

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

**CABINET**

**Thursday 8 January 2009**

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

**Officers in Attendance:** William Benson, Director of Change and Business Support; Thomas Best-Shaw, Housing Renewal Officer; Stephanie Bollen-Hickman, Housing Policy and Research Manager; Robert Cottrill, Director of Planning and Development; Sean Clark, Head of Finance and Governance; Tina Edwards, Training and Development Manager; Wendy Newton-May, Senior Committee Administrator; Louise Phillips, Planning Policy Team Leader; Richard Powell, Director of Services to the Community; and Sheila Wheeler, Chief Executive.

**APOLOGIES FOR ABSENCE**

CAB152/08 No apologies for absence were received.

**DECLARATIONS OF PREJUDICIAL INTEREST**

CAB153/08 No declarations of interest were made.

**NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB154/08 No other Councillors attended and spoke at the meeting.

**APPROVAL OF CABINET [MINUTES DATED 2 AND 18 DECEMBER 2008](#)**

CAB155/08 The Minutes of the Cabinet meetings dated 2 and 18 December 2008 were considered and were confirmed as correct records.

**CABINET DECISIONS**

**DECISION NO. CAB156/08**

**NON-EXEMPT**

**PORTFOLIO:**

**CORPORATE SERVICES**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Forward Plan ([090108/CAB001](#))**

**PRIORITY:**

Delivering high quality services to our customers

**DECISION MADE:**

That the Forward Plan be approved with the following additions:  
Cabinet – 5 February 2009:

- 2007/08 Performance Outturn: Audit Commission
  - Licensing Partnership
- Cabinet – 12 March 2009:
- Urban Parishing
  - Well-being and Sustainable Communities
- Cabinet – 16 April 2009:
- Results of CPA

**REASONS FOR DECISION:**

To comply with Access to Information Procedure Rule 14.

**Contact Officer: Wendy Newton-May, Senior Committee Administrator**  
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**DECISION NO. CAB157/08****NON-EXEMPT****PORTFOLIO:****PLANNING AND DEVELOPMENT****PORTFOLIO HOLDER:****Councillor Mrs Thomas****REPORT TITLE:**

**Local Development Framework: Core Strategy Preferred Options Report – Responses to Issues Raised During Consultation (090108/CAB002)**

**PRIORITIES:**

The Core Strategy is a key component in the delivery of the objectives set out in the Council's Sustainable Community Plan, setting out its spatial aspects where appropriate and providing a long-term spatial vision. The Preferred Options Report is the second key stage in the delivery of this long-term plan and seeks to identify how the Council's corporate priorities can be delivered through the spatial planning process.

**DISCUSSION:**

Members were reminded that the Core Strategy would be the key Development Plan Document (DPD) within the Borough Council's Local Development Framework (LDF), setting out the long-term planning strategy for the Borough and providing the overall principles and policies by which development would be delivered to 2026.

It was noted that, in preparing the Core Strategy, the Borough Council had consulted with a variety of stakeholders on two occasions: at Issues and Options stage in early 2007 and on the then statutory Preferred Options Report from 30 November 2007 to 11 January 2008. The representations received at each stage had been considered and taken into account as preparation of the Core Strategy had progressed.

Members were advised that Officers were now in the process of finalising the Core Strategy for publication in April/May 2009 and submission to the Secretary of State for examination in July 2009. Members were also informed that, under Section 20(3) of the Planning and Compulsory Purchase Act, 2004, when the Borough Council submitted its Core Strategy for examination, it must also submit a statement of the main issues raised during consultation and how they had been taken into account.

The Planning Policy Team Leader explained that the representations made at Issues and Options Stage had been taken into account in preparing the Preferred Options Report. She clarified how it was proposed to address the representations made at Preferred Options stage in the final Core Strategy.

It was noted that during the statutory six-week consultation on the Core Strategy: Preferred Options Report, a total of 1,094 representations had been received from 82 organisations or individuals. Representations were made both in support (or conditional support) and in objection.

