

TUNBRIDGE WELLS BOROUGH COUNCIL

RECORD OF DECISIONS

(in terms of Access to Information Rule 18)

CABINET

Thursday 2 October 2008

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

Other Members in Attendance: Councillors Crawford, Cunningham, Davies, Holden, Marriott, Mrs Moore, Tompsett, Stanyer, Ward and Weeden.

Officers in Attendance: David Candlin, Head of Economic and Regeneration; David Crosby, Head of Housing and Health; Robert Cottrill, Director of Planning and Development; Lee Colyer, Financial Services Manager; Sean Clark, Head of Finance and Governance; Laurence Doig, Overview and Scrutiny Officer; Paul Fisher, Deputy Monitoring Officer; Nazeya Hussain, Head of Community and Corporate Projects; Alan Legg, Principal Design and Heritage Officer; Louise Phillips, Planning Policy Team Leader; Richard Powell, Director of Services to the Community; Samantha Timms, Senior Committee Administrator; William Benson, Director of Change and Business Support; and Sheila Wheeler, Chief Executive.

Others in Attendance: David McCulloch (decision CAB082/08), David Weiss, Head of Public Private Partnerships and Property Team, (decision CAB081/08); Sara Naylor, Project Manager Public Private Partnerships and Property Team (decision CAB081/08); Linda Mitchell, KMFM Radio; Emma Seymour, Courier Newspaper; and David Wright, Meridian Television.

APOLOGIES FOR ABSENCE

CAB071/08 None received.

DECLARATIONS OF PREJUDICIAL INTEREST

CAB072/08 In accordance with the Council's Code of Conduct, Part 5, Councillor Bullock declared a prejudicial interest in decision CAB080/08 because he had accepted an invitation from Targetfollow to be their guest at the Tunbridge Wells Business Awards dinner at the Spa Hotel in October. He withdrew from the meeting for consideration of this item; Councillor Mrs Mayhew, Deputy Leader took the Chair for this item. Councillor Horwood declared a prejudicial interest in decision CAB097/08 because he held a deposit in one of the organisations shown in the paper of more than the amount allowed under the Council declaration policy in higher than the level allowed. He withdrew from the meeting for consideration of this item.

The Cabinet noted that Councillors Bullock and Scholes were both Kent County Councillors in relation to decision CAB082/08.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB073/08 In accordance with Cabinet Procedure Rule 5.3 and after giving due notice to the Chairman, the following Councillors attended and spoke on the decisions as indicated:

Councillor Davies – decisions CAB080/08, CAB082/08, and CAB089/08
Councillor Holden – decision CAB082/08
Councillor Marriott – decision CAB082/08
Councillor Mrs Moore - decision CAB082/08
Councillor Stanyer – decision CAB077/08 and CAB082/08
Councillor Ward – decision CAB082/08
Councillor Weeden – decision CAB082/08

APPROVAL OF CABINET MINUTES DATED 3 SEPTEMBER 2008

CAB074/08 The Minutes of the Cabinet meeting dated 3 September 2008 were considered and were confirmed as a correct record.

QUESTIONS RECEIVED FROM MEMBERS OF THE COUNCIL

CAB075/08 There were no questions that had been submitted by members of the Council.

QUESTIONS RECEIVED FROM MEMBERS OF THE PUBLIC

CAB076/08 In accordance with Cabinet Procedure Rule 7.1, three questions had been submitted by members of the public, the details of which are set out in the appendix to these minutes.

CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY SELECT COMMITTEES – SUNDAY CAR PARK CHARGING – LOCAL ECONOMY & HOUSING SELECT COMMITTEE DATED 18 SEPTEMBER 2008

CAB077/08 At its meeting on 18 September 2008, the Local Economy and Housing Select Committee had discussed the Sunday Car Park Charging. The Committee was asked to make comments on the Charging and submit their views to Cabinet ([081002/CAB001](#)). The Select Committee had made the following recommendations to Cabinet:

- (1) That the Sunday Car Park Charging should continue in its current format; and
- (2) That Cabinet note that a working group of the Select Committee would investigate the displacement of vehicles due to Sunday car park charging and consult with town centre residents to understand the impact on them.

RESOLVED –

- (1) That the Select Committee be thanked for their report; and
- (2) That the Select Committee's recommendations above be agreed that the Sunday car park charging continue in its current format and that it be noted that a Select Committee working party would investigate the displacement of vehicles due to Sunday car park charging and consult with town centre residents to understand the impact on them.

CABINET DECISIONS

DECISION NO. CAB078/08

NON-EXEMPT

PORTFOLIO:

LEADER

PORTFOLIO HOLDER:

Councillor Bullock

REPORT TITLE:

Forward Plan ([081002/CAB002](#))

PRIORITIES:

Delivering high quality services to our customers.

DECISION MADE:

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

- Business Plan for Cranbrook Community Facility – 2 December 2008
- Environment Performance Review and Environment Management Scheme Action Plan relating to Transition of Tunbridge Wells – 2 December 2008
- Kent Agreement 2 Update – Refresh and Review – 12 March 2009

REASONS FOR DECISION:

To comply with Access to Information Procedure Rule 14.

Contact Officer: Samantha Timms, Senior Committee Administrator
Tel: 01892 554007 or e-mail: sam.timms@tunbridgewells.gov.uk

DECISION NO. CAB079/08

NON-EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

TITLE OF REPORT:

Transition Tunbridge Wells ([081002/CAB003](#))

PRIORITIES:

Promoting and maintaining a thriving and diverse local economy
Caring for our environment.
Developing safer and stronger communities

DISCUSSION:

The report introduced the concept of Transition Towns as a community led series of initiatives to improve sustainability and resilience of the local community against the background of climate change.

Members noted that at a recent public meeting, such an initiative was launched for Tunbridge Wells and Southborough. Cabinet was asked that the Transition Tunbridge Wells initiative be recognised and work with them as a partner organisation.

The Officer stated that the outcome of the public meeting was a substantial group of people who had come together to develop Transition Tunbridge Wells and Southborough and villages. A Steering Group had now been established who were looking to set up a series of workshops and working group activities.

It was noted that over the coming months, the role of the Steering Group would be to act as a catalyst and to raise awareness and to lay the foundations for Transition Tunbridge Wells. It was hoped that an official launch would take place in June/July next year.

Cabinet was informed that the role of the local government in such an initiative was one that was evolving and there was no established national model. However, it was considered that the role of the Council would be to facilitate, to listen, to provide advice when asked and to provide support.

In concluding, it was highlighted that Transition Tunbridge Wells was a locally generated initiative that would assist in making the Borough more resilient to climate change and strengthen local community focus.

DECISION MADE:

1. That the Transition Tunbridge Wells Initiative be recognised and welcomed; and
2. That encouragement be provided in order to facilitate and advise Transition Tunbridge Wells and develop future joint working, where it meets common objectives.

REASONS FOR DECISION:

To introduce the concept of Transition Towns and to inform Members on the launch for Tunbridge Wells and Southborough Transition.

