

## TUNBRIDGE WELLS BOROUGH COUNCIL

### RECORD OF DECISIONS

(in terms of Access to Information Rule 18)

#### CABINET

Thursday 18 November 2010

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

**Officers in Attendance:** William Benson, Chief Executive; David Candlin, Head of Economic Development; Lee Colyer, Head of Finance and Governance (S151 Officer); Paul Cummins, Legal Services Manager/Monitoring Officer; Jane Fineman, Financial Services Manager; Nick Green, Community Grants and Development Officer; Jonathan MacDonald, Director of Regeneration and Sustainability; Paul Taylor, Director of Change and Communities; Samantha Timms, Senior Committee Administrator.

**Other Members in Attendance:** Councillor Cunningham.

#### APOLOGIES FOR ABSENCE

CAB092/10 There were no apologies for absence received.

#### DECLARATIONS OF INTERESTS

CAB093/10 In accordance with the Council's Code of Conduct, Part 5, Councillor Horwood declared a personal and prejudicial interest in decision CAB113/10 as he was Chairman to one of the charities listed within the report and was also the Director of the Trinity Theatre; he withdrew from the meeting during the discussion on this item. Councillor Mrs Mayhew declared a personal interest in CAB113/10 as she was the Council's representative on the Friends of Dunorlan. She took part in the discussion and voting on that item.

Councillor Mrs Mayhew and the Chief Executive declared a personal and prejudicial interest in decision CAB114/10 due to the fact that they were both Directors of the Regeneration Company and they left the meeting during discussion on this item. The Director of Regeneration and Sustainability deputised for the Chief Executive whilst he was absent from the meeting for that item.

#### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB094/10 In accordance with Cabinet Procedure Rule 5.3, Councillor Cunningham attended and spoke on decisions CAB096/10 and CAB0113/10.

#### MINUTES OF THE JOINT TRANSPORTATION BOARD MEETING DATED 5 OCTOBER 2010

CAB095/10 The minutes of the Joint Transportation Board meeting dated 5 October 2010 were submitted for members' approval.

**RESOLVED** – That the recommendations of the Joint Transportation Board dated 5 October 2010 be agreed.

## **APPROVAL OF CABINET MINUTES DATED 15 AND 25 OCTOBER 2010**

CAB096/10 The minutes of the Cabinet meetings dated 15 and 25 October 2010 were submitted for members' approval.

Councillor Cunningham attended the meeting and spoke on 15 October's minutes in relation to decision CAB082/10. He wished to clarify a couple of issues. He had said on 15 October's meeting that there could potentially be about 244 houses built in Hawkhurst between now and 2026, in fact some had already been built. He had not stated where in the Hawkhurst area they were but that the housing quota for Hawkhurst of 198 or 168 houses in 16 years should not be a problem to fulfil.

He said that the minutes suggested that he said he had discussed the matter with the Parish Council. The position was that he had given a presentation to a meeting of the Parish Council and answered questions.

Councillor Cunningham had said that he had received about 2000 letters from people supporting the village status for Hawkhurst and objections to building on site 64; he again had not stated exactly where the letters were from and had not said they were from residents anywhere but that they were supporting the village of Hawkhurst.

He had not given details of the 2000 letters but could have done by stating about 1700/1800 were sent and/or copied into other councillors and others and roughly a further 200 were sent to himself personally and they were still being received.

Cabinet noted this and agreed the decisions.

**RESOLVED** – That the minutes of the Cabinet meetings dated 15 and 25 October 2010 be confirmed as a correct record, subject to the above clarifications.

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

CAB097/10 There were no questions submitted from members of the Council.

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

CAB098/10 There were no questions submitted from members of the public.

## **CONSIDERATION OF THE FORWARD PLAN**

CAB099/10 Cabinet considered and agreed the Forward Plan (101118/CAB001) published on 9 November 2010, subject to the following amendments/additions:

Add: Proposals to Celebrate 2012 – 16 December 2010  
Changes: Introduction of Parking Charges for the Borough moved to June 2011  
Transport Strategy moved to 10 February 2011

**RESOLVED** – That the Forward Plan be approved subject to the above addition and changes.

## CONSIDERATION OF REPORTS FROM THE OVERVIEW AND SCRUTINY SELECT COMMITTEES

CAB100/10 There were no reports submitted from the three Select Committees.

