

## **TUNBRIDGE WELLS BOROUGH COUNCIL**

### **RECORD OF DECISIONS**

(in terms of Access to Information Rule 18)

### **CABINET**

**Thursday 8 October 2009**

**Present: Councillor Bullock (Chairman)**

**Councillors Paul Barrington-King, Len Horwood, Mrs Catherine Mayhew  
Elizabeth Thomas and Frank Williams.**

**Officers in Attendance:** William Benson, Director of Change and Business Support; David Candlin, Head of Economic Development and Regeneration; Lee Colyer, Head of Finance and Governance (S151 Officer); David Crosby, Head of Housing and Health; Paul Cummins, Legal Services Manager/Monitoring Officer; Trevor Gasson, Interim Director of Regeneration and Sustainability; Sarah Lewis, Affordable Housing Officer; Louise Phillips, Planning Policy Team Leader; Samantha Timms, Senior Committee Administrator; and Sheila Wheeler, Chief Executive.

**Other Members in Attendance:** Councillor James Scholes.

**Members of the Public in Attendance:** Phillip Whitbourn.

### **APOLOGIES FOR ABSENCE**

CAB075/09 No apologies for absence were received.

### **DECLARATIONS OF PREJUDICIAL INTEREST**

CAB076/09 In accordance with the Council's Code of Conduct, Part 5, Councillor Mrs Thomas declared a personal interest in decision CAB093/09 because she was the Chairman of Western Area Planning Committee. She took no part in the discussion or voting on this item.

### **NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB077/09 No other members of the Council attended the meeting.

### **APPROVAL OF CABINET MINUTES DATED 10 SEPTEMBER 2009**

CAB078/09 The minutes of the Cabinet meeting dated 10 September 2009 were considered and confirmed as a correct record.

### **QUESTIONS FROM MEMBERS OF THE COUNCIL**

CAB079/09 There were no questions submitted from members of the Council.

### **QUESTIONS FROM MEMBERS OF THE PUBLIC**

CAB080/09 There were no questions submitted from members of the public.

## CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY SELECT COMMITTEES

CAB081/09 No reports from the Overview and Scrutiny Select Committees had been submitted.

### **CABINET DECISIONS**

**DECISION NO. CAB082/09**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE & GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Consideration of the Forward Plan ([091008/CAB001](#))**

**PRIORITIES:**

Confident – Developing the Government's 'localism' agenda.

**DECISION MADE:**

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

- Christmas Lights 2010 will now be submitted to 4 February 2010 Cabinet and not 13 November 2009 as stated in the Plan.
- Change the Portfolio Holder name from Policies & Partnerships to Finance & Governance relating to the People Strategy on pages 8-15, 8-17, 8-27 and 8-29 of the Plan.

**REASONS FOR DECISION:**

To comply with Access to Information Procedure Rule 14.

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**DECISION NO. CAB083/09**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Tunbridge Wells Regeneration Company – Progress Report ([091008/CAB008](#))**

**PRIORITIES:**

All

**DISCUSSION:**

Members of the Cabinet were provided with an update on progress being made by the Tunbridge Wells Regeneration Company.

It was noted that, following the Director of Planning and Development's departure, that the Chief Executive had replaced him as a Director on the Board.

Cabinet was reminded that the company would provide the Council on an annual basis a business plan for consideration and approval as one of the Shareholders. The current plan had been prepared to the end of the current financial year.

The Head of Economic Development and Regeneration advised members that the regeneration company had begun its active engagement in the Local Development Framework and he provided details of its agreed work programme, including the development of the Town Hall and future accommodation requirements for the Council.

Achievement had been noted on the progress made to promote the aims and objectives of the business plan and to establish a long term engagement in the Local Development Framework. However, members had concern that there was little work taking place involving Paddock Wood. Concern was also expressed regarding the momentum in which activity was being carried out.