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

DECISION NO. CAB080/08**NON-EXEMPT****PORTFOLIO:****PLANNING AND DEVELOPMENT****PORTFOLIO HOLDER:****Councillor Mrs Thomas**

REPORT TITLE:

**Future Rejuvenation Strategy for the Pantiles
(081002/CAB015)**

PRIORITIES:

Promoting and maintaining a thriving and diverse local economy
Caring for our environment

DISCUSSION:

Members were informed that a Rejuvenation Strategy for the Pantiles had been prepared by the new owners, Targetfollow. It provided their vision for future improvements and developments of the area. It was recommended to Cabinet that the general approach be welcomed by the Borough Council, whilst making clear its relationship to Planning Policy.

The report also suggested an option of pursuing World Heritage Status as a further instrument to the rejuvenation of the Pantiles. The document was a comprehensive document, which described the current context and set out a clear vision for the Pantiles. It examined and evaluated the issues and although there were key strengths it also identified threats and weaknesses that would need to be addressed and opportunities to be grasped.

The Officer stated that a number of key themes would need to be tackled, including: movements and links, public realm, building refurbishment and re-use, signing and wayfinding.

Cabinet noted that Targetfollow was currently undertaking a consultation exercise with other key stakeholders and partners in the preparation to ensure that objectives were generally aligned.

The Rejuvenation Strategy would inform the Town Centre Area Action Plan which was about to be prepared by the Council as Local Planning Authority and would also inform wide strategies for the town as a whole.

The Officer went on to say that over recent months, there had been suggestions regarding the potential for the Pantiles at Tunbridge Wells to become a World Heritage Site. A World Heritage Site would be the highest commendation a place could receive – a real recognition of global significance and would bring with it international prestige.

The process of becoming a World Heritage Site, what the future would hold if the Pantiles were to become a World Heritage Site and what the issues and risks would be should a bid go forward was explained to Cabinet.

DECISION MADE:

1. That support for the Rejuvenation Strategy as a vision for the Pantiles by an important commercial organisation, subject to the normal planning process be expressed; and

2. That any bid for World Heritage Status be evaluated in consultation with experts in the field.

REASONS FOR DECISION:

To support the appropriate management of a key heritage asset.

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

DECISION NO. CAB081/08**NON-EXEMPT****PORTFOLIO:****HOUSING AND COMMUNITY ACCESS****PORTFOLIO HOLDER:****Councillor Mrs Mayhew****REPORT TITLE:****Excellent Homes for All – Kent Housing PFI Round 5 Bid – Extra-care Housing Provision (081002/CAB012)****PRIORITIES:**

The provision of Extra Care housing supports corporate priority A3 – Having housing suitable for local people.

DISCUSSION:

Cabinet was updated on the new Kent Housing Private Finance Initiative (PFI) project and were asked to approve the Borough Council's continued participation in the project which will provide 40 units of Extra Care accommodation for older people in the borough.

The location of the provision was proposed to be on Kent County Council owned land in Cranbrook, and the accommodation would be prioritised for local people in Cranbrook and the surrounding area.

Cabinet was informed that since the publication of the Cabinet agenda, Kent County Council had advised that further to recent changes in the scope of the 'Excellent Homes for All' project the pro-rata split of the development costs for the procurement of the project to be shared between the project partners had been recalculated. As a result, Tunbridge Wells Borough Council's estimated share of the current indicative development cost was now £119,000 (as opposed to £137,000 as shown in appendix 1 to the report), or £2,975 per unit of accommodation.

The Officer stated that the 'Excellent Homes for All' project would develop Extra Care housing in districts of Ashford, Dartford, Dover and Tunbridge Wells and that policy based projections showed that Kent had an ageing population, and had raised their aspirations and expected a greater choice in housing.

The project would provide 160 new apartments, of which 40 apartments would be in Tunbridge Wells borough; these apartments would be designed and operated to cope with a range of dependencies including people with dementia.

Outlined to Cabinet was the non-extra care housing provision in other districts, the PFI procurement process and the financing involved.

The Officer concluded by stating that the project would deliver important benefits to vulnerable people and local communities and was another excellent partnership working. The £45m support given to the project by DCLG was another example of the confidence it had in Kent partners to deliver complex projects.

Cabinet, on hearing the above, agreed to amend the published recommendation to take account of the changes.

DECISION MADE:

1. That Tunbridge Wells Borough Council's continued participation in the 'Excellent Homes for All' Private Finance Initiative project be approved;
2. That delegated authority be given to the Portfolio Holder for Housing & Community Access to sign a development agreement with Kent County Council and the other Kent district councils to undertake the procurement in partnership;
3. That the Council's share of the development costs for the procurement of the project, currently estimated at £119,000, be met from the Council's Strategic Plan Reserve; and
4. That delegated authority be given to the Head of Finance & Governance, in consultation with the Portfolio Holder for Housing & Community Access and the Portfolio Holder for Corporate Services, to approve any additional contribution to the development costs for the procurement of the project over and above the current estimate of £119,000.

REASONS FOR DECISION:

To enable the Council's support for the project to be confirmed to KCC in support of its outline business case to be submitted to DCLG.

Contact Officer: David Crosby, Head of Housing & Health
Tel: 01892 554192 or e-mail: david.crosby@tunbridgewells.gov.uk

DECISION NO. CAB082/08**NON-EXEMPT****PORTFOLIO:****THE LEADER OF THE COUNCIL****PORTFOLIO HOLDER:****Councillor Bullock****REPORT TITLE:****Cranbrook Community Facilities (081002/CAB017)****PRIORITIES:**

The report potentially supports a number of Council priorities including: 'Ensuring that we are well managed, proactive and deliver value for money services'; 'Developing safer and stronger communities'; and 'Having housing suitable for local people'.

DISCUSSION:

Members were informed that Cabinet last considered a report on Cranbrook Community Facilities at its meeting on 17 July 2008. The report put before Members provided an update on the Weald Centre Group's proposal and the Community Hub on the library site.

Weald Centre Group

Cabinet was informed that the Weald Centre Group had proposed to re-develop the site of the former Council offices to provide a two storey community facility that would contain a number of different uses that would include: a large and flexible hall/community space, adult education, vocational/student education, meeting room suites, café and business units. The Officer went on to say that the business plan in support of the proposals gave information on the aims of the centre, how it would be financed, the potential for business units, voluntary groups in the area who may use the hall, information on the possible usage of the large hall, footfall and projected revenue for the food franchise, income from website and business directory together with examples of other facilities. The business plan was appended to the report for Members' information.

It was noted that consultation had been carried out with local community groups and interest in using the features of the centres. Cabinet at the time had decided that the plan should be subject to independent scrutiny to enable the Council to receive impartial advice on the feasibility and viability of the proposals. Following that meeting Baker Tilly carried out some work based on available information.

The Officer circulated at the meeting, the Baker Tilly letter that incorporated the basis and status of their work and the restrictions of use.

