

TUNBRIDGE WELLS BOROUGH COUNCIL

RECORD OF DECISIONS

(in terms of Access to Information Rule 18)

CABINET

Thursday 30 July 2009

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

Officers in Attendance: Andy Cole, Head of Transformation and Delivery; Lee Colyer, Head of Finance and Governance; Rob Cottrill, Director of Planning and Development; Paul Cummins, Legal Services Manager/Monitoring Officer; Andrew Goy, Overview and Scrutiny Officer; Duncan Haynes, Environmental Protection Manager; Kat Hicks, Interim Overview and Scrutiny Manager; Jim Kehoe, Head of Planning Services; Alan Legg, Principal Design and Heritage Officer; Tope Longe, Programme/Delivery Unit Manager; Wendy Newton-May, Senior Committee Administrator; Gary Stevenson, Head of Environment and Street Scene; Raymond Warren, Interim Head of Community and Corporate Planning; and Sheila Wheeler, Chief Executive.

Other Members in Attendance: Councillors Bob Atwood, Linda Hall, Ron Weeden and Chris Woodward.

APOLOGIES FOR ABSENCE

CAB030/09 No apologies were reported.

DECLARATIONS OF PREJUDICIAL INTEREST

CAB031/09 Councillor Mrs Thomas declared a prejudicial interest in decision reference CAB040/09 and left the meeting during discussion of this item due to the fact that a planning application would be submitted to the Eastern Area Planning Committee concerning the former Borough Council offices site.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB032/09 In accordance with Cabinet Procedure Rule 5.3 and after giving due notice to the Chairman, Councillor Atwood spoke on decision reference CAB036/09, Dr Hall spoke on decision references CAB040/09 and CAB054/09, Councillor Weeden spoke on decision reference CAB040/09 and Councillor Woodward spoke on decision reference CAB054/09.

APPROVAL OF CABINET MINUTES DATED 18 JUNE 2009

CAB033/09 The minutes of the Cabinet meeting dated 18 June 2009 were considered and were confirmed as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB034/09 There were no questions submitted from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB035/09 There were no questions submitted from members of the public.

CONSIDERATION OF REPORTS FROM OVERVIEW AND SCRUTINY SELECT COMMITTEE – LICENSING REVIEW

CAB036/09 The Environmental, Safer and Stronger Communities Select Committee submitted a report advising Cabinet on the outcome of a recent review that had been undertaken by a working group into the licensing service provided by the Council in the Borough.

The report informed members that responses from residents and the town and parish councils had been limited, therefore the working group had decided to concentrate on licensing reviews that were being considered by the Licensing Sub-Committee and four cases were studied.

It was noted that overall the dedication and hard work of the officers and members involved in dispersing the licensing function on behalf of the Council was impressive. The Select Committee had submitted its review to the Police, Trading Standards, the Licensing Team Manager and the Licensing Committee for comment. The Licensing Review document had been circulated to members under separate cover and contained further conclusions drawn by the working group.

The Select Committee put forward the following recommendations in relation to the licensing provision:

To the Licensing Committee members/officers:

- 1) That, when deemed appropriate by the legal team and Chairman of the Committee, the sub-committee members make use of the constitution provision to visit site premises, particularly when members are establishing conditions on a licence;
- 2) That the Licensing Sub-Committee members be encouraged to hold meetings in rooms other than the Council Chamber when appropriate, in order to comply with the spirit of the Licensing Act, to mediate in a less imposing surrounding than a court of law;
- 3) That the Licensing Team continue to undertake joint enforcement with Trading Standards, the Police and to work with night time economy groups to undertake work aimed at raising awareness against adults buying alcohol for minors; and
- 4) That the Licensing Team are invited to return to the Committee in March 2010 to discuss the success of recommendation 3; progress on the Licensing Partnership; and the success of the updated administration procedures put in place to ensure that systems are functioning and cataloguing all correspondence in a systematic and auditable manner.

To the Police/Community Safety Officers:

- 5) That representatives of the Crime and Disorder Reduction Partnership (CDRP) are invited to discuss with the Committee the findings of the review and work together with the Committee to tackle alcohol related crimes, underage drinking, and proxy sales; and
- 6) That the Police and CDRP be involved in the forthcoming Environment, Safer and Stronger Communities Select Committee review dealing with issues of underage drinking and accessibility to activities for young people.

Councillor Atwood, who attended the meeting to present this item to the Cabinet, suggested that members should be encouraged to attend and speak at future Licensing Sub-Committee, especially if the application affected their ward. Cabinet asked that Councillor Atwood send an email to all councillors highlighting this issue.

RECOMMENDED –

- (1) That the Environmental, Safer and Stronger Communities Select Committee be thanked for their report; and
- (2) That the recommendations made by the Select Committee be approved.

CONSIDERATION OF REPORT FROM OVERVIEW AND SCRUTINY SELECT COMMITTEE – FRONT GARDENS CONVERTED INTO PARKING SPACES AND THE USE OF ARTICLE 4 DIRECTIONS

CAB037/09 The Local Economy and Housing Select Committee submitted a report regarding the use of Article 4 Direction to remove permitted development rights for hard-standings laid in place of front gardens in the borough as a whole, priorities for the Planning Service and possible resources available to fund the use of Article 4 Directions. These issues were discussed at the Select Committee's meeting on 9 July 2009, when members of the Town Forum and Civic Society were interviewed.