Attached at Appendix A to the report was a summary of the issues raised in response to each chapter of the Preferred Options Report along with the Borough Council's proposed responses and the outcome it would have for the final Core Strategy.

In response to a comment made regarding the Spatial Vision, the Planning Policy Team Leader confirmed that the response would be expanded to include examples of what was included in other Core Policies.

Members were advised that the final Strategy would be submitted to a future Cabinet meeting before it was published in Spring 2009.

**DECISION MADE:**

- (1) That the "TWBC Responses" to the issues raised in response to consultation on the Preferred Options Report, as presented in Appendix A to the report, be agreed;
- (2) That the "Outcomes" resulting from the issues raised be agreed and used to finalise the Core Strategy for publication and submission to the Secretary of State; and
- (3) That authority be delegated to the Head of Planning Services, in conjunction with the Planning and Development Portfolio Holder, to make any amendments necessary to the responses and outcomes in Appendix A to the report to finalise the draft Core Strategy.

**REASONS FOR DECISION:**

To comply with Section 20(3) of the Planning and Compulsory Purchase Act, 2004.

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**DECISION NO. CAB158/08****NON-EXEMPT****PORTFOLIO:****PLANNING AND DEVELOPMENT****PORTFOLIO HOLDER:****Councillor Mrs Thomas****REPORT TITLE:****Proposals for Gypsy and Travellers Sites: Planning Policy Advice Note (090108/CAB003)****PRIORITIES:**

A2 – Caring for our environment  
 A3 – Having housing suitable for local people

**DISCUSSION:**

The Planning Policy Team Leader advised Members that the Borough Council's current planning policy for providing accommodation for gypsies and travellers was informed by Policy H4, *Gypsy Sites*, of the Tunbridge Wells Borough Local Plan, March 2006. Policy H4 was essentially a criteria-based policy for assessing and determining planning applications for gypsy sites and represented an approach that was consistent with the legislation that prevailed at the time the Local Plan was produced – Circular 01/94: *Gypsy Sites and Planning*. However, Members were reminded that Circular 01/94 had since been replaced by Circular 01/06: *Planning for Gypsy and Traveller Caravan Sites*, published by the ODPM on 2 February 2006.

Circular 01/06 required local planning authorities to identify specific sites for a given number of pitches to meet an identified need, as set out in Regional Spatial Strategies (RSS). Essentially, because Policy H4 did not specifically require the decision maker to consider whether there was a need for a particular proposal, it was effectively out of date if used without due regard for the new legislative context. Increasingly, it was carrying limited weight in planning decisions (both at officer level and at appeal) and, whilst both the Regional Assembly and the Borough Council were working to prepare new policies that did comply with the current legislation, it would not be possible to adopt them for some time.

In order to satisfy the requirements of Circular 01/06, Members were advised that the Borough Council would need to identify specific sites for gypsy and traveller pitches to meet the requirement to be set out in the South East Plan.

Sites for a sufficient number of pitches would then be allocated through the Borough Council's Local Development Framework in the Allocations Development Plan Document (DPD). However, the Allocations DPD would not be adopted until October 2011 (although it was noted that preferred sites may emerge earlier during the preparation and consultation stages) and, furthermore, the Regional Assembly had not yet determined the final pitch requirement for the Borough. Nevertheless, the information needed to make decisions that took account of the requirements of Circular 01/06 was available to the Borough Council and, used in the context of the legislation, Policy H4 of the Local Plan still provided valid criteria by which to assess the impact of proposals. The Planning Policy Advice Note attached at Appendix A to the report aimed to assist decision makers to use this information to make consistent, robust decisions during this interim period.

The Planning Policy Team Leader updated Cabinet on the timetable, advising them that the consultation closed in November 2008 and the draft partial report would be considered by the Regional Assembly in Spring 2009.

**DECISION MADE:**

That the use of the Planning Policy Advice Note attached at Appendix A to the report be approved for development control purposes so that it may be referred to in support of planning decisions and/or be submitted with appeal documentation where necessary.