Community Hub on the Library Site

Cabinet was reminded that the Borough Council had instructed Hazle McCormack Young Architects to undertake the initial feasibility. The aim of the brief was to evaluate, namely: establish various users' needs, investigate and confirm capacity for sharing facilities, set out flexibility/adaptability issues, set out issues of design quality and sustainability of construction, examine potential for other users on the site.

Cabinet noted that following consultation with the Parish Council, a number of issues had been raised with the proposals; mainly, the capacity of the site to accommodate a larger building and the access to the site via Carriers Road and the limited amount of parking in Jockey Lane car park during the day.

The Officer stated that the current proposals had a capital cost of £1.5m; it was anticipated that the Borough Council together with contributions from other partners would fund this. Revenue costs – the proposed building had been designed to ensure that the costs were comparable to existing budgets.

Cabinet was informed that a feasibility study was now complete and confirmed that a new multi-purpose community building could be accommodated on the Library site – it was accepted that there were concerns over the location of a new building on that site in relation to access and parking issues. It was noted that should the study progress to the next stage, the concerns would be addressed in detail as a priority.

The Parish Council had held a meeting on 18 September to consider the community facilities in the town and the outcome of that meeting was that the Parish Council decided not to alter any of its previous decisions that related to the support of community facilities on the former Council Office site and concerns over the redevelopment of the library site for community facilities.

Several visiting Councillors spoke on the item together with members of the public. Cabinet noted however, that one of the speakers, Mr East, was unhappy with the fact that the Baker Tilly letter had been circulated after he had spoken.

The Leader of the Council and Chairman of Cabinet, also passed on MP Ann Widdecombe's apologies for not attending the Cabinet meeting due to other work commitments.

DECISION MADE:

1. That as far as the proposals from Weald Centre Group contained in the letter of 16 July, to the Leader of the Council, the Cabinet agreed that due to the absence of substantive financial information requested by Baker Tilly in August 2008, the Cabinet were unable to proceed with any of the proposed options;
2. That Cabinet move to the next stage of the feasibility study for community facilities on the library site which would provide detailed capital and revenue costs of the proposals, would be submitted to the December meeting of the Cabinet; and
3. That Cabinet in working with the Parish Council, Weald Centre Group and Kent County Council assess alternatives to the above as outlined in paragraph 23.

REASONS FOR DECISION:

To update Members on the situation with the Cranbrook Community Facilities.

Contact Officer: Robert Cottril, Director of Planning and Development

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

DECISION NO. CAB083/08

NON-EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

Sustainability Overview ([081002/CAB004](#))

PRIORITIES:

Caring for our environment
 Developing safer and stronger communities
 Delivering high quality services to our customers
 Ensuring that we are well managed, proactive and deliver value for money

DISCUSSION:

The report before Cabinet outlined the current framework and legislative context within which Tunbridge Wells Borough Council functions, in what was a rapidly changing and growing sector of the Council's operations. The Overview set out some of the key drivers and how the Borough Council was already addressing the associated issues and responsibilities.

The Officer outlined the key action areas in which the Council operated, namely: as a property manager/business; as service providers; and as community leaders. The UK Government had sent a number of strong signals to Councils that they were expected to address sustainability. There was also new national performance and reporting framework for local government with a stronger emphasis on sustainability.

Cabinet was reminded of the number of ways in which the Borough Council was already addressing sustainability and examples of the Council's crosscutting issues were also highlighted.

Cabinet noted that to improve the Council's performance and effectiveness, a number of other aspects should be highlighted. Cabinet was asked to formalise a Sustainability Officer Board being formed. The Sustainability Officer Board would begin to address the other issues, namely: to discuss crosscutting environment/sustainable themes; to establish a control forum and to promote common understanding of the issues; and to develop and co-ordinate actions. The Officer went on to say that support at Member level should also be obtained by establishing a Sustainability Champion; it was agreed that Councillor Elliott would be that Champion, with his agreement.

DECISION MADE:

1. That the formation of the Sustainability Officer Board be endorsed as a mechanism to improve the Council's performance;
2. That the proposal for a Sustainability Champion, Councillor Elliott, be appointed to ensure cross service delivery, be considered; and
3. That Officers report within six months on the outputs of the Environmental Performance review and Action Plan.

REASONS FOR DECISION:

To ensure that the Council addresses its sustainability obligations and issues in a consistent, and co-ordinated way.

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

DECISION NO. CAB084/08

NON-EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

The Saving of Local Plan Policies (081002/CAB005)

PRIORITIES:

The Local Plan provides the planning policies against which applications for development in the Borough are assessed. It makes provision both for appropriate change in the Borough to meet the needs of its communities and for the conservation of its environment and heritage. It is important to retain these policies in order to preserve and enhance the unique character of the Borough.

DISCUSSION:

The report sought Members' approval to apply to the Government Office for the South East for a direction to save the Local Plan Policies beyond March 2009. The Policies were set out as an appendix to the report.

The list of Local Plan Policies will be issued to the Government Office for the South East. It will then issue a Direction under Paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004, specifying to which Local Plan Policies the Schedule would not apply and therefore would be saved beyond March 2009.

Cabinet also noted that the Secretary of State has the power to refuse a direction for any policies that it considers do not meet the criteria set out in paragraph 9.2(1) of the new PPS12.

It was highlighted to Cabinet that prior to the adoption of the Local Development Documents, it was proposed that the Local Plan policies listed in appendix A of the report be put forward for saving beyond the three-year period. It was also proposed that the remaining fifteen policies listed in appendix B to the report would lapse in March 2009.

DECISION MADE:

1. The Local Plan policies listed in Appendix A of the report be saved beyond March 2009;
2. The fifteen Local Plan policies listed in Appendix B of the report should not be saved and would therefore lapse in March 2009;
3. The matrix at Appendix C of the report should be submitted to GOSE as the Borough Council's application to the Secretary of State for a Direction under Paragraph 1 (3) of Schedule 8 of the Planning and Compulsory Purchase Act, 2004; and
4. The Head of Planning Services, in consultation with the Portfolio Holder for Planning and Development, be authorised to make amendments to the list of saved policies, particularly as directed by the Secretary of State.

REASONS FOR DECISION:

For the purposes of Section 54A of the Town and Country Planning Act 1990, to continue to use the relevant Local Plan policies as the adopted Development Plan in development control decisions.

Contact Officer: Gudrun Andrews, Planning Officer

Tel: 01892 554007 or e-mail: gudrun.andrews@tunbridgewells.gov.uk

DECISION NO. CAB085/08

NON-EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

Secretary of State's Proposed Changes to the South East Plan; Public Consultation (081002/CAB013)

PRIORITIES:

The South East Plan will set out the long-term spatial planning context for the region over the years 2020-2026. It is within this context that the Borough Council must prepare its Local Development Framework, which is central to the delivery of the Borough's Sustainable Community Plan objectives.

DISCUSSION:

Cabinet was informed that the Secretary of State was currently consulting on proposed changes to the South East Plan, the draft of which was submitted by SEERA for consideration and Examination in Public in March 2006. Consultation runs until 24 October 2008. The Officer stated that it was important that the Borough Council responded to the issues that would effect the long-term development of the Borough.

