

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

**CABINET**

**Thursday 17 July 2008**

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

**Officers in Attendance:** William Benson, Director of Change and Business Support; Robert Cottrill, Director of Planning and Development; Sean Clark, Head of Financial and Property Services; Ian Cumberworth, Head of Internal Audit and Risk Management; Laurence Doig, Overview and Scrutiny Officer; Paul Fisher, Deputy Monitoring Officer; Wendy Newton-May, Senior Committee Administrator; Gary Stevenson, Head of Environment and Street Scene; and Sheila Wheeler, Chief Executive.

**APOLOGIES FOR ABSENCE**

CAB031/08 No apologies for absence were received.

**DECLARATIONS OF PREJUDICIAL INTEREST**

CAB032/08 No declarations of interest were made.

**URGENT BUSINESS**

In accordance with Section 100B(4) of the Local Government Act, 1972 the Chairman agreed that the following item of business be taken in order to formally receive a petition regarding the Tourist Information Centre and its relocation.

**DECISION NO. CAB033/08**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**REPORT TITLE:**

**Petition Received in Relation to the Tourist Information Centre, The Pantiles**

**DISCUSSION:**

The Leader of the Council informed members of the Cabinet that he had received a petition of over 1000 signatures objecting to the possible relocation of the Tourist Information Centre (TIC).

The Cabinet accepted the Petition and asked that the Chief Executive use it as background information to any future discussion of the TIC.

**DECISION MADE:**

That the Cabinet acknowledge receipt of the Petition and that the document be taken into consideration during any future discussions of the Tourist Information Centre.

**REASONS FOR DECISION:**

In order that the petition be formally received by the Cabinet.

**Contact Officer: Councillor Roy Bullock, Leader of the Council and Chairman of Cabinet**

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

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**NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB034/08 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 below:

Councillor Weeden - CAB035/08.

Councillor Mrs Crowhurst – CAB036/08 and CAB037/08

**APPROVAL OF CABINET MINUTES DATED 12 JUNE 2008**

CAB035/08 The Minutes of the Cabinet dated 12 June 2008 were considered and were confirmed as a correct record.

Councillor Weeden had asked to speak on this item with regard to decision reference CAB006/08. He thanked the Chief Executive for writing to County Councillor Ferrin regarding the scheme to improve traffic flow along Longfield Road/Great Lodge Retail Park Junction. He then requested that the Chief Executive pursue this matter further if, by the date of the next Cabinet meeting, no response has been received by County Councillor Ferrin. In addition, the Chief Executive stated that she would raise the issue with the appropriate County Council Director.

**CONSIDERATION OF REPORT FROM SELECT COMMITTEE – LOCAL ECONOMY & HOUSING SELECT COMMITTEE: MIGRANT WORKERS – REVIEW REPORT**

CAB036/08 In January 2008 the Local Economy and Housing Select Committee appointed a working group to commence a review on the Borough's migrant workers. The Select Committee submitted a report to Cabinet ([080717/CAB001](#)) setting out the key points of the review and the recommendations made were as follows:

- (a) That a welcome leaflet for migrant workers should be produced to provide information on the following:
- Workers' rights;
  - Housing;
  - Healthcare, including mental health help available;
  - Leisure activities;
  - Education for both adults and children;
  - Religious Organisations;
  - Money matters;
  - Community services;
  - Advice organisations such as the CAB; and

- A map of the local area.

The leaflet should be distributed at key points of access for migrant workers including schools, Churches, shopping centres, the Gateway (when open), Hospitals, doctors' surgeries, train stations, key employers and employment agencies. An analysis of the costs of producing the leaflet should be undertaken. Additional funding could be generated through partnership working and advertising from local businesses.

- (b) That the Council should work with partners to build a bigger picture of the impact and needs of new migrant communities in the borough;
- (c) That the front page of the Council's website should include a link to a translation website to assist those trying to access the site who have trouble reading English but are fluent in another language. This should be highly visible;
- (d) That the Council should use an existing public event to pass on key information to migrant workers in the borough. This should be organised in partnership with other organisations such as Citizen's Advice Bureaux and JobCentrePlus;
- (e) That the Council should investigate the ways in which the needs of migrant patients have been addressed by health services, in particular the borough's hospitals;
- (f) That the Community and Corporate Planning Service review should promote the provision of English language classes through the welcome leaflet and other appropriate means;
- (g) That future consultation and engagement on the Council's policies and strategies should take account of hard to reach groups, including new migrant communities; and
- (h) That Language Line or a similar service is used by Gateway staff when translation of documents or interpretation is needed.