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### RECOMMENDATIONS TO COUNCIL

DECISION NO. CAB101/10

NON-EXEMPT

PORTFOLIO:

SUSTAINABILITY

PORTFOLIO HOLDER:

Councillor Barrington-King

REPORT TITLE:

\* Sex Establishment and Sexual Entertainment Venues (101118/CAB013)

PRIORITIES:

Confident: Safer and Stronger Communities

DISCUSSION:

The Head of Environment and Street Scene advised members of the changes to the Local Government (Miscellaneous Provisions) Act 1982 introduced by the Policing and Crime Act 2009 in respect of Sexual Entertainment Venues and to suggest a way forward.

Cabinet was informed that the powers the Council has to regulate sex establishments were contained in Schedule 3 of the Act and in order to be able to use those powers, the local authority would have to adopt them through the prescribed process; the Council had already adopted the provision had delegated this function to the Licensing Sub-Committee.

Members were informed that Section 27 of the Policing and Crime Act 2009 had extended the provisions under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 by the introduction of a new category of sex establishment called "sexual entertainment venues". In order to implement the amendments, the Council would need to adopt the legislation.

The Head of Service stated that should the provisions be adopted, the transitional period would start on the date the amendments to Schedule 3 come into force, for example, the 1<sup>st</sup> appointed day, this day should be not less than one month after the resolution being adopted and the transitional period would last for 12 months. The transitional arrangements and options were then explained to Cabinet and as outlined in the report.

It was noted by the Cabinet that in relation to paragraph 1.8 of the report, there was an error in that it should state 'there are no more than 11 events of sexual entertainment in any period of 12 months...'.

**DECISION MADE:**

1. That full Council on 23 February 2011 adopt the amendment to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as introduced by the Policing and Crime Act 2009, so as to allow for the licensing of sexual establishment venues under a strictly controlled regime;
2. That the setting of the operational date (1st appointed day) be endorsed such that a licensing policy may be developed, consulted upon and adopted by Council well in advance of the operational date;
3. That Licensing Committee consider how they wish members to be involved in the development of the licensing policy;
4. That sex establishments licensing be delegated to the Council's Licensing Committee – this to include all categories of sex establishment, so that this delegation may be made by Council and the Constitution updated accordingly; and
5. That the Head of Environment and Street Scene in consultation with the Licensing Partnership Manager and Legal Services be instructed to prepare a comprehensive fee structure for the licensing of sex establishments including sexual entertainment venues so as to ensure that the service is self-financing.

**REASONS FOR DECISION:**

Section 27 of the Policing and Crime Act 2009 has extended the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 by introducing a new category of sex establishment called "sexual entertainment venues". In order to implement these amendments a local authority must adopt the legislation. This is a function of Full Council.

If the Council do not adopt the new licensing powers for sexual entertainment venues at an early stage, then local residents and business could become critical that the Council is content to rely upon weak controls afforded by the Licensing Act 2003.

**Contact Officer: Sharon Degiorgio, Senior Licensing Officer**

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**DECISION NO. CAB102/10**

**NON-EXEMPT**

**PORTFOLIO:**

**LEADER**

**PORTFOLIO HOLDER:**

**Councillor Bullock**

**REPORT TITLE:**

**\* Appointment of Deputy Mayor 2011/12  
(101118/CAB014)**

**PRIORITIES:**

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

**DECISION MADE:**

That Councillor John Smith be nominated as Deputy Mayor for 2011/2012.

**REASONS FOR DECISION:**

To comply with legislation.

**Contact Officer: Lee O'Brian, Local Democracy Officer**

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**CABINET DECISIONS**

**DECISION NO. CAB103/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE & GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Draft Fees and Charges Setting for 2011/2012  
(101118/CAB002)**

**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 detailing the process and methodology used to propose new fees and charges for 2011/12(excluding car parking, property rents and central governance set Licensing fees). The appendices to the report set out the current and proposed fees and charges for material areas of income.