Attached as an appendix to the report was an action implementation plan compiled by the Select Committee for members' information.

The Select Committee put forward the following recommendations:

- (1) That Article 4 Direction should be urgently pursued in relation to specific roads in the Royal Tunbridge Wells area identified by officers working in collaboration with the Civic Society and Royal Tunbridge Wells Town Forum. Particular focus should be given to Front Garden conversions into parking spaces; and
- (2) That, if resources are unavailable from the Planning Service, it is suggested that funding be allocated from the strategic plan reserves or any other available source.

RECOMMENDED –

- (1) That the Local Economy and Housing Select Committee be thanked for their report; and

- (2) That the Select Committee recommendations be considered as part of the Cabinet discussions for decision reference CAB054/09 below.

CONSIDERATION OF REPORT FROM OVERVIEW AND SCRUTINY SELECT COMMITTEE – ANNUAL EQUALITY REPORT 2008/09

CAB038/09 The Corporate Services Select Committee submitted a report advising members that the Annual Equality Report 2008/09 had been considered at their meeting dated 14 July 2009. The Select Committee recommended that Cabinet approve the Report for publication.

The Select Committee's views were considered in conjunction with the Cabinet report 090730/CAB019 further in the agenda (decision reference CAB053/09 refers).

RECOMMENDED –

- (1) That the Corporate Services Select Committee be thanked for their report; and
- (2) That the Select Committee recommendation be approved.

DECISION NO. CAB039/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Consideration of the Forward Plan (090730/CAB005)

PRIORITIES:

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

DECISION MADE:

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

10 September 2009 - Banking Contract - Finance and Governance Portfolio Holder

10 September 2009 – MidKIP HR Review – Finance and Governance Portfolio Holder

REASONS FOR DECISION:

To comply with Access to Information Procedure Rule 14.

Contact Officer: Wendy Newton-May, Senior Committee Administrator
Tel: 01892 554007 or e-mail: wendy.newton-may@tunbridgewells.gov.uk

DECISION NO. CAB040/09

NON-EXEMPT

PORTFOLIO:

THE LEADER

PORTFOLIO HOLDER:

Councillor Bullock

TITLE OF REPORT:

Cranbrook Community Facilities (090730/CAB006)

DISCUSSION:

The Director of Planning and Development submitted a report detailing progress regarding the development of community facilities in Cranbrook.

Members were advised that discussions had been held with the Parish Council to identify alternative ways of providing a new build community facility and possible sites were currently being investigated. It was considered that the existing Council office building in Cranbrook was not suitable for the community centre that was proposed and therefore should be vacated and demolished. It was noted that the Citizens Advice Bureau still occupied a small part of the offices and they had been advised to move out by 8 October, in accordance with their lease. Officers advised that they were helping them find alternative accommodation. In addition the Eastern Area Planning Committee would also be required to relocate and this was being pursued.

Mr Rogers had registered to speak on this item and addressed the Cabinet. He questioned the length of time taken for the Council to reach a decision on the future of the site and asked why previous offers to purchase the building had been refused.

Councillor Dr Hall also addressed the Cabinet on this item. She provided four reasons why she considered that the building should not be demolished, including cost effectiveness, sustainability, new build and the possibility of the Council being surcharged. She referred to a petition that she had organised which contained over 1300 signatures from local residents wanting to retain the offices for community use.

Councillor Weeden expressed his concern that money arising from the sale of the site would be ringfenced. He sought confirmation that any income arising from the sale would be transferred to a General Fund, and allocated to parish/town councils according to established practice.

The Director of Planning and Development provided a response to the above comments. He stated that the decision had taken a significant amount of time due to the lengthy and in-depth consultation that had been undertaken with the Parish Council.

He considered that a new build in Cranbrook would reduce CO2 emissions in the longer term, and it was confirmed by the Legal Services Manager that the Council would not be subject to any surcharge as it had acted in accordance with the Council's Constitution. In addition the Head of Finance and Governance gave assurance that the Council does not accept unsolicited offers to purchase buildings.

It was confirmed that it was not the Council's practice to ringfence receipts for any purchase and that any grant requests received from parish/town councils would be dealt with through the normal budgetary process.

After discussion, members agreed with the proposal to demolish the existing building, secure the area of the building with hoardings and landscaping and retain the existing parking area in front of this for temporary public use. They were advised that the cost of demolition was likely to be £100,000 - £120,000, including fees.

The Director of Planning and Development informed the Cabinet that the long term future of the building was yet to be decided, because the Parish Council had not yet determined which option it wished to pursue on the future of community facilities in Cranbrook. The site was one identified as being a project that Tunbridge Wells Regeneration Company, the Borough Council's partnership with John Laing, could take forward should the Council decide to re-develop the site. It was therefore suggested that Council should request the Company to carry out an initial assessment of future development options in accordance with that agreement.

DECISION MADE:

- (1) That the demolition of the former Borough Council offices be agreed;
- (2) That funding of up to £120,000 to demolish the offices be met from the Strategic Plan Reserve; and
- (3) That Tunbridge Wells Regeneration Company assess the options for future re-development of the site.