Members discussed the business plan and addendum after considering all other 'open reports'. Cabinet entered exempt at 11.50am.

**DECISION MADE:**

- (1) That the contents of the report and the work streams being addressed by the company be noted;
- (2) That the Tunbridge Wells Regeneration Company note the Cabinet's concern relating to the momentum of activities; and
- (3) That the business plan and its addendum be agreed.

**REASONS FOR DECISION:**

To progress the consideration of the development of the identified sites by Tunbridge Wells Regeneration Company to meet the objectives of the Council.

**Contact Officer: David Candlin, Head of Economic Development and Regeneration  
Tel: 01892 554038 or email: david.candlin@tunbridgewells.gov.uk**

DECISION NO. CAB084/09

NON-EXEMPT

PORTFOLIO:

PLANNING & ECONOMIC DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

**Response to Communities and Local Government  
“Detailed Proposals and Draft Regulations for the  
Introduction of the Community Infrastructure Levy”  
Consultation (091002/CAB002)**

PRIORITIES:

The report supports a number of priorities: Prosperous,  
Green, Healthy and Confident.

DISCUSSION:

The Planning Policy Team Leader presented a report outlining the main issues raised in the ‘Community Infrastructure Levy (CIL): Detailed Proposals and Draft Regulations for the Introduction of the Community Infrastructure Levy Consultation’. Members were provided with responses to those questions, relevant to the Borough, contained in the Consultation document.

It was noted that the responses to the questions had been subject to consultation with the LDF Corporate Project Group and other officer representations as appropriate.

Members discussed the questions and answers page by page and had made the following comments for officers’ consideration:

- Question 4 – add that money should be spent in consultation with the local authority.
- Questions 8, 9 & 10 – officers to investigate other metric options.
- Question 15 – It was felt that the point about indexing of payments was unclear. It was explained that by indexing to the point when development commences, the payment would reflect changes in the relevant cost index, such as the building cost index, since the time planning permission was originally granted.
- Question 20 – expand on the answer given. It was explained that the CIL examiner would consider the charging schedule on the basis of evidence – as for a Development Plan Document.

- Question 24 – It was considered that the principle of a blanket approach to reducing the CIL rate for affordable housing should be treated with caution. This should not prejudice the need to provide the infrastructure to create balanced communities. Members also asked for clarification regarding the Section 106 and CIL and whether they go side by side or CIL over-rides S106. Since the meeting, it has been clarified that CIL and S106 can occur side by side, but S106 would be scaled back to mitigate only those impacts directly related to the development i.e. contributions could not be pooled.
- Question 33 – expand on wording.
- Question 35 – Replace the words ‘short list’ with ‘list’.

Subsequent to the meeting, the Interim Director of Regeneration and Sustainability and the Portfolio Holder for Planning & Economic Development had arranged a meeting during the week commencing 12 October to discuss any changes.

**DECISION MADE:**

1. That delegated authority be given to the Interim Director of Regeneration and Sustainability and the Portfolio Holder for Planning and Economic Development, to make any amendments to the answers as necessary;
2. That clarification be given on the Section 106 and CIL working along side each other or counter-acting each other; and
3. That a response be sent to the Department for Communities and Local Government (CLG) and that these comments are taken into account prior to any changes to the detailed proposals and draft regulations for the introduction of the Community Infrastructure Levy.

**REASONS FOR DECISION:**

To enable the Council to respond to the CLG.

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**DECISION NO. CAB085/09**

**NON-EXEMPT**

**PORTFOLIO:**

**HOUSING, HEALTH AND WELL-BEING**

**PORTFOLIO HOLDER:**

**Councillor Mrs Mayhew**

**REPORT TITLE:**

**Private Accredited Letting Scheme – Update Report  
(091008/CAB003)**

**PRIORITIES:**

Healthy, Green, Prosperous and Confident

**DISCUSSION:**

Members were provided with an update on progress with implementing the pilot Private Accredited Letting (PAL) Scheme, previously agreed by Cabinet in March 2007.