In addition, the following recommendation would be made to Kent County Council:

- (i) That KCC investigate the viability of a roving teaching assistant to visit schools in Tunbridge Wells Borough specifically to assist pupils who do not speak English as a first language.

The Cabinet congratulated the working party on their report. Members discussed the needs of migrant workers in the Borough, in particular the limited provision of information to migrant workers.

It was agreed that the recommendations made by the working group required more consideration by Cabinet. Officers were asked to present a further report to a future Cabinet meeting providing detailed costs for each of the recommendations raised in the report.

It was also suggested that other organisations be approached, such as Soroptimists International and Concordia, to ascertain what they currently provided for migrant workers to ensure that only one comprehensive welcome leaflet was produced. In addition to the distribution areas identified in the report, Members recommended that it should also be made available at boot fairs and charity shops, and should include an awareness of drink and substance abuse to highlight the dangers of these to migrant workers.

The Chief Executive confirmed that she would contact the Local Children's Services Partnership with regard to the recommendation made to Kent County Council.

#### **RESOLVED –**

- (1) That the Select Committee be thanked for their excellent report;
- (2) That the Chief Executive be asked to consider the recommendations made by the working group and present a further report to a future meeting of the Cabinet detailing costs of each recommendation;
- (3) That any welcome leaflet be produced in co-operation with other partners, such as Concordia and Soroptimist International; and
- (4) That the Select Committee be asked to continue to gather data information on the migrant population

#### **CONSIDERATION OF REPORT FROM SELECT COMMITTEE – LOCAL ECONOMY & HOUSING SELECT COMMITTEE: RURAL BUS SERVICES REVIEW REPORT**

CAB037/08 The Local Economy and Housing Select Committee submitted a report ([080717/CAB002](#)) informing Cabinet of a review of bus services in the Borough's rural areas that had been undertaken during 2007/08 by a working group.

The review had made seventeen recommendations, four of which applied to this Council. The Select Committee had made the following recommendations to Cabinet:

- (1) That the Council should post maps detailing the locations of nearby bus stops at key bus stops in villages with more than one bus service;
- (2) That the Council, along with Kent County Council and Arriva Southern Counties, should commit to extending the Quality Bus Partnership protocol to include plans to improve bus services in rural areas of the borough in the future;
- (3) That the Kent County Council and Tunbridge Wells Borough Council should coordinate with bus companies to ensure that when accessible buses are introduced, if these are not equipped with kneeling systems and extendable ramps, then raised kerbstones should be provided to assist access for wheelchair users and people with physical disabilities; and

- (4) That when the Council receives any planning applications to develop the Arriva bus depot site in Hawkhurst, consideration should be paid to the loss of amenities suffered by residents when the depot closed for business.”

Cabinet went through the recommendations in detail and agreed that recommendation (3) was already the responsibility of Kent County Council.

It was also felt that recommendation (4) could not be agreed because it would disenfranchise Cabinet members who were also planning committee members.

**RESOLVED –**

- (1) That the Select Committee be thanked for their excellent report;
- (2) That the recommendations (1) and (2) above be agreed, but be amended to state that the Council should only **investigate** these issues; and
- (3) That as far as recommendation (4) above was concerned that Cabinet could not support this.

**RECOMMENDATION TO COUNCIL**

**DECISION NO. CAB038/08**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**TITLE OF REPORT:**

**\* Mid-Kent Improvement Partnership (080717/CAB004)**

**PRIORITIES:**

The proposals for a Mid-Kent Improvement Partnership fully support the Council's supporting priorities, particularly Ensuring we are well managed, proactive and deliver value-for-money services. They also assist in delivering the 2008-11 priorities as set out in page 38 of the Strategic Plan.

**DISCUSSION:**

The Director of Change and Business Support identified the partnerships that were currently in place with a range of public and private sector organisations to deliver the Council's services.

The report stated that the Strategic Plan made it clear that partnership working was a priority for the Council and identified joint working as a possible avenue for reducing cost. It was noted that the Council currently worked with councils in Kent, East Sussex, West Kent and Mid-Kent.

Following discussions between the Leaders and the Chief Executives from Ashford, Maidstone, Swale and Tunbridge Wells Borough Councils, it was proposed that these authorities work together as a formal cluster of local authorities, known as a Mid-Kent Improvement Partnership. The objectives of which would be to improve the quality of service to communities, improve resilience of service delivery, deliver efficiency saving in the procurement, management and delivery of services, explore opportunities for trading in the medium to long term and share best practice.

It was agreed that the proposal would not be mutually exclusive and boroughs would still be able to progress initiatives with authorities outside Mid-Kent, and there was still an aspiration for greater working with Kent County Council as reflected in the Kent Commitment.