REASONS FOR DECISION:

To update Members on the situation with the Cranbrook Community Facilities

Contact Officer: Robert Cottrill, Director of Planning and Development
Tel: 01892 526121 or e-mail: robert.cottrill@tunbridgewells.gov.uk

DECISION NO. CAB041/09

NON-EXEMPT

PORTFOLIO:

THE LEADER

PORTFOLIO HOLDER:

Councillor Bullock

REPORT TITLE:

Corporate and Financial Overview (090730/CAB007)

PRIORITIES:

All

DISCUSSION:

The Chief Executive submitted a report advising Cabinet of the current and likely future issues and pressures facing the Council and exploring possible future scenarios and models of service delivery. The report was intended to be a background paper to give context to the reports elsewhere on the agenda that related to the budget strategy and senior management structure.

It was noted that the majority of previous issues that had been highlighted had now been addressed and recognised as robust by external inspection. However, members acknowledged that there were still significant global, national and local pressures posing enormous challenges to the Council in order to continue to remain 'fit for purpose' and deliver well for the community into the future.

The key concerns for the future were identified for members' information in the report and included efficiency and value for money, capacity and flexibility and partnership working.

Two exempt appendices had been circulated to members under separate cover. Appendix A provided details of MidKIP projected savings, whilst Appendix B reviewed the Council service areas and gave some initial thoughts on how the Council's structure should seek to support and deliver the Council's priorities.

DECISION MADE:

That the background information contained within the report be noted, which provides context to further reports on the agenda regarding Priorities and Budget Strategy and Senior Management Restructure proposals.

REASONS FOR DECISION:

To highlight to members a number of key issues that the Council will have to address in terms of its operating environment.

Contact Officer: William Benson, Director of Change and Business Support
Tel: 01892 526121 or e-mail: william.benson@tunbridgewells.gov.uk

Cabinet: 30 July 2009

DECISION NO. CAB042/09

NON-EXEMPT

PORTFOLIO:

THE LEADER

PORTFOLIO HOLDER:

Councillor Bullock

REPORT TITLE:

Sustainable Community Strategy 2006-2011 and Kent Agreement Two 2008-2011: Performance Update (090730/CAB008)

PRIORITIES:

The Sustainable Community Strategy 2006-2011 sets the vision for the borough and specifically focuses on nine themes, which meet all of the Council's Corporate Priorities and cross cutting commitments. Kent Agreement Two also aligns with these themes and that of the countywide Vision for Kent.

DISCUSSION:

Further to decision reference CAB16/09, members were provided with a further report updating them on the remaining actions within the Sustainable Community Strategy action plan that were still awaiting information at the year end. In addition, the report advised that the Place Survey results, which had been delayed, had now been published.

The Interim Head of Community and Corporate Planning advised that 68% of actions were on target and a further 21% were making some progress. Only one percent of actions were recorded as underperforming and nine percent were either not due to commence at this stage within the plan period or could not be monitored at this stage within the year. Members were pleased to note that the annual review showed that an exceptional level of performance had been achieved.

Appendix A to the report provided detail on the overall progress of the Sustainable Community Plan action plan, taking account of the update provided on the remaining actions.

Members were advised that on 23 June 2009, the Department for Communities and Local Government published the top line findings from the recent Place Survey. Three indicators within Kent Agreement Two were measured through the Place Survey and the results were identified in the report, all three had recorded a good level of performance.

The Interim Head of Community and Corporate Planning advised Cabinet that a further report would be submitted to its meeting on 10 September setting out the key results from the Place Survey.

DECISION MADE:

- (1) That the updated information for those outstanding actions within the current Sustainable Community Plan be noted;
- (2) That the National indicator scores received through the recent Place Survey be noted; and
- (3) That a detailed report be submitted to the next Cabinet meeting in September on the key findings from the Place Survey.

REASONS FOR DECISION:

To provide members with an update to finalise the monitoring for the year 2008/09.

Contact Officer: Holly Goring, Research and Information Officer
Tel: 01892 526121 or e-mail: holly.goring@tunrbidgewells.gov.uk

DECISION NO. CAB043/09**NON-EXEMPT****PORTFOLIO:****FINANCE & GOVERNANCE****PORTFOLIO HOLDER:****Councillor Horwood****REPORT TITLE:****Council Priorities and Budget Projection and Strategy
(090730/CAB009)****PRIORITIES:**

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

DISCUSSION:

The Head of Finance and Governance provided members with details of the Council's existing priorities and an updated budget projection following a risk review of the major budget variables especially in relation to the latest economic situation.

Members were advised that the Council was currently developing a suitable approach to involve the public in not only balancing the forecast deficit but also to consider the level of current service provision and whether this should continue along with diverting resources to other areas. It was noted that consultation was proposed in two phases: a broad consultation exercise which would be undertaken during the summer period testing, in broad terms, what services the public would be willing to see bring reduced and, if sufficient savings were made, which areas should see increased levels of resources.

The Head of Finance and Governance explained that an overall picture of public prioritisation, along with feedback from ward walks and the borough wide survey, would be formed. Cabinet proposals for savings and growth would be tested in a second round of consultation in October/November.

He advised that the Comprehensive Spending Review 2007 (CSR07) was announced in October 2007 and set out the government's spending plans for the next three years along with the three years' grant settlements for local government. Key aspects which were included were set out in the report for members' information and it was noted that the result was an estimated budget deficit of £828,000 in 2010/11 with a cumulative deficit of £5.4 million by 2018/19.

Cabinet acknowledged that these budget deficits would need to be met from a number of sources including efficiency savings, joint working and procurement opportunities.