The Head of Housing and Health advised that since January 2009 the number of accredited properties had grown substantially and there were now 24 landlords who had accredited properties in the borough, compared to 9 in January.

Members were advised that there would be a resource implication in continuing the PAL Scheme into 2010/11, and officers would give consideration to options for funding the Scheme in 2010/11 as part of the forthcoming budget-setting process. Consideration would also be given to enable the Scheme to be further developed to improve upon the success already achieved in Tunbridge Wells borough and Sevenoaks district, and to enable the Scheme to be marketed to other local authorities including those which have already expressed an interest.

The Head of Housing and Health informed Cabinet that a Landlord Development Day was due to take place on 12 November, to be jointly held with Sevenoaks District Council.

In addition, Ashford Borough Council had now agreed in principle to join the PAL Scheme. It was hoped that this would be in force by 1 December 2009.

Circulated to Cabinet was a Kent Homechoice Brochure for members' information, detailing property adverts for accredited private properties.

**DECISION MADE:**

That the progress in implementing the Private Accredited Letting Scheme be noted.

**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 priorities of 'Healthy', 'Green', 'Prosperous' and 'Confident', and provide a vehicle through which to encourage landlords to improve housing standards to Decent Homes and beyond.

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**DECISION NO. CAB086/09****NON-EXEMPT****PORTFOLIO:****HOUSING, HEALTH AND WELL-BEING****PORTFOLIO HOLDER:****Councillor Mrs Mayhew****REPORT TITLE:****Housing Mid-term Review of Rural HeLP Project (Rural Homes for Local People) (091001/CAB004)****PRIORITIES:**

- Prosperous
- Green
- Healthy
- Confident

Affordable housing provides high quality homes for local people, thereby contributing to their health and well-being, and supports the economy of the borough by providing affordable housing solutions for households earning low wages.

**DISCUSSION:**

The Head of Housing and Health submitted a report advising members that the Rural HeLP Project – Rural Homes for Local People – was established in 2006 to carry out a rolling programme of up to three housing needs surveys per year in the rural areas of the borough to identify and address the affordable housing needs of local residents.

The Head of Housing and Health informed Cabinet that as the Rural HeLP Project had reached year 3 of the 5-year rolling programme of surveys and was therefore at the mid-way stage of implementation, and also due to the fact that despite a high level of activity and officer involvement in 12 of the parish areas, there were at that time no completed schemes or even homes starting to be built on site, it was deemed appropriate to carry out a mid-term review.

Members were provided with details of the main conclusions of the review and the action plan of recommended changes to improve the delivery of the project. It was noted that these had previously been considered by a meeting of the Local Economy and Housing Select Committee on 10 September, who had supported the actions and timescales for implementation. It was noted that best practice had been sought from other local authorities.

The Portfolio Holder for Housing, Health and Well-being informed Cabinet that she had requested the Interim Director of Regeneration and Sustainability to discuss the issues relating to highways with KCC Highways.

Cabinet suggested that a Member Champion be appointed to work closely with this subject. It was agreed that the nominee would need to be objective and best equipped to deal with the task at hand.

**DECISION MADE:**

- (1) That the report be noted; and
- (2) That the actions and timescales be approved for implementation as outlined in the action plan set out in Appendix 2 to the report.

**REASONS FOR DECISION:**

To enable the Council to continue to support the delivery of affordable housing in rural parts of the borough in accordance with its targets under the Housing Strategy 2006-2011.

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**DECISION NO. CAB087/09**

**NON-EXEMPT**

**PORTFOLIO:**

**POLICIES AND PARTNERSHIPS**

**PORTFOLIO HOLDER:**

**Councillor Williams**

**REPORT TITLE:**

**Place Survey: Key Findings ([091008/CAB005](#))**

**PRIORITIES:**

All

