The Chief Executive mentioned that the success of the initiative would be dependent on the willingness of all those involved to embrace change and develop new models of working. There was, therefore, a risk that progress would not be as swift as envisaged.

In response to a question raised, it was noted that the timescales were such that when the Leaders and Chief Executive met in September all Boroughs would have considered the proposal.

The Leader advised that he had written to Kent County Council to ask them to join the Partnership, however no response had been received thus far.

**DECISION MADE:**

- (1) That, in respect of Executive functions:
  - i. the Mid-Kent Improvement Partnership be entered into with Maidstone Borough Council also acting as the accountable body, be agreed;
  - ii. a revenue contribution be made of £31,380 per annum, to be funded from the Strategic Plan Reserve as an invest to save initiative, be agreed; and
  - iii. the draft governance arrangements set out in appendix 1 to the report be agreed.
- (2) That Cabinet recommends to full Council that the above recommendations be agreed in respect of non-Executive functions; and
- (3) That a further progress report be presented to Cabinet in six month's time.

**REASONS FOR DECISION:**

The Mid-Kent Improvement Partnership offers the Council an opportunity to extend and deepen partnership working with a view to improving service quality, improving resilience, delivering efficiency savings and sharing best practice.

Contact Officer: William Benson, Director of Change and Business Support  
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**CABINET DECISIONS****DECISION NO. CAB039/08****NON-EXEMPT****PORTFOLIO:****LEADER****PORTFOLIO HOLDER:****Councillor Bullock****REPORT TITLE:****Forward Plan ([080717/CAB003](#))****PRIORITIES:**

Delivering high quality services to our customers

**DECISION MADE:**

That the Forward Plan be approved.

**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. CAB040/08****NON-EXEMPT****PORTFOLIO:****LEADER****PORTFOLIO HOLDER:****Councillor Bullock****REPORT TITLE:****Cranbrook Community Facilities ([080717/CAB005](#))****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:**

Cabinet was reminded that the Cranbrook community facilities were last considered at its meeting dated 12 June 2008, from which five recommendations had been made. The report before Members updated them on the progress made and the current situation.

A letter was tabled for Members' information that had been emailed to the Chief Executive. It contained allegations towards the Leader and statements that were considered by the Cabinet to be untrue. The Chief Executive confirmed that she would be replying to the letter.

The Director of Planning and Development informed Cabinet that a meeting was due to take place on 25 July 2008 with Kent County Council; following which a final draft of the Feasibility Study would be produced for comment.

A first draft of an inventory of all public and private assets used as community facilities in Cranbrook and its immediate hinterland was attached to the report at Appendix B. Members were advised that this still required further detail and the Parish Council would be consulted before a final draft was drawn up.

Members requested that the community facilities in Benenden should also be included in the inventory. Officers were asked to include details of the present usage of the facilities listed in the inventory and present a further report to the special meeting of Cabinet on 31 July.

The Director of Planning and Development stated that the Weald Centre Team had been contacted and further advice was given in response to questions that had been submitted. A meeting had been held to discuss the content of the Business Plan, which had been very constructive and positive.

The Weald Centre Business Plan was tabled for Members' information at the meeting. It was noted that, for audit purposes, external scrutiny of the business model and viability would be required to inform a future Cabinet decision.

**DECISION MADE:**

- (1) That the Borough Council formally consider the Weald Centre Team's Business Plan contents and subject it to independent external scrutiny, to ensure that it contains reasonable assumptions and to assess the viability of the proposals for the former Borough Council Office Site; and
- (2) That a final report be submitted to Cabinet on 3 September 2008.

**REASONS FOR DECISION:**

Members are asked to consider the Weald Centre Business Plan, submitted at the meeting which informs the recommendation. The work carrying on in parallel with regard to the Library Site and the inventory of community facilities would also be used as a basis for any future Cabinet decision.

**Contact Officer: Robert Cottrill, Director of Planning & Development**  
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**DECISION NO. CAB041/08**

**NON-EXEMPT**

**PORTFOLIO:**

**CORPORATE SERVICES**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Annual Risk Management Report 2007/08**  
**(080717/CAB006)**

**PRIORITIES:**

The report fully supports the Council's commitment to 'Ensuring that we are well managed, proactive and deliver value for money services'.

**DISCUSSION:**

The Head of Internal Audit and Risk Management submitted a report (080717/CAB006), which set out the Council's risk management arrangements in accordance with the requirements of the Risk Management Strategy. Documents were attached in this respect as appendices including the Risk Register and associated action plans plus charts illustrating the progress of the risks against target from March 2007 until March 2008.