Discussion took place on the projections made for 2010/11 and onwards using several assumptions as listed in the report. Members considered two of these assumptions, namely 4% increases in employee related costs and 4.7% increases in pension back funding plus an additional £200,000 from 2011/12 for the triennial revaluation. It was mentioned that a 1% increase had been tabled in employee related costs and the Head of Finance and Governance stated that he would revise the model to reflect this when settled. In addition, Cabinet considered that the Borough Council should have an influence on the increases in pension back funding and the payment of £200,000 mentioned. It was agreed that the Leader write to all the other Leaders in Kent, the Chairman of the Superannuation Fund, and the Chairmen of the Police and Fire Services expressing Cabinet's concern, in an attempt to influence this position, as it was considered that local authorities should not have this burden.

DECISION MADE:

1. That Cabinet reaffirm its commitment to the Vision and Strategic Plan and the priorities and objectives within them;
2. That consultation relating to priorities and the budget should be undertaken in two phases: an initial phase in August to gather the views of residents and partners on potential areas for savings/reductions in services and growth/additional services and a second phase in October/November to consult on the impact of proposed savings. This will inform the draft budget/Strategic Plan that will be presented to Cabinet in December;
3. That the definition of a balanced budget be agreed;

4. That a provisional figure of 2.5% be used for Council Tax;
5. That the Council should continue to deliver a balanced budget;
6. 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;
7. 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;
8. That funding should continue to be directed into priority areas as set out in the Strategic Plan;
9. That the views of the Corporate Services Select Committee should be sought on the proposed approach to developing the Council's priorities and on the draft budget strategy; and
10. That the Leader write to all the Leaders in Kent, the Chairman of the Superannuation Fund, and the Chairmen of the Police and Fire Services expressing Cabinet's concern that the triennial revaluation would show an increase in the underfunding of the pension scheme, which could lead to an unacceptable demand being made on the Council's Revenue funding scheme from this review. Cabinet also agreed that the Chief Executive should also communicate the same sentiments to the Chief Executives of the same Authorities.

REASONS FOR DECISION:

To ensure that the Strategic Plan and associated budget strategy evolves in accordance with the Council's priorities.

Contact Officer: Lee Colyer, Head of Finance and Governance
Tel: 01892 526121 or e-mail: lee.colyer@tunbridgewells.gov.uk

DECISION NO. CAB044/09

NON-EXEMPT

PORTFOLIO:

FINANCE AND GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Quarterly Governance Update (090730/CAB010)

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 and that risks above tolerance are being proactively managed.

DISCUSSION:

The Head of Finance and Governance introduced a range of reports for Cabinet's attention, detailing the way in which the Council was performing and being governed.

The key message arising from this quarter's reports, particularly those relating to performance, financial management and risks, was the continued impact of the economic downturn on the Council. This was having a profound impact on Council services, a number of key performance indicators, income streams and key strategic risks.

Members were advised that the Freedom of Information Act requests were placing a huge burden on the Council's resources, as the number of requests received in 2008/09 showed an increase of 90% from the previous year. It was noted that the Council's response time was approximately seven days, however the Act stipulated 20 days and therefore it was suggested that the number of days the Council took to respond be revised to allow more time and reduce some of the pressure on staff.

DECISION MADE:

That the report be noted.

REASONS FOR DECISION:

To inform Cabinet of the Council's performance.

Contact Officer: William Benson, Director of Change and Business Support
Tel: 01892 526121 or e-mail: William.benson@tunbridgewells.gov.uk

DECISION NO. CAB045/09

NON-EXEMPT

PORTFOLIO:

THE LEADER

PORTFOLIO HOLDER:

Councillor Bullock

REPORT TITLE:

Quarter 1 2009/10 Performance Report
(090730/CAB011)

PRIORITIES:

This report supports all four of our Corporate Priorities and three Corporate Commitments.

DISCUSSION:

The Interim Head of Community and Corporate Planning presented a report containing information on the Council's performance for quarter 1, 2009/10 and outlined the progress being made towards the Council's Corporate Priorities through National Indicators and Local Performance Indicators.

Members were advised that, to help simplify and provide a more challenging framework for 2009/10, the 'amber' classifications had been dispensed with. This was a more challenging scenario for service managers and would inevitably lead to more indicators being classified 'red' in the short term. However, in the Council's bid for continuous improvement, this new framework should prove more effective in delivering excellent performance.

It was noted that the annual performance data from the Audit Commission had shown that the Council was performing strongly in the core services. The Council had continued to set even more challenging targets year on year to drive continuous performance and set more locally-based performance indicators to analyse progress against the Strategic Plan.

Each Portfolio Holder went through their area and provided explanations as to why certain indicators had fallen below target.

DECISION MADE:

- (1) That the progress of the Council's performance be noted; and
- (2) That Key Performance Indicators that are currently 'red' will require further detailed reporting and action plans to the next relevant Select Committee meeting.

REASONS FOR DECISION:

To ensure that performance is monitored.

Contact Officer: Steve Boswick, Interim Finance Manager
Tel: 01892 526121 or e-mail: steve.boswick@tunbridgewells.gov.uk

DECISION NO. CAB046/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Quarter 1 – Capital Management to 30 June 2009
(090730/CAB012)

PRIORITIES:

This report supports all four of our Corporate Priorities and three Corporate Commitments.

DISCUSSION:

The Head of Finance and Governance submitted a report which compared capital projects approved by the Cabinet with actual capital expenditure up to 30 June 2009, and compared projected outturn for the year with the approvals to date.

