

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

**SPECIAL CABINET  
Thursday 31 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; Samantha Timms, Senior Committee Administrator; Raymond Warren, Performance and Improvement Manager; and Sheila Wheeler, Chief Executive.

**Other Members in Attendance:** Councillors Neve and Weeden.

**APOLOGIES FOR ABSENCE**

CAB045/08 No apologies for absence were received.

**DECLARATIONS OF PREJUDICIAL INTEREST**

CAB046/08 No declarations of interest were made.

**NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB047/08 In accordance with Cabinet Procedure Rule 5.3 and after giving due notice to the Chairman, the following Councillor attended and spoke on the decision below:

Councillor Weeden – CAB055/08.

Councillor Neve attended the meeting but did not take part in any discussion.

**CABINET DECISIONS**

**DECISION NO. CAB048/08**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**REPORT TITLE:**

**Governance Report (080731/CAB001)**

**PRIORITIES:**

The report and the reports to which it relates support all of the Council's priorities by ensuring that it is well governed, that the Council's financial position is sound, and that key performance indicators are on track. In particular, the report supports the priorities to 'Ensure that we are well managed, proactive and deliver value for money services'; 'Develop safer and stronger communities'; and 'Have housing suitable for local people'.

**DISCUSSION:**

Cabinet was informed that the governance reports were a range that was submitted on a regular basis, all outlining the way in which the Council was performing and being governed.

Outlined to Members was the current timetable for Cabinet to receive performance-related reports throughout 2008/09; the timetable would assist effective decision-making and provide transparency of information that affects other decisions on future Cabinet agendas. This included:

- Performance Management Reports
- Financial Management Reports
- Complaints Reports
- Strategic Risk Reports

It was noted that general performance continued to be strong and followed excellent progress made in 2007/08. The Council is performing strongly.

Cabinet was also informed that as a result of a Freedom of Information request, the procedure had now been reviewed following best practice guidance from the Information Commissioner's Officer. Complaints were now dealt with by the Director of each service rather than completing all three stages.

**DECISION MADE:**

That the governance-related reports on finance, performance and complaints be agreed.

**REASONS FOR DECISION:**

To provide Cabinet with performance-related information.

**Contact Officer: Raymond Warren, Performance and Improvement Manager**  
**Tel: 01892 526121 or e-mail: raymond.warren@tunbridgewells.gov.uk**

**DECISION NO. CAB049/08**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**TITLE OF REPORT:**

**Quarter 1 Performance Summary, including Corporate Improvement Plan Update (080731/CAB002)**

**PRIORITIES:**

The report supports all four of the Council's Corporate Priorities and three Corporate Commitments.

**DISCUSSION:**

Cabinet was provided with information on the Council's Performance for Quarter 1 of 2008/09 (April to June). The progress being made towards the Corporate Priorities through National Indicators and Local Performance Indicators as well as a summary of performance from the Corporate Improvement Plan 2008-2011 was outlined to Members.

The Performance and Improvement Manager stated that the Council's overall progress against its Corporate Priorities remained strong. There were a number of National Indicators where targets were still being negotiated as part of the Kent Agreement 2. These would be reported fully in quarter 2.

He went on to say that where targets had been established, the Service Planning process, which was aligned with the development of Portfolio Statements, had ensured that the Council maintained its rigorous approach to setting challenging goals that contribute to its long-term vision of 'enhancing the quality of life for all'.

Members were informed that the Key Performance Indicators that were red were the Audit Commission's Value for Money Assessment Score (LP\_PERF\_02); Working Days Lost Due to Sickness Absence (LP\_HR\_03); and Preventing Homelessness – number of households where homelessness prevented (LP\_Housing\_01).

The Portfolio Holder for Housing and Community Access stated that she would speak with the Head of Housing Services in relation to the 'preventing homelessness' indicator.

Each Portfolio Holder presented the performance for his/her area and clarified any areas of concern.

Appended to the report was the quarter 1 summary of the Council's Performance; Portfolio Performance; Key Performance Indicators; and the Corporate Improvement Plan 2008-2001 Performance Summary.

The Portfolio Holder for Housing and Community Access stated that in the light of the economy, perhaps the target for 'Private Sector vacant dwellings brought back to use as a percentage of all private sector dwellings vacant for at least 6 months at the start of the municipal year (LP\_Housing\_12)' could be too high.

Cabinet congratulated Officers on their hard work in achieving most targets.