Members were advised that each service had been responsible for proposing their own fees and charges; however, there had been a coordinated approach to this process through the Income Management Group.

This approach would ensure that fees and charges were considered together by Cabinet and would be used to inform the budget setting process for 2011/12.

The Head of Finance and Governance explained that each service had followed a consistent approach, which had also included an assessment of the effects of the economic downturn and other factors affecting future usage. To improve budget management and to facilitate early intervention to variances, income projections would be based upon quantity of sales or usage multiplied by the proposed fee.

Cabinet were provided with details of two new charges proposed, namely: Transaction fees for Town and Country Housing and Pre-Application Planning advice. Cabinet noted that all concessions currently offered were maintained.

There were at present a shortfall in the income from fees and charges against the Medium Term Financial Strategy of £186, 758; this could be practically offset by savings of £95,080 which were the result of the cessation of the pest control service and lower volumes at the Assembly Hall. Therefore, a real shortfall of £91,678 might be recovered by increases in the Parking budget, Licensing and Property budgets in excess of the 2% assumed in the Medium Term Financial Strategy, or met by reduced costs.

In relation to proposed new powers to set planning charges locally, Cabinet members noted that it was anticipated that the implementation would be 1 April 2011. It was agreed that discussions would take place between now and 1 April 2011 to establish a set of planning fees that would ensure at least full cost recovery.

**DECISION MADE:**

1. That the fees and charges set out within the report and the appendices to the report, be confirmed;
2. That officers be instructed to give further consideration to any legislative changes associated with planning fees or any fees and charges with a view to achieving full cost recovery; and
3. That officers be instructed to explore whether there is a willingness on the part of other Kent authorities to increase the charge for NNDR and Council Tax liability orders to £50.

**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: Jane Fineman, Financial Services Manager  
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DECISION NO. CAB104/10

NON-EXEMPT

PORTFOLIO:

FINANCE AND GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Quarter 2 2010/11 Governance Report (101118/CAB003)

PRIORITIES:

This covering 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 Director of Change and Communities 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 was that the Council was still seeing an impact from the recession but it was identifying important steps that could be taken in order to see improvements in performance, income streams and key strategic plans.

DECISION MADE:

Each recommendation was dealt with individually as shown below.

REASONS FOR DECISION:

Each report contains its own recommendations.

Contact Officer: Paul Taylor, Director of Change and Communities  
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DECISION NO. CAB105/10

NON-EXEMPT

PORTFOLIO:

FINANCE AND GOVERNANCE

PORTFOLIO HOLDER:

Councillor Horwood

REPORT TITLE:

Quarter 2 2010/11 Performance Report  
(101118/CAB004)

**PRIORITIES:**

The monitoring of performance across the Council supports all four of our Corporate Priorities and three Corporate Commitments, ensuring that we are working towards achieving our strategic objectives.

**DISCUSSION:**

The Performance and Improvement Officer presented a report containing information on the Council's performance for quarter 2, 2010/11 and outlined the progress being made towards the Council's Corporate Priorities through National Indicators and Strategic Indicators, previously known as Local Performance Indicators.

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

Members were pleased to note that the Council stood in a strong performance position, with a recent rating of 4 out of 4 for managing performance awarded by the Audit Commission, whose annual performance data showed that the Council was performing strongly in its core services.

**DECISION MADE:**

1. That the progress of the Council's performance be noted; and
2. That action plans be developed for all underperforming indicators and the relevant Overview and Scrutiny Select Committee be informed of progress made on these.

**REASONS FOR DECISION:**

To ensure that the Council is performing as per its objectives and to scrutinise any areas of underperformance.

Contact Officer: Jo Williams, Performance & Improvement Officer  
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**DECISION NO. CAB106/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Quarter 2 2010/11 Capital Management to 30 September 2010 (101118/CAB005)**

**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 compared capital projects approved by the Cabinet with actual capital expenditure up to 30 September 2010, and compared projected outturn for the year.