**REASONS FOR DECISION:**

To assist the Borough Council to make robust and consistent decisions taking account of current legislation until such time as it can adopt a fully compliant policy.

**Contact Officer: Louise Phillips, Planning Policy Team Leader**  
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**DECISION NO. CAB159/08****NON-EXEMPT****PORTFOLIO:****HOUSING AND COMMUNITY ACCESS****PORTFOLIO HOLDER:****Councillor Mrs Mayhew****REPORT TITLE:****Private Accredited Letting Scheme ([090108/CAB004](#))****PRIORITIES:**

A3. Having housing suitable for local people  
 A4. Developing safer and stronger communities

**DISCUSSION:**

Members were updated on the good progress of the pilot Private Accredited Letting Scheme (PAL) that was approved by Cabinet on 8 March 2007 and deferred to 2008/09, for an initial period of 12 months from April 2007.

The report set out the resources utilised and promotion undertaken to date and highlighted those resources necessary for continued implementation of the Scheme.

Members were advised that the PAL Scheme sought to assist the Council to take steps to better understand the privately rented housing sector and support good landlords, whilst tackling poorly performing landlords by:

- Promoting good management and standards
- Providing clear quality standards for privately rented accommodation
- Recognising and rewarding good practice by landlords and encouraging others to meet the same standards
- Providing advice, support and training to landlords joining the Scheme

The Housing Policy and Research Manager advised Members that the development of an accreditation scheme had been a recommendation of the Audit Commission following Affordable Housing Inspection in 2005 and had been approved by Cabinet as a target in the Council's Corporate Housing Strategy 2006-2011. She advised that the Private Accredited Letting Scheme was important in recognising good management in the private rented sector. In addition, she explained that the Accreditation Officer also provided advice to landlords on meeting the decent homes standard (for which there is a key performance indicator target) and bringing properties back into use through the Council's Empty Property Initiative Grant as affordable housing. As the Council has nomination rights in respect of this grant, this work further reduced homelessness. She explained that once the Council's Choice Based Lettings Scheme had been introduced, vacant accredited properties would also be added to the database to ensure that prospective tenants had an increased choice in the properties available.

The Accreditation Officer attended the meeting. He provided Members with an update on the performance outturns as at 8 January 2009. It was noted that 51 properties had now been inspected and out of these 19 had been fully accredited and one provisionally accredited. The accredited properties comprised a total of 48 units of accommodation. It was noted that the target of 20 accredited properties, which had been set for the initial 12 months period had been achieved.

In addition, he provided a demonstration of the PAL Scheme website and indicated how easily accessible it was for both landlords/agents and potential tenants to navigate.

The Accreditation Officer then left the meeting whilst Members considered a request to retain the post, which would enable the PAL Scheme to continue beyond 31 March 2009. It was noted that without this officer there was insufficient capacity within the Housing Renewal Team to undertake this area of work, and assist with other areas of related work within the Housing Renewal Team. Cabinet was advised that a small promotional budget of £5,000 would also be required.

The Head of Finance and Governance confirmed that there would be sufficient funds available within the Strategic Plan Reserve to support this post for a further year, as it was one of the Council's priorities.

The Cabinet considered whether the post should be approved for a further year, i.e until March 2010, or until August 2009. It was agreed that the period of extension of the Scheme be determined by the Portfolio Holder for Housing and Community Access, having considered a financial plan compiled by the Head of Housing and Health, and in consultation with the Director of Services to the Community, the Head of Finance and Governance and the Corporate Services Portfolio Holder.

**DECISION MADE:**

- (1) That approval be given to continue the Private Accredited Letting Scheme and that the period of extension of the Scheme be determined by the Portfolio Holder for Housing and Community Access, having considered a financial plan compiled by the Head of Housing and Health, and in consultation with the Director of Services to the Community, the Head of Finance and Governance and the Corporate Services Portfolio Holder;
- (2) That the costs of continuing the PAL Scheme in 2009/10 be included within the budget process; and
- (3) That a further progress report be presented to Cabinet in due course.