**DECISION MADE:**

- (1) That the position of the summary performance report for Quarter 1 2008/09, be agreed;
- (2) That it be noted that the Key Performance Indicators that were currently 'red' would require further detailed reporting and action plans to the next Corporate Services Select Committee meeting;
- (3) That the Corporate Improvement Plan Action Plan be scrutinised by the Audit Committee at its next meeting;
- (4) That Portfolio Holders discuss the revision of some targets with relevant Directors and Heads of Service for those indicators that had been impacted upon by the elevation of the Strategic Risk regarding the deteriorating economic circumstances; and
- (5) That should the Housing and Community Access Portfolio Holder find that the target was unrealistically high, it was agreed that it would be lowered in view of the Council's Strategic Risk on the current economic circumstances.

**REASONS FOR DECISION:**

To outline to Cabinet the progress being made towards the Council's Corporate Priorities through National Indicators and Local Performance Indicators as well as a summary of performance from the Corporate Improvement Plan 2008-2011.

**Contact Officer: Raymond Warren, Performance and Improvement Manager**  
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**DECISION NO. CAB050/08****NON-EXEMPT****PORTFOLIO:****HOUSING & COMMUNITY ACCESS****PORTFOLIO HOLDER:****Councillor Mrs Mayhew****REPORT TITLE:****Complaints Data – Annual Report (April 2007 to March 2008) (080731/CAB003)****PRIORITIES:**

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

**DISCUSSION:**

The Customer Care Manager provided the Cabinet with summary data relating to complaints received by the Council under the Complaints Procedure from April 2007 to March 2008.

Members were advised that a key objective of the Council's Complaints Procedure was to provide an open, accessible and accountable process that could resolve a customer's dissatisfaction with the services at an early stage.

It was noted that the target for responding to complaints was achieved. The target timescale for complaints was 15 working days for Stages 1 and 2 and 20 working days for Stage 3 of the Complaints Procedure.

The Director of Change and Business Support highlighted to Cabinet that the Local Government Ombudsman investigated complaints from customers who had been through the Council's Complaints Procedures and who were dissatisfied with the outcome.

It was noted however, that the Local Government Ombudsman had resolved a complaint that had not gone through the Council's Complaint Procedures. The Leader asked why they had gone directly; the Director of Change and Business Support would find out and reply to the Leader direct outside the meeting.

The Cabinet also wished to identify the number of Freedom of Information requests that the Council had received; again, the Director of Change and Business Support assured Cabinet that he would find this information out and reply direct.

**DECISION MADE:**

That the report be noted.

**REASONS FOR DECISION:**

To provide Cabinet with a summary data relating to complaints received by Tunbridge Wells Borough Council under the Complaints Procedure from April 2007 to March 2008.

**Contact Officer: Ingrid Weatherup, Customer Care Manager**  
**Tel: 01892 554007 or e-mail: [ingrid.weatherup@tunbridgewells.gov.uk](mailto:ingrid.weatherup@tunbridgewells.gov.uk)**

(NOTE: Since the meeting, the Director of Change and Business Support had replied to Cabinet Members regarding the outstanding issues, was as follows:

"The Ombudsman could, in certain circumstances deal with a complaint if there was no benefit in it being sent back for local consideration (for example, in one instance, the Council had destroyed a file which it should not have destroyed - there was no question as to whether the Council had done this or not - it was simply a question of the level of compensation).

A question was also asked in relation to the number of Freedom of Information requests. The Council had received 77 requests last year and, in the year to date, have received 62.”)

<b>DECISION NO. CAB051/08</b>	<b>NON-EXEMPT</b>
<b>PORTFOLIOS:</b>	<b>CORPORATE SERVICES AND THE LEADER</b>
<b>PORTFOLIO HOLDERS:</b>	<b>Councillors Horwood and Bullock</b>
<b>REPORT TITLE:</b>	<b>Council Priorities and Budget Strategy (080731/CAB004)</b>
<b>PRIORITIES:</b>	The report supports all of the Council’s priorities, setting out how they should be developed over the next six months.
<b>DISCUSSION:</b>	<p>The Director of Change and Business Support highlighted to Cabinet the context against which the Council’s Strategic Plan for 2009-14 and Medium Term Financial Strategy would be developed. The report also set out the Council’s budget strategy for 2009/10.</p> <p>By setting out Cabinet’s initial proposals for prioritising its services and activities and delivering a balanced budget, it would enable service managers to begin the service planning process and to develop proposals (with their respective portfolio holder(s)) for savings, growth and changes to service delivery.</p> <p>It was also noted that a report would be submitted to the November meeting of the Cabinet relating to Concessionary Fares.</p>
<b>DECISION MADE:</b>	<ol style="list-style-type: none"> <li>(1) That the draft Vision, Appendix 1 of the report, subject to consultation with councillors, staff, partners and residents, be agreed;</li> <li>(2) That the commitment to the Council’s priorities and objectives as set out in the Strategic Plan 2008-11, subject to any minor amendments or clarifications that may be required by the agreement of any long-term Vision by the Council, be reaffirmed;</li> <li>(3) That Cabinet, Members and officers work together to expand the priorities and key deliverables for the next five years;</li> <li>(4) That in undertaking the above, account be taken of customer satisfaction data;</li> <li>(5) That the definition of a balanced budget be agreed;</li> </ol>