The Officer stated that the consultation material was long and complex and work was still underway to ensure that a comprehensive response could be submitted.

The report set out the main issues of significance to the Borough and sought delegated authority for the Head of Planning Services, in consultation with the Portfolio Holder for Planning and Development, to submit a full response to the Secretary of State's consultation on the proposed changes to the South East Plan. The Secretary of State's proposed changes were set out in the agenda for Members' attention.

Cabinet was informed that the South East Plan, once adopted, would be a material consideration for the Borough Council both in preparing its Local Development Framework and when determining planning applications.

DECISION MADE:

That the Head of Planning Services, in consultation with the Portfolio Holder for Planning and Development, have delegated authority to submit a response to the Secretary of State's consultation on her proposed changes to the South East Plan.

REASONS FOR DECISION:

To ensure that the views of the Borough Council are represented when the South East Plan is finalised. This is an important long-term planning document that will have a direct impact upon future development in the Borough.

Contact Officer: Louise Phillips, Planning Policy Team Leader
Tel: 01892 554007 or e-mail: louise.phillips@tunbridgewells.gov.uk

DECISION NO. CAB086/08**NON-EXEMPT****PORTFOLIO:****SAFER AND STRONGER COMMUNITIES****PORTFOLIO HOLDER:****Councillor Scholes****REPORT TITLE:****Review of Community Grants Programme 2008/09
(081002/CAB006)****PRIORITIES:**

The Community Grants programme contributes primarily to the Council's aim of developing safer and stronger communities.

DISCUSSION:

The Officer gave an overview and review of the revised Community Grants Programme that was introduced for the financial year 2008/09 and set out the next stage of the process.

Members were informed that the revised Community Grants Programme was launched on 10 January 2008 and prospective applicants were invited to a launch session that included information and advice on the new programme and guidance on the application process.

Voluntary and community organisations were invited to make applications within a four-week period ending 8 February 2008; applications received totalled 17, 3 of which had not applied previously and one application had subsequently withdrawn. These applications were then assessed and scored.

The Officer highlighted the process of monitoring and payment of the schedules, the community grants budget for 2008/09 and feedback received from voluntary and community organisations regarding the new scheme.

It was noted that the revised Community Grants Programme for 2008/09 had been successfully launched and implemented and work would continued to monitor and evaluate the programme, with the help of feedback from voluntary and community organisations, to ensure that it would provide value for money and would continue to assist voluntary and community organisations with projects that would help to achieve the Borough Council's corporate priorities and would contribute to the borough Sustainable Community.

DECISION MADE:

1. That Leisure Services and Community and Corporate Planning Service criteria for grants for 2009/10 be agreed;
2. That the Council informs appropriate organisations which may have applied before or may be likely to apply in the future, of the change in the process;
3. That Financial and Governance Services develop guidance for capital grants; and
4. That the centralisation of grants, the criteria for application and monitoring requirements as set out in the report, be agreed.

REASONS FOR DECISION:

1. To ensure that appropriate criteria are set.
2. To inform our customers and partner agencies.
3. To ensure the Council has robust criteria for capital grant applications.
4. To address the recommendations made by the Audit Commission to improve the Councils grant giving process.

Contact Officer: Nick Green, Community Development Officer
Tel: 01892 526121 or e-mail: nick.green@tunbridgewells.gov.uk

DECISION NO. CAB087/08

NON-EXEMPT

PORTFOLIO:

SAFER AND STRONGER COMMUNITIES

PORTFOLIO HOLDER:

Councillor Scholes

REPORT TITLE:

Response to Consultation on Green Paper: 'From the Neighbourhood to the National Policing our Communities Together' (081002/CAB007)

PRIORITIES:

This supports the Council's corporate priority – Developing Safer and Stronger Communities, and corporate objective - As a partner in the Tunbridge Wells Crime and Disorder Reduction Partnership tackle anti-social behaviour and reduce crime and the fear of crime.

DISCUSSION:

Put before Cabinet was the proposed response to the Green Paper: "From the Neighbourhood to the National: Policing Our Communities Together". This was published in July 2008 and was the Government's response to both Sir Ronnie Flanagan's Review of Policing and the Casey "Engaging Communities in Fighting Crime" review.

Outlined to Members were the three proposals:

Green Paper 1 – ring fencing for funding for neighbourhood policing and PCSOs for a further three years and greater standardisation in PCSO powers.

Green Paper 2 – acknowledging the valuable work undertaken by Community Safety Partnerships for PCSOs and proposed to further strengthen partnerships by making the Probation Service a 'Responsibility Authority'. To also extend the statutory remit of Community Safety partnerships to include reducing re-offending.

Green Paper 3 – the intention to reform the way in which Police Authorities are constituted.

The responses to all three Papers were highlighted in the report and had been drafted by Tunbridge Wells Borough Council, taking into account the views expressed by partner agencies.

Cabinet also noted that the Leader of the Council and Chairman of Cabinet had sent a letter to the Minister informing him of the Council's objections.

DECISION MADE:

That the responses as outlined in the report be endorsed by and further minor changes be delegated to the relevant Portfolio Holder in association with the Chief Executive.

REASONS FOR DECISION:

To enable a response to be made to the consultation on the Policing Green Paper, in order to influence this agenda.

Contact Officer: Liz Jarvis, Community Safety Manager
Tel: 01892 526121 or e-mail: liz.jarvis@tunbridgewells.gov.uk

DECISION NO. CAB088/08

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

2008/09 Budget Management Action Plans
(081002/CAB008)

PRIORITIES:

The report supports the priority of "Ensuring that we are well managed, proactive and deliver value for money services".

DISCUSSION:

The report outlined the Action Plans that Heads of Service intended to put in place to respond to the decline of £550,000 in expected income (Quarter 1 Revenue Management report). Members noted that the action plans had identified additional savings of £521,000, which would reduce the overall projected deficit from the economic downturn to £29,000.

The Officer stated that each Head of Service was responsible for setting their 2008/09 budgets. Budgets that would not be achieved were as follows: Assembly Hall (Admissions and Ticket Sales); Parking Section (Penalty Charge Notices); and Land Charges (Search Fees).

The three Heads of Service responsible for those areas had now set their action plans to address the situation; these were appended to the report.

Cabinet congratulated the Portfolio Holder for Corporate Services and the relevant officer for producing the document before them.

DECISION MADE:

1. That the actions set out by the Theatre Director within Appendix A of the report, be confirmed;
2. That the actions set out by the Head of Environment and Street Scene within Appendix B of the report be confirmed; and
3. That the actions set out by the Head of Planning Services within Appendix C of the report be confirmed.

REASONS FOR DECISION:

To ensure that the authority continues to operate within the overall approved budget for 2008/09.