Members were advised that the 2009/10 Capital Programme had been built up using a formal application process whereby Cabinet determined new schemes that were to be included.

It was noted that monitoring had identified a total of £240,000 in expenditure on projects that had slipped from the previous financial year, and Cabinet was recommended to approve this amount as an increase in the programme.

Cabinet requested that future reports should identify the source of funding and the Head of Finance and Governance agreed to include an additional column illustrating this.

DECISION MADE:

- (1) That the actual expenditure on capital schemes to 30 June 2009 be noted; and
- (2) That the additional spending of £240,000 be approved, which arises from spending deferred from 2008/09.

REASONS FOR DECISION:

The additional payments are already spent or committed, and the new arrangements for managing the capital programme are designed to ensure that this situation would not recur.

Contact Officer: Steve Boswick, Interim Finance Manager

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

DECISION NO. CAB047/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

[Quarter 1 Revenue Management \(090730/CAB013\)](#)

PRIORITIES:

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

DISCUSSION:

The Head of Finance and Governance submitted a report which showed members the Revenue Budget for the quarter ended 30 June 2009, and highlighted the significant changes from the approved budget. Members were advised that overall this showed a decline to the original budget with the projected outturn showing a deficit of £189,000.

Members noted that it had been necessary to amend the unaudited outturn for 2008/09 and increase expenditure by £427,000 to bring the benefits and finance systems in balance.

Concern was expressed that income from website advertising was forecast to decline by £30,000. Members questioned the decision to restrict certain types of advertising on the Council's website. It was agreed that a clear strategy was required because at present the decision to restrict advertising was carried out by heads of service and not always appropriate. The Chief Executive agreed to discuss this issue with the heads of service.

Members were advised that an adjustment had been required to be made to the outturn figure, increasing expenditure by £427,000 and therefore reducing the General Fund by the same amount. It was considered that this amount should not be taken out of the General Fund, but instead come from revenue funding.

The Chief Executive was asked to implement plans to recover the shortfall arising from the £427,000 outturn position.

DECISION MADE:

- (1) That the amendments to the projected outturn and variances within this report be acknowledged;
- (2) That the adjustment of £427,000 to the 2008/09 unaudited outturn be approved and that action plans be implemented to recover this and any other shortfall and presented to a future Cabinet meeting;
- (3) That the write off of debts totaling £18,556.29 in relation to Council Tax as set out within Appendix C of the report be approved; and
- (4) That the write off of debts totaling £88,791.25 in relation to Business Rates as set out in Appendix D of the report be approved.

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, Head of Finance and Governance
Tel: 01892 526121 or e-mail: lee.colyer@tunbridgewells.gov.uk

DECISION NO. CAB048/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Quarter 1 – Treasury and Prudential Indicator Monitoring (090730/CAB014)

PRIORITIES:

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

DISCUSSION:

The Head of Finance and Governance presented a report advising the Cabinet of the Council’s compliance with the Treasury Management Policy and Strategy for the period 1 April to 30 June 2009. Members were pleased to note that none of the prudential indicators were breached in the period.

The report updated members on the position of the current investments held by the Council and the amount of interest that was expected to be received from the investments during 2009/10.

It was noted that the target interest rate for 2009/10 was set at 3.36%, however this was now forecast to be 2.45% as the Council was struggling to find investment opportunities within its strategy that paid at the rate required by this target. The security of the Council’s investments continued to be the top priority before yield was considered.

The Head of Finance and Governance advised that the investment income included in the budget was £1,100,000 but it was expected that the interest received this year would be £900,000, a reduction of £200,000.

DECISION MADE:

1. That the first quarter position be acknowledged;
2. That the Council does not follow Sector’s advice in reducing the time limits on its investments and keeps to the limits approved in the Treasury Management Policy; and
3. That the possibility of lending to other local public bodies be investigated.

REASONS FOR DECISION:

Under its Financial Procedure Rules, Council delegates responsibility for implementation and monitoring of its treasury management policies and practices to Cabinet.

Contact Officer: Lee Colyer, Head of Finance and Governance
Tel: 01892 526121 or e-mail: lee.colyer@tunbridgewells.gov.uk

DECISION NO. CAB049/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

**Basket of Economic Indicators for Tunbridge Wells
Borough Council – March to May 2009 (090730/CAB015)**

PRIORITIES:

The monitoring of these economic indicators will help the evaluation of strategic risk across all services and therefore supports all corporate priorities and commitments.

DISCUSSION:

The Interim Head of Community and Corporate Planning submitted a report updating members on the economic performance of the Borough. The report covered the latest data available and aimed to help members evaluate and mitigate strategic risks.

A selection of performance indicators, known to be sensitive to economic conditions, had been put together, including a number that were new. The trend charts for these indicators were illustrated for members in Appendix A to the report. Members expressed concern that the current adverse economic conditions arising from the banking crisis and the resulting credit limitations had the potential to create problems within the borough of Tunbridge Wells and the services the Council provided.

Although the current economic conditions were now affecting a number of areas of performance, the Interim Head of Community and Corporate Planning assured members that these were subject to close monitoring and this would allow officers and members to view early indications of local conditions and trends.

DECISION MADE:

That the report shown in Appendix A be noted and no further indicators be identified for future monitoring at this time.

REASONS FOR DECISION:

In response to previous Cabinet recommendations.