- (6) That a maximum Council Tax increase of up to five per cent be agreed;
- (7) That the Council continue to deliver a balanced budget;
- (8) That the Council should continue to reduce its reliance on investment interest to support ongoing revenue activity as set out in the Medium Term Financial Strategy;
- (9) That the investment interest achieved over the budgeted amount be transferred to the Strategic Plan Reserve to finance one-off expenditure to deliver the Strategic Plan objectives;
- (10) That funding continue to be directed into priority areas as set out in the Strategic Plan;
- (11) That officers be set an overall target to deliver a balanced budget and to free up resources into priority areas;
- (12) That the savings required to achieve a balanced budget, Gershon savings and additional resources being channelled into the Council's priorities be delivered from efficiencies and non-priority areas;
- (13) That the Council's capital programme be reviewed against the Council's priorities and its obligations under the Local Area Agreement and Sustainable Community Plan; and
- (14) That the views of the Corporate Services Select Committee be sought on the proposed approach to developing the Council's priorities and on the draft budget strategy.

**REASONS FOR DECISION:**

To update Members on the Council's Priority and Budget Strategy.

**Contact Officer: William Benson, Director of Change and Business Support**  
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**DECISION NO. CAB052/08****NON-EXEMPT****PORTFOLIO:****CORPORATE SERVICES****PORTFOLIO HOLDERS:****Councillor Horwood****REPORT TITLE:****Quarter 1 Treasury and Prudential Indicator Monitoring to June 2008 (080731/CAB005)**

<b>PRIORITIES:</b>	Ensuring that we are well managed, proactive and deliver value for money services.
<b>DISCUSSION:</b>	The Head of Financial and Property Services presented a report to Cabinet, which monitored compliance with the Treasury Management Policy and Strategy for 2008/09, for the period 1 April to 30 June 2008. It was noted that none of the targets or indicators were breached in the period and the investment income for 2008/09 was forecast to be on target at £1.82 million.
<b>DECISION MADE:</b>	<p>(1) That the first quarter (April to June 2008) position be acknowledged; and</p> <p>(2) That the Head of Financial and Property Services carry out a review of the Council's Treasury Management Processes that should take into consideration the management of risk in a volatile market.</p>
<b>REASONS FOR DECISION:</b>	Under its Financial Procedure Rules, Council delegates responsibility for implementation and monitoring of its treasury management policies and practices to Cabinet.

**Contact Officer: Sean Clark, Head of Financial and Property Services**  
**Tel: 01892 554007 or e-mail: [sean.clark@tunbridgewells.gov.uk](mailto:sean.clark@tunbridgewells.gov.uk)**

<b>DECISION NO. CAB053/08</b>	<b>NON-EXEMPT</b>
<b>PORTFOLIOS:</b>	<b>CORPORATE SERVICES AND THE LEADER</b>
<b>PORTFOLIO HOLDERS:</b>	<b>Councillors Horwood and Bullock</b>
<b>REPORT TITLE:</b>	<b>Quarter 1 Capital Monitoring (<a href="#">080731/CAB006</a>)</b>
<b>PRIORITIES:</b>	The report supports the priority of "Ensuring that we are well managed, proactive and deliver value for money services".
<b>DISCUSSION:</b>	<p>The Head of Financial and Property Services advised the Cabinet of the actual capital expenditure to 30 June 2008 and the funding of the 2008/09 capital programme; these were detailed in Appendix A of the report.</p> <p>It was noted that with the exception of government grants, there had been no material capital income; there were a number of disposals in the pipeline. Further to this, £13,000 had been secured from the private sector towards the CCTV coverage at Knights Park.</p>

Cabinet was informed that a review of the capital programme was still being carried out. The current programme was included in Appendix A of the report and totalled £8,183,000. Out of the programme, 11 schemes accounted for £6,049,000, namely: Cinderhill Gypsy Site; Disabled Facility Grants; Housing Renewal Grants; Play Area, Southwood Road, Rusthall; Goudhurst Football Pitch; Public Conveniences; Gateway; IT Strategy; Museum/Art Gallery DDA and H&S Works; Community Investment Fund; and Planned Maintenance.