Contact Officer: Lee Colyer, Financial Services Manager (Deputy s151)
Tel: 01892 526121 or e-mail: lee.colyer@tunbridgewells.gov.uk

DECISION NO. CAB089/08

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

**Discretionary Non-Domestic Rate Relief Policy
(081002/CAB009)**

PRIORITIES:	The report supports the Corporate Priority of Promoting and maintaining a thriving and diverse local economy
DISCUSSION:	<p>The Officer informed Members that the purpose of the report before them was to review the Council's existing policy and were asked to adopt the revised policy.</p> <p>Members noted that the Council could grant Discretionary Rate Relief as follows: up to 20% to Charitable organisations; up to 100% to other organisations or institutions that were not established for profit and whose main objects were charitable, or otherwise philanthropic or concerned with education, social welfare, science, literature or the fine arts; up to 100% to not for profit sports clubs, social clubs or societies or other organisations for the purposes of recreation; up to 50% to prescribed properties in rural settlement areas; and up to 100% to non-prescribed properties in rural settlement areas that had a rateable value of less than £14,000.</p> <p>The financial cost to the Council in granting Discretionary Rate Relief was set out in the report and the revised Policy was appended to the report for Members' approval.</p> <p>Cabinet agreed that a press release should be issued together with letters to the parish Councils explaining the situation.</p>
DECISION MADE:	That the revised Policy be adopted.
REASONS FOR DECISION:	It is in the best interest of the Council and the ratepayer to have a policy on the granting of relief that is clear and easily understood. This policy achieves that aim.

Contact Officer: Bill McCafferty, Head of Customer Access
Tel: 01892 554007 or e-mail: bill.mccafferty@tunbridgewells.gov.uk

DECISION NO. CAB090/08

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Budget 2009/10 – 2011/12 (081002/CAB010)

PRIORITIES:

The report supports the priority of "Ensuring that we are well managed, proactive and deliver value for money services".

DISCUSSION:

Members were informed on the latest projections for the 2009/10 and subsequent years' budgets and provided comments on areas of uncertainty.

Outlined to Cabinet were the projections that had been calculated using broad assumptions on pay rises, contract increases, general inflation estimates and council tax increases. The council had been notified of central government grant increases for the next two years (£35,000 per annum), the assumption would be that there would be no further increases for the remaining five years.

Should no savings be identified, the budget gap in 2015/16 would grow to £3.8m and would have to be met from reserves. It was noted that should only £710,000 saving be identified for next year, and then the Council would already have a budget gap for 2010/11 of £375,000.

Cabinet was also informed on progress made to the agreed 14 recommendations that Cabinet approved on 31 July 2008.

DECISION MADE:

1. That the use of an online SIMALTO budget process as a means of consultation for the budget, be supported; and
2. That Officers continue to work on delivering a balanced budget in line with the recommendations of the Cabinet meeting on 31 July 2008 and report back to Cabinet in December with proposals to balance the budget that will be sustainable into future years.

REASONS FOR DECISION:

To set a balanced budget that will meet the Council's priorities.

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

DECISION NO. CAB091/08

NON-EXEMPT

PORTFOLIO:

HOUSING AND COMMUNITY ACCESS

PORTFOLIO HOLDER:

Councillor Mrs Mayhew

REPORT TITLE:

Housing Allocation Policy (081002/CAB011)

PRIORITIES:

'Having housing suitable for local people'.
The Housing Allocation Policy ensures that local people are able to access suitable accommodation and be assessed on housing need for that accommodation in accordance with Council Policy.

DISCUSSION:

Cabinet was reminded that at its meeting on 24 April 2008, Cabinet approved the draft Housing Allocation Policy for consultation purposes and a 12-week consultation on the draft Policy was held from 2 May to 25 July 2008.

Cabinet was presented with the results of the Council's consultation on the draft Housing Allocation Policy and was asked to adopt the final Housing Allocation Policy.

Members were informed that a total of 24 written responses with comments had been received, in addition to many telephone and face-to-face enquiries from current Housing Register applicants. No strong negative responses were received via telephone or face-to-face enquiries; overall written responses received were very positive and the general consensus amongst respondents was that the draft Policy was comprehensive, transparent and easy to understand.

Some of the key issues that were raised from the consultation were: Banding, Local connection, Homeless Households and vulnerable people.

The Borough Council's Local Economy and Housing Select Committee had also been consulted on the draft Policy; the Cabinet took their views and recommendations into consideration.

Members were informed that since the close of the consultation period, a new Government Code of Guidance for local housing authorities on the "Allocation of Accommodation: Choice Based Lettings" had been published by the Department for Communities and Local Government. The Code of Guidance was published on 27 August 2008; however, the Borough Council had not received details of the Guidance until 11 September 2008. Members were advised that the final Housing Allocation Policy satisfied the new Government Guidance.

DECISION MADE:

1. That the revised Housing Allocation Policy set out at Appendix 4 to the report, be adopted; and
2. That delegated authority be given to the Portfolio Holder for Housing & Community Access to make any necessary minor amendments to the Policy after 12 months, in conjunction with the Head of Housing & Health and the Local Economy & Housing Select Committee.

REASONS FOR DECISION:

To ensure that the Council:

- meets its statutory duties to have and publish an allocation scheme offering people choice of accommodation; and

- meets the Government target to have a Choice-based Lettings Scheme implemented by 2010.

Contact Officer: David Crosby, Head of Housing & Health
Tel: 01892 554192 or e-mail: david.crosby@tunbridgewells.gov.uk

DECISION NO. CAB092/08

NON-EXEMPT

PORTFOLIO:

HOUSING AND COMMUNITY ACCESS

PORTFOLIO HOLDER:

Councillor Mrs Mayhew

REPORT TITLE:

Health – Everybody’s Business (081002/CAB014)

PRIORITIES:

Developing Safer and Stronger Communities.

DISCUSSION:

The report reviewed the changed landscape of government and regional policy in relation to delivering healthier communities. It also set out the responses put in place by the Borough Council that included the partnership framework that had been created. Put before Cabinet were the outcomes and achievements that arose from the work, together with the main strands of activity on health issues that would take the Council and its partners forward over the next twelve months.

It was noted that the Council had responded to the new national strategic approach to the delivery of health outcomes and specially accepted that it had a role to play in conjunction with partners in providing healthier and happier communities; action had been taken to clarify responsibilities and to establish capability within the organisation to respond to the challenges.

The Officer stated that a successful Choosing Health partnership initiative had been set up that was already delivering health outcomes on the ground, particularly in priority neighbourhoods, and the establishment of a high level multi-agency Health and Older People Thematic Group as part of Tunbridge Wells Together would enable partners to develop a collective overview of health activities and outcomes for the borough, and to plan the delivery of health targets under the Kent Agreement 2.

Cabinet was highlighted to the fact that the Council was developing a Health Action Plan that would draw together contributions from across its services to establish actions that it could and could not undertake to deliver on healthier living issues. The process would be informed by and integrated with the delivery plans of other agencies and would be coordinated through the Health and Older People Thematic Group.

It was also noted that the Environment and Safer and Stronger Communities Select Committee had programmed health into its work and were maintaining an overview of this area and would undertake, in partnership with Maidstone Borough Council, a joint scrutiny review of mental health services in 2008/09.