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

DECISION NO. CAB050/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Delivery Unit (090730/CAB016)

PRIORITIES:

All

DISCUSSION:

The Programme/Delivery Unit Manager submitted a report detailing the proposed projects to be undertaken by the Delivery Unit and the resourcing requirements to support them.

Members were advised that the projects fell into two categories: those that were likely to deliver efficiency savings (either cashable or non-cashable) and those that were necessary to fulfil a commitment in the Strategic Plan or some other key project.

The Programme/Delivery Unit Manager informed Cabinet that the implementation of an effective programme management structure was necessary to ensure that the programme of projects was effectively managed and long term goals reached. The report identified a structure which set the Management Board as overall Programme Board, with the Director of Change and Business Support as Senior Responsible Officer.

Staffing requirements to deliver the entire programme were set out in Appendix B of the report together with resources required for 2009/10.

In response to a question, the Interim Overview and Scrutiny Manager confirmed that project numbers 21 (TN2 – post implementation review) and 22 (Gateway – post implementation review) were currently listed in the Select Committee's work programme.

It was noted that the project regarding urban parishing was a separate issue and subject to discussions outside of the Cabinet meeting.

Cabinet expressed concern at the additional cost that was being requested to achieve all the projects identified in the report.

The Head of Transformation and Delivery explained that many of the projects would actually provide a saving to the Council, whilst others would assist officers with delivering an improved customer service to residents. The Chief Executive reminded members that all the projects identified in the report had been discussed at Management Board/Leaders.

It was agreed that the following projects should be taken forward as a priority:

- Limehouse
- Unified debt recovery
- Joint Revenue and Benefits system
- "Tell us once" pilot
- Parks contract relet
- Business Process Re-engineering of HR

Members were advised that work had already commenced on many of the projects, including the review of the Exchequer Section.

In order to move forward, it was agreed that the Programme/Delivery Unit Manager should identify the financial costings for the above projects and, in consultation with the Leader and the Finance and Governance Portfolio Holder, determine which ones could commence.

DECISION MADE:

That the Programme/Delivery Unit Manager identify the financial costings for the projects listed above and, in consultation with the Leader and the Finance and Governance Portfolio Holder, determine which ones could commence.

REASONS FOR DECISION:

The Delivery Unit was established to provide the Council with additional capacity to deliver on a broad and ambitious range of projects. The proposals seek to set out its programme of activity and to provide it with the necessary funding to achieve it.

Contact Officer: Tope Longe, Programme/Delivery Unit Manager
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DECISION NO. CAB051/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Annual Report on the Use of RIPA by Tunbridge Wells Borough Council (090730/CAB017)

PRIORITIES:

To ensure that we are well managed, proactive and deliver value for money services.

DISCUSSION:

The Director of Change and Business Support submitted a report explaining the Regulation of Investigatory Powers Act (RIPA) that was passed in 2000 to regulate the manner in which certain public bodies may conduct surveillance and access a person's electronic communications and to ensure that the relevant investigatory powers were used in accordance with human rights.

Members were advised that the purpose of the annual report was to report on the level and nature of this Council's use of covert surveillance under RIPA and to assess potential areas of improvement.

The Legal Services Manager explained that the Council made extremely sparing and proportionate use of RIPA, approving 29 RIPA applications since July 2001 – an average of 3-4 per annum. The details of which were identified in the report for members' information. In addition, members noted that the joint Tunbridge Wells and Tonbridge and Malling CCTV System located in Tunbridge Wells was occasionally used in RIPA operations by external agencies.

The report advised members of a question that had been raised in a full Council meeting (minute FC78/08 refers) which asked for the number of prosecutions that had followed from each of the authorisations. Unfortunately, no central record had been kept of prosecutions as there was no obligation to do so.

However, members agreed that in future annual reports, details would be given of the outcome of each particular authorisation. The report identified those that had been identified since 2008.

It was noted that only a very limited number of senior officers had the power to grant RIPA authorisations, namely: the Chief Executive, the Directors of Planning and Development and Change and Business Support and the Heads of Service responsible for Planning and Revenues/Benefits.

Although Council declined to increase the number of authorising officers last year, members were advised that the Office of Surveillance Commissioners broadly welcomed the proposal to amend the Constitution to increase the number of authorising officers, as it was unusual for a Chief Executive to take such an active part in RIPA matters and the authority needed to hold senior officers (i.e. the Chief Executive and Directors) in reserve in case higher levels of authorisation were required (e.g. where knowledge of confidential information was likely to be required). Therefore to address these concerns, members considered adding the Head of Environment and Street Scene to the list of authorised officers.

Members were advised that the Government was currently undertaking a consultation exercise on the provisions of RIPA and a draft response from this Council was set out in Appendix A to the report.

DECISION MADE:

- (1) That a report be made to Council requesting that the Director of Services to the Community should be replaced by the Head of Environment and Street Scene in authorising RIPA requests for the reasons set out in the report; and
- (2) That the response to the consultation exercise, as attached to the report, be sent to the Home Office.

REASONS FOR DECISION:

This report seeks to provide greater transparency in the nature, extent and scope of the use of RIPA by Tunbridge Wells Borough Council and to consider proposals to ensure that it continues to be used proportionately and that the Council's procedures comply fully both with guidance from the Office of Surveillance Commissioners and best practice.