The Head of Financial and Property Services stated that the report had set out the actual positions for capital spend as at 30 June 2008 and funding sources of the 2008/09 capital programme and had been reviewed and updated to reflect expenditure incurred and adjusted resources.

**DECISION MADE:**

- (1) That the actual expenditure to 30 June 2008 of the capital programme be noted;
- (2) That Portfolio Holders work with officers on a review of the capital programme; and
- (3) That Cabinet endorse the contract decision that had exceeded £50,000 in value.

**REASONS FOR DECISION:**

For Members and Officers to work towards delivering the required outcomes from the various strategies and plans and demonstrate value for money.

**Contact Officer: Sean Clark, Head of Financial and Property Services**

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**DECISION NO. CAB054/08****NON-EXEMPT****PORTFOLIOS:****CORPORATE SERVICES AND THE LEADER****PORTFOLIO HOLDERS:****Councillors Horwood and Bullock****REPORT TITLE:****Quarter 1 Revenue Monitoring (080731/CAB007)****PRIORITIES:**

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

**DISCUSSION:**

The Head of Financial and Property Services explained that there was a net deficit on the annual revenue budget of £51,000; this was mostly attributed to the effects of the 'credit crunch' upon income streams offset by the concessionary fare saving due to the underwriting from Kent County Council.

He also stated that the reorganisation of the Accountancy Section, along with the installation of a new Financial Management System, had enabled the previous Budgetary Control process to be replaced with a system of Budget Management; variances would be closer managed by budget holders and actions plans produced to rectify variances.

The adverse variances were due to losses in anticipated income from the Assembly Hall £50,000, Local Search Fees £150,000 and Penalty Charge Notices and other parking income £60,000. The economic downturn was named as the most significant reason for these variances. Savings from staff vacancies/partnership working were £59,000 and concessionary fares £150,000 partly offset these figures.

There was further discussion on the need for action plans to be identified and actioned that would bring the budget back into balance and a further report is to come back to Cabinet in October explaining what actions had been taken and their impact.

**DECISION MADE:**

- (1) That the amendments to the projected outturn and variances within this report be acknowledged; and
- (2) That Portfolio Holders work with their Heads of Service to identify action plans to bring the budget back into balance and report their findings to the October meeting of the Cabinet.

**REASONS FOR DECISION:**

To help achieve the revenue expenditure and income plans as set out in the original budget for the year.

**Contact Officer: Lee Colyer, Financial Services Manager**

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**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 take action from the Joint Transportation Board minutes dated 7 July 2008 and the length of time these items have been outstanding; the Leader considers that these Delivery Boards are established as soon as possible to address the issues as a matter of priority.

**DECISION NO. CAB055/08**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**REPORT TITLE:**

**Appointment of Delivery Board (080731/CAB008 urgent)**

**PRIORITIES:**

Promoting and maintaining a thriving and diverse local economy.

**DISCUSSION:**

The Director of Change and Business Support informed Cabinet that the Council was currently working up proposals to introduce a Delivery Unit to oversee the Delivery of the Council's Strategic Plan. It was noted that it would be sensible to examine how the need to increase Councillor involvement in key areas such as: Health, Public Health, Well-Being and Older People and Children and Young People, would be integrated into those proposals. A further report would be submitted to Cabinet setting out how this could be achieved.

Councillor Weeden spoke on this item and asked that consideration be given to remuneration for Members who would be sitting on the proposed Members' Group and future Groups. Cabinet acknowledged Councillor Weeden's comments.

The Leader of the Council proposed that an informal Members' Group (political balance would not apply) be established relating to Transport, the amended Terms of Reference for which were received.

**DECISION MADE:**

That an informal Members' Group be established relating to Transport.

**REASONS FOR DECISION:**

To allow work to be carried out relating to Transport and that further discussions take place regarding Health, Public Health, Well-Being and Older People and Children and Young People.

**Contact Officer: Councillor Roy Bullock, Leader of the Council**  
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(NOTE: The meeting closed at 11.45am.)