The Council had understood and reacted positively to the National Policy Framework and had already delivered on the ground in terms of new activity and strongly engaged with partners in defining next steps and laid out programmes for the future.

Cabinet noted that the same report would be submitted to the Environment, Safer and Stronger Select Committee on 14 October 2008.

DECISION MADE:

1. That the work undertaken to date by the Council be noted and endorsed;
2. That a Health Action Plan be prepared detailing the Council's programme for consideration by the Environment and Safer Stronger Communities Select Committee in the first event, and subsequently for approval by Cabinet in the new year; and
3. That as work on the Health Action Plan progresses, potential budget implications be identified and brought forward if necessary for consideration in the ongoing process of budget preparation for 2009/10.

REASONS FOR DECISION:

To enable the Cabinet to review progress and set future direction for further work to improve the health and wellbeing of our communities and to reduce inequalities.

Contact Officer: Helen Wolstenholme, Healthier Communities Coordinator
Tel: 01892 526121 or e-mail: helen.wolstenholme@tunbridgewells.gov.uk

DECISION NO. CAB093/08**NON-EXEMPT****PORTFOLIO:****HOUSING AND COMMUNITY ACCESS****PORTFOLIO HOLDER:****Councillor Mrs Mayhew**

REPORT TITLE:

**Consultation and Engagement Strategy 2008-2011
(081002/CAB016)**

PRIORITIES:

This Strategy provides a framework for engagement and supports our corporate priority of developing Safer and Stronger Communities by demonstrating community leadership and empowerment through co-ordinating engagement activities and ensuring results inform the decision making process.

The draft Strategy also underpin our cross cutting customer commitments of:

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

DISCUSSION:

Cabinet was informed that the Strategy sought to enhance the Council's approach further by providing a strategic approach to coordinating engagement activities across the Council and in partnership with key agencies to ensure the Council made best use of resources, avoid fatigue amongst participants and strengthen its strong record of ensuring all its services were customer led.

It was noted that the Strategy was supported by a range of plans, which had been developed in parallel, which would underpin delivery against the overarching Strategy, namely: Draft Communication Plan, Customer Service and Access Plan and Engaging Hard to Reach Groups Guide.

The draft Consultation and Engagement Strategy was presented to Corporate Services Select Committee on the 4 March 2008 and was agreed by Cabinet that the document should be sent out for wider public consultation and development.

Following Corporate Services Select Committee, the draft Strategy was put out to wider public and stakeholder (Local Strategic Partnership, Parish and Town Councils and community, Voluntary and Faith based sector), consultation for a period of 12 weeks.

Cabinet noted the four objectives of the Strategy, namely: to deliver a strategic approach to engagement that would enable effective planning of activity and the best use of resources, whilst avoiding fatigue amongst participants; to ensure that all communities within the borough of Tunbridge Wells were able to participate effectively; to ensure outcomes of engagement activities were used to inform the Council's decision-making process and to ensure that services were tailored and refined to meet the needs of users and residents; and to provide clear guidance and promote consistent standards of consultation across the Council.

The Officer stated that the Consultation and Engagement Strategy, appended to the report, supported the Council's Corporate Priorities and formed part of the Council's Improvement Plan. It also set out a clear action plan for enhancing the Council's engagement and consultation activities and in particular would support the Council's commitment to working in partnership to improve outcomes for local communities.

It was also noted that the Town Forum had recently submitted comments on the draft strategies that would be incorporated as appropriate.

DECISION MADE:

That the Consultation and Engagement Strategy be approved, subject to delegated authority being given to the Portfolio Holder for Housing and Community Access, to make any minor amendments and the changes that would be made following the public consultation be noted.

REASONS FOR DECISION:

To approve the Strategy.

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

DECISION NO. CAB094/08**NON-EXEMPT****PORTFOLIO:****THE LEADER OF THE COUNCIL****PORTFOLIO HOLDER:****Councillor Bullock****REPORT TITLE:****Vision 2026 (081002/CAB018)****PRIORITIES:**

The Vision covers all of the Council's existing priorities and informs the development of new priorities to help shape our future objectives.

DISCUSSION:

Cabinet was informed that as a member of the Tunbridge Wells Local Strategic Partnership, the Council was also implementing the long-term aims of Sustainable Community plan.

Since those documents were published, there had been a number of events, Councillor Convention, consultation exercises such as Ward Walks, and evidence on demographic trends that followed the Council's work with local futures. In light of that, the Council had now developed a draft Vision which itself had been subject to consultation.

The document would build on the information from a variety of sources and would be provided by many people. The Vision had been borne out of a 'Councillor Convention' that had seen three tiers of local government brought together to discuss the key challenges that had been affecting the borough and councillors' views as to the priorities for the future.

In addition, public priorities from recent consultation such as Resident Survey and SIMALTO had been utilised to ensure it met with the Council's community priorities.

The Officer stated that the borough was changing and the Vision set out the demographic and other key drivers, which would have an impact on the types of services the Council provides in the future, namely: population, household composition, benefit claims, education and skills, health and well-being, and housing.

Cabinet noted that following comments received by the Corporate Services Select Committee, the draft Strategy was published for wider public and stakeholder (Local Strategic Partnership, Parish and Town Councils, Community, voluntary and faith based sector and all staff), consultation for a period of six weeks. A number of responses had been received and a summary of those responses were shown in appendix a to the report.

Cabinet noted that comments had now been received from Speldhurst Parish Council and those comments would be included into the Vision 2026.

DECISION MADE:

That the Vision 2026 be approved as a basis for developing next year's Strategic Plan and that the outcomes of the next Councillor Convention and the work being undertaken by LSP partners be incorporated into a final Vision prior to its adoption by full council in December 2008.

REASONS FOR DECISION:

To approve the Strategy.

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

DECISION NO. CAB095/08

NON-EXEMPT

PORTFOLIO:

ENVIRONMENT AND STREET SCENE

PORTFOLIO HOLDER:

Councillor Barrington-King

REPORT TITLE:

Household Waste and Recycling Collection and Street Cleansing Contracts – Tender Submissions Update – For Information (081002/CAB019)

PRIORITIES:

Work undertaken by the Council on waste and recycling and street cleansing supports the Council's priority of Caring for our environment. It also supports the objectives to achieve the delivery of high quality services to our customers, ensuring that we are well managed, pro-active and deliver value for money services.

DISCUSSION:

Cabinet was provided with an update on the procurement process for the household waste and recycling collection and street cleansing contracts.

They were informed that the tender submission had been received and were in the process of being evaluated for consideration by the Environment, Safer and Stronger Communities Select Committee on 4 November 2008 and Special Cabinet on 18 November 2008.

Cabinet was informed that the invitation to tender and associated documentation was issued to the bidders on the select list in July to 8 September. In response to the range of options included in the documentation, together with an opportunity for other options as proposed by the bidders. A two-week extension was granted with tenders to be returned by 12pm on 22 September.

The Officer stated that officers from Kent County Council's Waste Management Service would be involved in the evaluation process to assist in identifying the impact on the overall cost to Council Tax payers of the disposal and treatment costs associated with the various recycling options put forward by the bidders.