It was explained that the base data and action plans for the Strategic Risk Register had now been updated, dates and responsible officers added and data loaded onto Covalent. Additional operational risk registers had also been developed and two strategic risks, CSR 04 Lack of joined-up working and CSR14 Performance management, had successfully been managed down to operational risk level.

The issues to be addressed and future improvements were highlighted for Members in the report and included further work necessary to ensure all risks were captured on the Covalent risk management module to improve the effectiveness of risk management.

The Head of Internal Audit and Risk Management advised Cabinet that the Risk Register was a living document and that additional risks would be added as and when they arose. These were coordinated internally by the Corporate Governance Working Group and Management Board and reported to the Audit Committee and Cabinet. Cabinet felt that when risks were identified the Audit Committee should be informed as soon as possible and not wait until a further meeting. It was agreed that a letter would be sent to members of the Audit Committee notifying them of any changes.

Members were advised of six potential new risks that had been identified and they requested that these be reflected in the Strategic Risk Register. It was also suggested that the additional risks be verbally reported to the special Audit Committee on 22 July 2008.

**DECISION MADE:**

- (1) That the contents of the report be noted; and
- (2) That, when additional risks are identified, the Audit Committee be notified immediately;
- (3) That the Audit Committee be advised of the six additional risks at its special meeting on 22 July 2008; and
- (4) That a further report be brought forward to a future Cabinet meeting.

**REASONS FOR DECISION:**

Provide assurance of the control environment

**Contact Officer: Ian Cumberworth, Head of Internal Audit and Risk Management**  
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**DECISION NO. CAB042/08**

**NON-EXEMPT**

**PORTFOLIO:**

**PLANNING & DEVELOPMENT**

**PORTFOLIO HOLDER:**

**Councillor Mrs Thomas**

**REPORT TITLE:**

**Community Strategy and the Development Partner  
 (080717/CAB007)**

**PRIORITIES:**

Promoting and maintaining a thriving and diverse local economy

Through selecting a development partner the Council will be able to influence and actively direct improvements within the four centres for the benefit of Tunbridge Wells.

**DISCUSSION:**

The Director of Planning and Development presented a report which explained to Members that reference to the Council's preferred development partner, John Laing/Gladedale, had been included within the Strategic Plan, and this continued to be updated regularly. However the Sustainable Community Strategy required updating to highlight the role and delivery of objectives through the development partnership. To enable this revision, the Council was required to consult with the full range of stakeholders, including the LSP, "Tunbridge Wells Together" and other interested parties. Members agreed that the Council should advertise in the local media for 21 days seeking comments on the amendment to ensure a wider breadth of response.

Although significant progress had been achieved in moving towards a legal agreement, the initial six month period of exclusive negotiation had come to an end and therefore Members were asked to agree an extension of time to enable negotiations to be completed.

Members were advised of the changes that would be required to be made to the Council's Constitution as part of the partnership arrangements with a private sector partner. The Standards Committee had agreed to arrange a special meeting in August to consider these amendments to the Constitution, with a special meeting of Council also being arranged to confirm the changes, in order for Cabinet to consider and agree the legal structure for the development partner arrangements on 3 September 2008.

Cabinet considered this proposed timetable and agreed that, due to the time constraints and the difficulty in arranging a special meeting of full Council, a final report should be postponed until the October meeting of the Cabinet and the Forward Plan be amended accordingly.

**DECISION MADE:**

- (1) That the extension of the period of exclusive negotiation with John Laing/Gladedale for up to a further six months, be endorsed;
- (2) That the advertisement of an amendment to the Sustainable Community Plan, as attached as Appendix 1 of the report, be agreed, allowing 21 days for formal response to the notification;
- (3) That the constitutional amendments required be noted; and
- (4) That the final report on the development partner arrangements be postponed until 2 October Cabinet meeting and that the Forward Plan be amended accordingly.

**REASONS FOR DECISION:**

To enable progression of negotiation and appointment of the development partner to meet the objectives of the Council.

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

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**DECISION NO. CAB043/08**

**NON-EXEMPT**

**PORTFOLIO:**

**ENVIRONMENT AND STREET SCENE**

**PORTFOLIO HOLDER:**

**Councillor Barrington-King**

**REPORT TITLE:**

**Flexible Warrant Scheme for Health and Safety Enforcement (080717/CAB008)**

**PRIORITIES:**

**Promote and maintain a thriving and diverse local economy.** Ensuring that businesses have appropriate health and safety standards for the benefit of the business, the employee and their customers.

**Develop safer and stronger communities.** By reducing accident and incident rates in workplaces and public places in the borough.