Contact Officer: William Benson, Director of Change and Business Support
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DECISION NO. CAB052/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Complaints Data (090730/CAB018)

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 Services Manager submitted a report which provided members with a review of complaints received by the Council under the complaints procedure from the beginning of April 2008 to the end of March 2009.

Members were advised that the Council received a total of 280 complaints in the period, compared with 277 in 2007/08. It was noted that the number of complaints progressing beyond stage one, had decreased by 20%, demonstrating the Council's commitment to resolve complaints at the earliest opportunity.

The breakdown of complaints received by service area was illustrated for members' information in the report.

In addition, the Customer Services Manager advised that during the period, 45 compliments had been received. 76% of the compliments related to people thanking the Assembly Hall for performances they witnessed, and thanking staff for their help with various fundraising projects.

The Cabinet noted that the only performance indicator missed in 2008/09 related to the total value of compensation payments recommended by the Ombudsman. The details of this were explained in the report.

DECISION MADE:

That the contents of this report be noted.

REASONS FOR DECISION:

To ensure that members are fully informed of the complaints received and action taken to improve the services provided.

Contact Officer: Paul Kitson, Customer Services Manager
Tel: 01892 526121 or e-mail: paul.kitson@tunbridgewells.gov.uk

DECISION NO. CAB053/09

NON-EXEMPT

PORTFOLIO:

FINANCE & GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

[Annual Equality Report \(090730/CAB019\)](#)

PRIORITIES:

The Annual Equality Report sets out how we are delivering services focused on community needs which supports our Corporate Priority of a 'Confident' borough and our three customer service commitments.

DISCUSSION:

The Equality Policy Officer submitted the draft Annual Equality Report 2008-9 to Cabinet which reviewed progress against the Council's Comprehensive Equality Scheme 2007-10. It set out the outcomes that had been delivered in improving Council services and what impact these had had on people who used them. It was noted that the Annual Equality Report would be made available for public comment to ensure that the Council continued to focus on relevant issues and ensure the accessibility of services in the ongoing delivery of the Scheme.

DECISION MADE:

That the Annual Equality Report 2008-9 for publication be approved.

REASONS FOR DECISION:

To ensure that the Council demonstrates how it is delivering improvements within its services to meet community needs and to comply with the provisions of the equalities legislation.

Contact Officer: Sarah Andrews, Equality Policy Officer

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DECISION NO. CAB054/09

NON-EXEMPT

PORTFOLIO:

PLANNING AND ECONOMIC DEVELOPMENT

PORTFOLIO HOLDER:

Councillor Mrs Thomas

REPORT TITLE:

Use of Article 4 Directions (090730/CAB020)

PRIORITIES:

Prosperous, Green and Confident

DISCUSSION:

The Principal Design and Heritage Officer submitted a report examining how to progress the making of Article 4 Directions and the resource implications in doing so. The report proposed that Article 4(2) Direction should be applied to a particular part of the Royal Tunbridge Wells Conservation Area, namely Prospect Road and Claremont Road.

Members noted that to achieve this would require additional capacity through the use of external consultants at an estimated fee of up to £10,000. They considered monitoring this as a pilot area to determine its efficacy and resource implications, to inform any future use of Article 4 Directions.

The Cabinet recognised that householders would wish to provide space for vehicles on their sites wherever possible. However, they agreed that some control may be necessary to prevent cars from dominating the street scene and the setting of buildings.

The Principal Design and Heritage Officer advised members of the advice on the use of Article 4 Directions contained in paragraph 81 of DCLG Circular 02/2006 and Appendix D to DOE Circular 9/95. This stated that generally permitted development rights should only be withdrawn in "exceptional circumstances", and only where there is a real and specific threat.

Councillor Woodward advised the Cabinet of the discussions that had taken place at the Local Economy and Housing Select Committee on 9 July 2009. It was noted that the Select Committee had expressed concern that the urban area should be protected and it was considered that an Article 4 Direction would ensure that any such development would be subject to scrutiny. The Select Committee had suggested that voluntary support could be engaged to undertake the work that was required, such as members of the Civic Society and Town Forum. It was also suggested that resources from the Planning Service could be utilised for this purpose.

Councillor Dr Hall addressed the Cabinet in her role as the Council's Heritage Champion. She expressed her concerns regarding the inappropriate development in Conservation areas.

The Chief Executive reminded members that Article 4 Directions were a discretionary service and, although she fully supported the use of volunteers, these would require training and co-ordinating and resources would have to be redirected from other sources to provide the required enforcement action.

In response to a question asked querying the fact that only 13% of local authorities had Article 4 Directions, members were advised that the number was so low because of the resource issues and the fact that it was problematic to administer.

The Cabinet agreed that it would need to consider this proposal as part of the Council's priorities and in relation to other proposed activities.

It was suggested that the Cabinet had an obligation to protect conservation areas and that this activity was not new business. Cabinet discussed whether the funding for the proposal should come from Strategic Plan reserves or out of existing budgets.

A vote was taken on the recommendations as set out in the report and this was rejected. After discussion on an alternative recommendation, an amendment was then put forward which proposed agreement of recommendations (1) and (2) in the report, with the addition that the Director of Planning and Development be given delegated authority, in consultation with the Planning and Economic Development Portfolio Holder and the Finance and Governance Portfolio Holder, to decide upon the timing of implementing recommendations (1) and (2) in the context of the Council's other priorities.