DECISION MADE:

That the progress made to date with procurement and the arrangements for considering the tender submissions be noted.

REASONS FOR DECISION:

To advise Cabinet of the progress with procuring new contractual arrangements for the operation of the household waste and recycling collection and street cleansing contracts and the arrangements for considering the financial and operation evaluations of the proposals submitted by the bidders.

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

DECISION NO. CAB096/08

NON-EXEMPT

PORTFOLIO:

PLANNING AND DEVELOPEMNT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

**Regeneration – Development Partner Agreement
(081002/CAB020)**

PRIORITIES:

Promoting and maintaining a thriving and diverse local economy

Through establishing a Joint Venture Share Company with John Laing / Gladedale the Council will be able to influence and actively direct improvements within the four centres for the benefit of Tunbridge Wells.

DISCUSSION:

Outlined to Cabinet was the process, which included engagement and key points of principle in the development of a Joint Venture Share Company with John Laing/Gladedale.

The detailed elements of engagement were highlighted which included Sustainable Community Strategy and Planning. Cabinet noted that regular meetings with the development partner had taken place, a programme of fortnightly meetings was established to progress the working relationship and documentation. Reports and representations had been made to Cabinet, Council, Standards Committee and the Audit Committee.

Cabinet was informed that the consultation on the addendum to the Sustainable Community Strategy that identified the joint venture partnership as a vehicle to support the delivery of economic, social and environmental well being of the area had come to an end on 25 September. There had been no written or other comments or objections received on the proposed text and that this could now be accepted as part of the Sustainable Community Strategy.

It was proposed to Cabinet that three directors should be Councillors and that the fourth director should be the Director of Planning and Development, with regards to the Council's representation. It was also proposed that Councillors Hall (G), Davies and Jukes be the Councillor representatives.

It was noted that the partnership approach had appeared to offer the most practical way forward whilst safeguarding the Council's position. It was decided to proceed on the basis of a Joint Venture Share Company.

It was noted that the development partner selection process had raised a number of issues that the Council had sought to address and external legal advice including that from Queen's Counsel had been sought to ensure that the legal aspects of entering into a relationship of this sort was fully considered and that the risks identified and addressed in the preparation of the partnership structures, advised on the process and that the Council had the ability to enter into the joint venture partnership. Key issues of governance were being addressed to ensure that the statutory duties of the Council were considered including ensuring that the Council's statutory position was distinguished.

DECISION MADE:

1. That the progress be noted in negotiation with John Laing / Gladedale as our preferred development partner;
2. That the principal points outlined in the report and appendix 1 be agreed;
3. That the Chief Executive be authorised in consultation with the Leader and Portfolio Holder for Corporate Services to execute the necessary documents to enter into the joint venture with John Laing/Gladedale;
4. That the appointment of Councillors Glenn Hall, David Jukes and Peter Davies together with the Director of Planning & Development as Directors representing the Council on the Joint Venture Share Company be approved; and
5. That the Joint Venture Share Company being called the Tunbridge Wells Regeneration Company Limited be agreed.

REASONS FOR DECISION:

To enable the Council to finalise and enter into partnership with John Laing / Gladedale to meet the objectives of the Council.

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

Tel: 01892 526121 or e-mail: david.candlin@tunbridgewells.gov.uk

URGENT BUSINESS

In accordance with Section 100B(4) of the Local Government Act, 1972, the Chairman agreed that the following items of business (CAB099/07 and CAB100/07) be taken in order to inform Member on how investments were standing up to the market turmoil.

DECISION NO. CAB097/08

NON-EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

TITLE OF REPORT:

Investments and Financial Markets (081002/CAB022 Urgent)

PRIORITIES:

The report supports the priority of "Ensuring that we are well managed, proactive and deliver value for money services".

DISCUSSION:

Cabinet was informed that the past weeks had seen unprecedented volatility and uncertainty within global financial markets. The Officer went on to say that well-regarded financial institutions had become embroiled within the turmoil and information regarding risks and exposure changes frequently.

The Council need to use financial institutions to provide banking facilities and as a place to invest reserves of around £40 million.

DECISION MADE:

1. That the Head of Finance and Governance make representations to the relevant government departments and LGA regarding the security of investments;
2. That the Head of Finance and Governance establish the costs of early maturity on loans and redeem where considered prudent to do so;
3. That the Head of Finance and Governance work with Sector, the Council's Treasury Advisers, to determine where investments and rates had been guaranteed;
4. That the Head of Finance and Governance submit a report to the November Cabinet as part of the Treasury Management report any proposed changes to the Treasury Management Strategy and Prudential Indicators;
5. That the Head of Finance and Governance holds discussions with Zurich, the Council's insurers, of the possibility of insuring against loss; and
6. That the Head of Finance and Governance investigates the possibility of inter authority lending.

REASONS FOR DECISION:

The report was to inform Members of the current investment position of the authority.

Contact Officer: Lee Colyer, Head of Financial Services Manager
Tel: 01892 526121 or email lee.colyer@tunbridgewells.gov.uk

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

- | | |
|--|---|
| DECISION CAB098/08 | Paragraph (1) - Information relating to any individual. |
| DECISION CAB099/08 | Paragraph (2) - Information that is likely to reveal the identity of an individual. |
| DECISION NOs. CAB098/08 and CAB099/08 | 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. CAB098/08**EXEMPT****PORTFOLIO:**

PLANNING AND DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

Paragraph 7.0 to 7.43 of the Regeneration – Development Partner Agreement (081002/CAB020 appa Exempt)

PRIORITIES:

Promoting and maintaining a thriving and diverse local economy

Through establishing a Joint Venture Share Company with John Laing / Gladedale the Council will be able to influence and actively direct improvements within the four centres for the benefit of Tunbridge Wells.

DISCUSSION:

Cabinet was informed of the principal points of the Joint Venture Share Company to be established; this would include the principal document which was the Shareholders' Agreement, a range of documents that helped to protect the Council's position including a Project Approval Procedure, Aims and Objectives, Shareholder Consent Matters, CPO Indemnity, Conditional Sale, Development Agreement and Services' Agreements.

Outlined to Cabinet was the Statutory Powers that enabled it to enter into the joint venture. The Council Financial/budget implications and that projects being brought forward would be meeting the aims and objectives to ensure that the economic, social and environmental well-being of the area was enhanced.

Members noted that paragraph 7.33 had been withdrawn and was not considered when making their decision.

Members sought clarification of how decisions would be made within the joint venture and that the Council position was protected. Officers explained that the Directors of the Council would operate under specific mandate from the Council, that proxy had been built in and that certain decisions were Shareholder Consent Matters.

DECISION MADE:

As set out in decision CAB096/08 above, plus the following addition:

That the report be approved and the necessary actions as outlined in the report be authorised.

REASONS FOR DECISION:

To inform Cabinet of the principal points of the Joint Venture Share Company.