**Ensuring that we are well-managed, proactive and deliver-value-for-money services.** Exploring opportunities to work more effectively and efficiently with professional officers from other local authorities and the HSE.

**DISCUSSION:**

Cabinet's consent was sought to enter into a flexible warranting arrangement for authorised Health and Safety Officers with the Health and Safety Executive for health and safety enforcement across the Borough; and to consent to entering into joint warranting arrangements with all Kent district and unitary authorities for health and safety enforcement across the geographical areas of those local authorities.

The report presented to Members provided an update on the current position with health and safety enforcement. Appended to the report for Members' information was a draft Memorandum of Understanding, which would allow local authority staff to work across boundaries.

It was envisaged that the flexible warranting arrangements would be in place by October 2008; this would enable all signatories to participate in a proactive Kent-wide health and safety project called Common Approach to Kent Enterprise.

Members were informed that this scheme would demonstrate the Council's willingness to ensure that it worked as effectively as possible. The requirement to demonstrate willingness to work in partnership and show effective and efficient use of resources would also increase with the passage of the Regulatory Enforcement and Sanctions Bill following its enactment in June/July 2008.

It was noted that the scheme would enable officers from this authority to tap into the specialised expertise of the Health and Safety Executive officers, gain experience from working in other districts and the Council could gain from external officers providing enforcement within the borough.

**DECISION MADE:**

- (1) That the principle of entering into a flexible warranting arrangement with the Health and Safety Executive be endorsed;
- (2) That the principle of entering into a flexible warranting arrangement with the other Kent district and Unitary authorities be endorsed; and
- (3) That the Head of Environment and Street Scene Services be authorised to agree a Memorandum of Understanding with the proposed partners and to sign it and the flexible warranting agreement.

**REASONS FOR DECISION:**

To ensure that authorised officers are able to meet the challenges of enforcing health and safety legislation in the future (following the Hampton principles), to be more consistent in enforcing across the county and to provide a more efficient service to the public (one stop shop philosophy).

**Contact Officer: Tracey Beattie, Food & Commercial Team Manager**  
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**DECISION NO. CAB044/08****NON-EXEMPT****PORTFOLIO:****ENVIRONMENT AND STREET SCENE****PORTFOLIO HOLDER:****Councillor Barrington-King****REPORT TITLE:****Joint Waste Authorities (080717/CAB009)****PRIORITIES:**

Care for our environment.

**DISCUSSION:**

Cabinet was advised that there was an opportunity to put forward to Government an expression of interest in participating in a Joint Waste Authority. The Council had been asked by the Department for Environment, Food and Rural Affairs (DEFRA) to respond by 20 July 2008 to an invitation to submit an 'expression of interest'.

The Portfolio Holder for Environment and Street Scene outlined a number of factors that would need to be taken into account before deciding to show an interest, these were highlighted within the report for Members' information.

After consideration, Cabinet agreed that there was little merit or advantage in a precipitate commitment to a Joint Waste Authority.

However it was agreed that the Council's response to the invitation should indicate a readiness to adopt a positive perspective on the principles of a future Joint Waste Partnership, subject to consideration of specific circumstances and potential partners. At the present time, however, it was felt that the Council was not in a position to submit an expression of interest.

The Head of Environment and Street Scene updated Members on the negotiations that had taken place with Sevenoaks District Council on a possible joint venture to deliver waste collection and street cleansing services. He advised that the District Council had declined the offer because it was felt that the partnership would be an unacceptable risk to the Council's finances. Cabinet expressed their concern at this response and asked the officers to make further enquiries to ascertain what risks had been identified.

**DECISION MADE:**

That DEFRA be advised that this Council was minded to work with partners to investigate the opportunities and potential for a Joint Waste Authority, but that a specific expression of interest was not practical at the present time.

**REASONS FOR DECISION:**

To respond to DEFRA's request for expressions of interest in Joint Waste Authorities.

**Contact Officer: Richard Powell, Director of Services to the Community**  
**Tel: 01892 526121 or e-mail: richard.powell@tunbridgewells.gov.uk**

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**(NOTE:**

- (1) In accordance with Cabinet Procedure Rule 5.3 Councillor Mrs Crowhurst and Weeden attended the meeting and spoke on the following:

Councillor Weeden – decision reference CAB35/08

Councillor Mrs Crowhurst – decision reference CAB36/08 and CAB37/08

- (2) Councillor Mrs Crowhurst left the meeting after consideration of decision reference CAB38/08; Councillor Weeden left the meeting after consideration of decision CAB040/08; and
- (3) The meeting closed at 12.15pm.)