DECISION MADE:

- (1) That Article 4(2) Directions should be pursued in relation to particular roads in Tunbridge Wells, with specific attention to loss of front boundaries and gardens to parking. To be undertaken in partnership with local interest groups;
- (2) That an Article 4(2) Direction be initiated in the identified area of Claremont Road/ Prospect Road, addressing the issues identified in the English Heritage Conservation Areas at Risk Survey;
- (3) That the Director of Planning and Development be given delegated authority, in consultation with the Planning and Economic Development Portfolio Holder and the Finance and Governance Portfolio Holder, to decide upon the timing of implementing recommendations (1) and (2) above in context of the Council's other priorities; and
- (4) That a future report is brought to Cabinet assessing the outcomes, and to consider any future programme and resources.

REASONS FOR DECISION:

To address local and national concerns.

Contact Officer: Alan Legg, Principal Design and Heritage Officer
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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 NO CAB55/09 and CAB56/09

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. CAB55/09

EXEMPT

PORTFOLIO:

SUSTAINABILITY

PORTFOLIO HOLDER:

Councillor Barrington-King

REPORT TITLE:

Provision of Pest Control Service (090730/CAB021 exempt)

PRIORITIES:

Prosperous: The aim of the report is to ensure that the Council operates at the lowest cost while maintaining its levels of customer service deliver. This is also in line with the objective to ensure that we are well managed, proactive and deliver value for money services.

Green/Healthy: The continued provision of a pest control service by Council will ensure that the risk of unmanaged pest infestation is minimised.

Confident: The Council will be able to maintain its ability to provide a pest control service and to use its authority where necessary to ensure that those persons who refuse to keep their property free from pests are required to do so.

By ensuring that high levels of customer service are observed and that a suitable price framework is agreed by the scheme the objectives of delivering high quality services to customers and improving customer service and satisfaction can also be achieved.

DISCUSSION:

Cabinet was provided with a background to the operation of the current pest control service, including the budgeted net direct cost of the service for 2009/10. It was noted that, due to factors beyond its control, the cost of the service was likely to increase and income was likely to be relatively fixed. Members considered alternative methods of service delivery, which were set out in the report.

The Interim Overview and Scrutiny Manager advised members that the Environment, Safer and Stronger Communities Select Committee had met the previous evening to consider the proposals and had agreed with the officer's recommendations as set out in the report.

The Environmental Protection Manager advised members that the information gathered from other local authorities and other sources indicated that it was likely that the most cost effective form of service delivery would be to use a contracted service under the current charging regime. This would ensure that the Council was able to meet its statutory functions in relation to pest control whilst giving control over service delivery specification and pricing levels to the public to ensure that good value was maintained.

Cabinet agreed that contracting out the service would provide a greater degree of resilience and flexibility to deal with fluctuations in demand and the availability of staff than the in-house operation currently provided.

The Head of Environment and Street Scene explained that a further report would be made to Cabinet detailing the bids received and the associated costs of the various options to enable a decision to be made.

DECISION MADE:

That a procurement process commence to seek tenders with a view to outsourcing the provision of the pest control service.

REASONS FOR DECISION:

This option, subject to a procurement process, is likely to represent the lowest cost to the council while ensuring that it is able to meet its statutory functions in relation to pest control and giving control over service delivery specification and pricing levels to the public to ensure that good value is maintained. It will allow greater flexibility to deal with peak demands and provide improved resilience and business continuity.

Contact Officer: Duncan Haynes, Environmental Protection Manager
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DECISION NO. CAB56/09

EXEMPT

PORTFOLIO:

FINANCE AND GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

**Review of the Council's Senior Staff Structure
(090730/CAB022 exempt)**

PRIORITIES:

The report supports a number of Council priorities and, in particular, the Council's supporting customer service commitments including: 'Delivering high quality services to our customers', 'Improving customer service and satisfaction' and 'Ensuring that we are well managed, proactive and deliver value for money services'.

DISCUSSION:

The Chief Executive submitted a report reviewing the senior management structure in light of the fact that the Council now had a new Vision and Strategic Plan, with new priorities. In addition, it was noted that the financial context in which the Council operated had changed enormously.

Members were advised that the new structure sought to address key challenges and opportunities that had arisen over the course of the past twelve months and set a framework for an organisation that would be well placed to deliver the Council's new priorities.

The Chief Executive explained that the restructure was part of a series of initiatives that was aimed at saving the Council in excess of £1 million which would place the Council on a firm financial footing for the future and address the staffing-related issues identified in the Medium Term Financial Strategy.

Another important consideration was the Council's ambition to work in partnership with other public, private and voluntary organisations to improve customer service, resilience and value for money.

The proposed senior management structure chart was set out for Members' information at Appendix A to the report. The initial feedback from Heads of Service and Hay were set out in the report.

Members were informed that the proposals would be subject to consultation with staff and the recognised Trade Union (Unison).

DECISION MADE:

That the proposals and the budgetary implications be noted and any costs associated with redundancies be met from the Strategic Plan Reserve and agreed by the Director of Change and Business Support and Portfolio Holder for Finance and Governance.

REASONS FOR DECISION:

To ensure the Council focused on its priorities, improving the contribution of the Council's Strategic Management Team to corporate planning and deliver savings.

Contact Officer: Sheila Wheeler, Chief Executive

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(NOTE:

- (1) In accordance with Cabinet Procedure Rule 5.2 on public speaking at Cabinet meetings, Don Rogers, spoke on decision CAB040/09; and
- (2) The meeting closed at 1.55pm.)