**REASONS FOR DECISION:**

To increase the provision of decent, good quality and well-managed privately rented homes in the borough. To further the Council's corporate priority of 'Having housing suitable for local people' and provide a vehicle through which to encourage landlords to improve housing standards to 'Decent Homes' and beyond.

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**DECISION NO. CAB160/08****NON-EXEMPT****PORTFOLIO:****LEADER****PORTFOLIO HOLDER:****Councillor Bullock****REPORT TITLE:****Re-Designation and Function of the Former Member Charter Steering Group (090108/CAB005)****PRIORITIES:**

Promoting and maintaining a thriving and diverse local economy

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

**DISCUSSION:**

The Cabinet was presented with a report requesting that the remit of the Member Charter Steering Group be extended to include Member learning and development and consequently be renamed 'Member Learning and Development Group'.

Members were advised that the Steering Group was initially established to drive the process in obtaining the Member Charter and this was achieved in December 2008.

However it was considered that there was a continuing need to drive Member learning and development.

The Director of Change and Business Support suggested that the Group continue with the existing membership of six Members until the end of the current civic year.

Members were shown the framed Charter Certificate and agreed that this should be presented to the Mayor at the next full Council meeting. It was noted that a press release had been issued just before Christmas.

The Learning and Development Manager was thanked by Cabinet for all her hard work in assisting the Council to achieve the Charter.

**DECISION MADE:**

- (1) That the remit of the Member Charter Steering Group be extended to include Member Learning and Development and be renamed the Member Learning and Development Group; and
- (2) That the membership of the group remain as existing for the remainder of the civic year 2008/09.

**REASONS FOR DECISION:**

To reinforce Member led support for both maintenance of the Member Charter and wider Member Learning and Development.

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**DECISION NO. CAB161/08****NON-EXEMPT****PORTFOLIO:****LEADER****PORTFOLIO HOLDER:****Councillor Bullock****REPORT TITLE:****Standing up to the Downturn ([090108/CAB006](#))****PRIORITIES:**

Supporting a thriving and diverse local economy;  
 Developing safer and stronger communities; and  
 Ensuring we are well-managed, proactive and delivering value for money.

**DISCUSSION:**

The Director of Change and Business Support presented a report setting out a number of proposals for mitigating the worst effects of the recession for consideration alongside the Council's budget for 2009/10.

Members noted that the Council had already addressed some internal issues. The report identified a number of proposed actions aimed at assisting businesses, individuals and families, communities and the voluntary sector, staff and councillors, based on work put together by the Local Government Association and the Society of Local Authority Chief Executives (shown at Appendix A to the report). The impact/issues and cost of each proposal were also detailed for Members' consideration.

Members discussed the proposed actions and the following issues were identified:

- The need to examine how the Council dealt with the VAT reduction to benefit the Borough;
- A further proposal added to 'Supporting Businesses' to encourage business rate payers to use direct debit;
- An addition to the proposal to provide free parking in certain areas to attract shoppers, to state 'on selected dates' and the shopper hopper will also be made free on the same day;
- Clarification was requested on the grants given to voluntary organisations and charities for using the Gateway;

- The cost of the proposal to procure additional private accommodation for rent would be subject to the decision made on the Private Accredited Letting Scheme.

The Director of Change and Business Support agreed to amend the appendix accordingly and present a report to a future Management Board/Leaders meeting on the approval of grants to voluntary organisations and charities using the Gateway.

**DECISION MADE:**

That the list of proposals as set out in Appendix A to the report be approved, subject to the amendments as identified above.

**REASONS FOR DECISION:**

The Council has a duty as a community leader to provide support to businesses, individuals, communities and staff.

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**DECISION NO. CAB162/08**

**EXEMPT**

**PORTFOLIO:**

**CORPORATE SERVICES**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Land at London Road, Southborough (090108/CAB007)**

This item was withdrawn from the agenda because there had been no material developments since it was last considered by Cabinet.

(NOTE: The meeting closed at 12.10pm)