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

Tel: 01892 526121 or e-mail: david.candlin@tunbridgewells.gov.uk

DECISION NO. CAB099/08

EXEMPT

PORTFOLIO:

CORPORATE SERVICES

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Property Transaction Report (081002/CAB021)

PRIORITIES:

Our services for Local People
Ensuring that we are well managed, proactive and deliver value-for-money services

DISCUSSION:

Set out before Cabinet were the commercial property transactions that had been completed in accordance with the Council's Constitution and actioned under delegated authority.

Appended to the report were the transactions for the periods: 1 January to 30 June 2008, 1 July to 31 December 2007, 1 January to 30 June 2007, 1 July to 31 December 2007 and 1 January to 30 June 2006, for Members' information.

DECISION MADE:

That the report be noted.

REASONS FOR DECISION:

To inform Cabinet and comply with the requirements of the Constitution.

Contact Officer: Diane Brady, Estates Officer

Tel: 01892 526121 or e-mail: diane.brady@tunbridgewells.gov.uk

(NOTE:

- (1) A number of reports had been taken out of sequence from the agenda; the order of reports taken was 9(A), 9(D), 12(B) and 13(A). Following item 13(A), the meeting then followed the order of reports as set out on the agenda;
- (2) In accordance with Cabinet Procedure Rule 5.2 on public speaking at Cabinet meetings, the following attended and spoke on the decisions indicated: Kate Sergeant, decision CAB079/08; Mr Whitbourn decision CAB080/08; Parish Councillor Swan, Vice-Chairman of Cranbrook Parish Council, decision CAB081/08; County Councillor Manning decision CAB081/08; and Mr East CAB081/08;
- (3) The following Councillors left the meeting at the times indicated below in relation to decision CAB082/08:

Councillor Crawford left the meeting during the discussion (11.30am)
Councillor Cunningham left the meeting during the discussion (11.50am)
Councillors Marriott and Ward both left the meeting after the during the discussion (12.16pm)
Councillors Holden, Mrs Moore and Stanyer left the meeting during the discussion of CAB082/08 (12.30pm)
Councillors Davies, Tompsett and Weeden left the meeting after the discussion (1.15pm)
- (4) Councillor Price arrived at the meeting during decision CAB094/08 (2.15pm).
Councillor Tompsett returned to the meeting during CAB095/08 (2.50pm);

- (5) The meeting adjourned for a refreshment break at 12.30pm, the meeting reconvened at 12.40pm. The meeting then adjourned for lunch at 1.15pm, and reconvened at 1.45pm; and
- (6) The meeting closed at 3.15pm.)

APPENDIX**QUESTIONS SUBMITTED UNDER CABINET PROCEDURE RULE 7.1**

QUESTION ONE: Mrs Susan Pratt, 46 Oatfield Drive, Cranbrook

To: Robert Cottrill, Director of Planning and Development

“Why were you still spending tax payers money when the urban practitioners feasibility study resulted in, the best use of the site was for a community centre - Why won't you work together with the group?

Why when we have full support from the community-business's-churches plus the knowledge and business knowledge which runs into multi million pounds business's, Why do you find fault?”

REPLY: Robert Cottrill, Director of Planning and Development Services

“The Council is determined to ensure that future community facilities in Cranbrook are viable and sustainable. The Urban Practitioners' report put forward a number of options for the re-development of the former Borough Council offices including use of part of the site as a community centre as part of a wider re-development.

When these options were considered initially, the issues of the long-term management of, and the liabilities associated with the community centre were not resolved. However, you will note that the option of pursuing this proposal is contained in the current Cabinet report.

The feasibility study into the provision of community facilities on the library site was commenced given the uncertain viability of alternatives at that time.

The Council has met with the Weald Centre group on a number of occasions and I regard those meetings as being constructive. Whatever the outcome following the decision today, I would welcome continuing to work with the Weald Centre Group in future.

There is clearly widespread support for the innovative proposals on the former Council office site.

However, the Council is required to make decisions based on an objective analysis of the options and information available. That is why we asked Baker Tilly, acknowledged experts in their field, to assess the proposals put forward by the Weald Centre Group.

This is not a matter of finding fault but fundamentally assessing whether the proposals are viable. The Council would not be fulfilling its statutory duty in ensuring value for money if it did not carry out this assessment.

Mrs Pratt will be aware of her previous correspondence with the Council and that sets out issues in more detail.”

Continue overleaf to question two

QUESTION TWO: Mr Don Rogers, 11 Goddards Close, Cranbrook

To: Robert Cottrill, Director of Planning and Development
Councillor Bullock, Leader of the Council

"At a Cranbrook Parish Council Meeting very much earlier in the year (probably January) and subsequently ratified by a later Cabinet Meeting, the Cabinet was charged with, and had allocated a maximum sum of £5000.00 (five thousand pounds), establishing a "feasibility study" to convert the Library Site in Carriers Road, Cranbrook into a "Hub" and that this information would be made available to the general public in April 2008 which of course for 'regrettable and unforeseeable (!!) reasons did not occur.

Exactly how much has actually been spent on this project please and how much more public and private money (Weald Centre Group) does TWBC expect to waste?"

REPLY: Robert Cottrill, Director of Planning and Development

"The net cost of the feasibility study for the library site is £5,250. I do not accept that the assertion that TWBC is wasting money. The Council has carried out the feasibility study on the library site as part of an analysis of a range of options to ensure viable and sustainable community facilities are provided in Cranbrook. The reasons behind carrying out the feasibility study are fully set out in previous Cabinet reports.

I also do not accept that the Weald Centre Group has wasted money. They have submitted a very professionally produced Business Plan to the Council. However, as outlined in the current Cabinet report, the Council must carry out an assessment of its viability in order to enable it reach a sound decision.

In summary, I consider that the work carried out to date will enable decisions to be based on the necessary substantial evidence."

QUESTION THREE: Ms Ruth Meedan, on behalf of an Age Concern Citizen of Cranbrook

To: Robert Cottrill, Director of Planning and Development
Councillor Bullock, Leader of the Council

"Why can't Cranbrook have the Community Centre it so desperately needs at this time, instead of a scaled down version of an unsuitable facility on the library site?"

REPLY: Robert Cottrill, Director of Planning and Development

"Firstly, I would stress that no decision has yet been made on the proposals for community facilities in Cranbrook as that will be considered during the Cabinet meeting itself.

Continued overleaf for rest of reply

The demand for community facilities in Cranbrook was assessed in the study carried out by Urban Practitioners in 2007. This identified that a hall of 140 square metres in a facility of up to 200 square metres in total would meet the need identified arising from the extensive consultation and analysis leading up the publication of the final report.

The proposals for the library site demonstrate that a substantial facility containing a range of complementary uses can be provided on the library site. In this context I do not agree that such a facility would be unsuitable as a matter of principle and would meet the need identified., but it also meets the medium term objective of all council's and that is the rationalisation of human and physical resources.

I accept that there are concerns over car parking and access to the library site and the proposals seek to address these issues.

The Borough Council will consider the above and all of the relevant issues in reaching a decision on the proposals for community facilities in Cranbrook.”