stage II tender documentation was issued to the parties and was returned on 26 October 2007. An analysis of the submissions was carried out prior to interviews that took place on 26 November, followed by meetings on 28 November with the parties. However, during the stage II process, three of the parties withdrew, leaving three parties having interviews on 28 November.

The Head of Economic Development and Regeneration informed Members that an exhibition with selected stakeholders was held.

Members then agreed to enter into exempt to discuss the scoring and evaluation of submissions.

DISCUSSION Cont./

Returning into the open discussion, Members, after taking into consideration all of the information provided by the parties, agreed that John Laing/Gladedale be selected as the Council's preferred development partner.

DECISION MADE:

- (1) That John Laing/Gladedale be selected as the Council's preferred development partner;
- (2) That officers, in consultation with the Leader, the Portfolio Holder for Planning and Development and the Corporate Services Portfolio Holder, enter into exclusive negotiation for a set period up to the end of June 2008 with the preferred developer with a view to agreeing a proposal for a long-term partnership;
- (3) That any future partnership arrangements provide a mechanism for the Council to benefit from the development process and not just from the sale of land and property under its control;
- (4) That the Council appoint relevant expert external advisors with the necessary experience to support the Council in negotiating with the preferred partner;
- (5) That Council receive the Cabinet report for information only; and
- (6) That a Council Briefing takes place prior to the next scheduled Council meeting dated 20 February 2008, updating Members on the Regeneration process.

REASONS FOR DECISION:

To select a development partner to meet the objectives of the Council.

Contact Officer: David Candlin, Head of Economic Development and Regeneration
Tel: 01892 554219 or e-mail: david.candlin@tunbridgewells.gov.uk

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 I of the Schedule 12A of the Act namely: -

DECISION NO. CAB116/07

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

Paragraph (4) - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

DECISION NO. CAB116/07

EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

TITLE OF REPORT:

Paragraphs 6.1 to 6.18 of the Regeneration – Development Partner Appointment (071220/CAB002)

PRIORITY:

Delivering high quality services to our customers

DISCUSSION:

As mentioned in decision CAB115/07, three parties withdrew during the stage II process; the three that withdrew were listed in the exempt report. The process that the Council adopted to stimulate opportunity and ideas had provided the parties with some difficulties.

Members were provided with more detailed information relating to each of the remaining three parties concerned and their overall final scoring; this was also set out in Section 6 Annex C of the exempt report. A comparative table between the three parties was also set out in Section 6 Annex B of the exempt report.

DECISION MADE:

As set out in decision CAB115/07 above.

REASONS FOR DECISION:

To select a development partner to meet the objectives of the Council.

Contact Officer: David Candlin, Head of Economic Development and Regeneration

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