Members were advised that the Capital Programme for the years to 2013/14 had been created through a formal application and approval process whereby Cabinet determined new schemes that were to be included in the Capital programme.

The Cabinet was advised that it had now approved a total of £12,582,00 of capital spending, of which £7,758,000 was due to be spent in 2010/11.

The report showed that £26,058,000 was now expected to be spent in 2010/11. £720,000 was actually spent up to the end of September, £433,000 of this spend was in quarter 2. A further £2,838,000 was expected to be spent in the following six months, excluding the total property acquisition provision of £22,500,000.

Members were asked to approve the adjustments to the 2010/11 gross and net spending forecast outturn and the transfer of schemes between the years.

It was noted that there were reported deferrals in expenditure on a number of projects and this had reduced the gross expenditure forecast by £1,700,000.

There had been a reduction of £20,000 forecast in Heritage Partner Grants and that only high profile projects with more stringent criteria would be considered for funding. There was a reduction of £50,000 in the forecast outturn for the Goudhurst Pavilion. Cabinet noted that the budget for 2010/11 was £241,000 comprising £191,000 of developer funding and £50,000 of Council funding, however, as the project nears completion, the gross cost would not be in excess of the £191,000 and the Council funding of £50,000 could therefore be saved.

Members' approval was also sought to vary the Capital Programme for the remaining differences as shown in Appendix B to the report.

**DECISION MADE:**

1. That the actual expenditure on capital schemes to 30 September 2010 be noted;

2. That the increases and decreases to the capital programme as set out in paragraphs (5) to (8) and (11) and (12) of the report, be approved; and
3. That the deferral of capital schemes to 2011/12 be approved.

**REASONS FOR DECISION:**

All of the increases have already received approval in other meetings as stated. The new process for managing the capital programme is still resolving some outstanding historical issues and will ensure they do not recur.

**Contact Officer: Jane Fineman, Financial Services Manager**  
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**DECISION NO. CAB107/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Quarter 2 Revenue Management to 30 September 2010 (101118/CAB006)**

**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 actual expenditure on services compared to the revised budget for the period ended 30 September 2010, and highlighted the significant changes from the revised annual budget.

Members were advised that the forecast outturn showed an underspend to the revised budget of £172,000 which comprised £275,000 of restructure savings and £103,000 of additional new expenditure in the service departments.

Cabinet noted that £579,000 would now need funding from the General Fund due to the £400,000 transfer to the Restructure Reserve approved in July 2010, £103,000 increase in the forecast outturn of the Service Departments, £351,000 for lower investment interest and debt financing less the £275,000 restructure savings reported in quarter 1.

Members discussed the possibility of freezing vacant positions from 1 January 2011; however, information relating to the current number of vacancies was needed before any decision on freezing vacancies could be made.

It was agreed that a report would be written outlining the current number of vacancies and that it be submitted to Cabinet members at the earliest opportunity. Cabinet also asked that the gap be closed down.

**DECISION MADE:**

1. That the amendments to the projected outturn and variances within this report be noted;
2. That the write off of Council Tax debts of £25,527.40 as detailed in Appendix C to the report, be approved;
3. That the write off of Business Rates debts of £109,071.78 as detailed in Appendix D to the report, be approved;
4. That members provide feedback on the effectiveness of the new style report;
5. That a report be submitted to Cabinet members detailing the number of vacancies between now and 1 January 2011; and
6. That delegated authority be given to the Finance and Governance Portfolio Holder in consultation with Human Resources, Head of Finance and Governance and the Chief Executive, to investigate ways to close down the vacancy gap.

**REASONS FOR DECISION:**

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

To improve the effectiveness of the Revenue Management Reporting.

**Contact Officer: Jane Fineman, Financial Services Manager**  
**Tel: 01892 526121 or e-mail: jane.fineman@tunbridgewells.gov.uk**

**DECISION NO. CAB108/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Quarter 2 2010/11 Treasury and Prudential Indicator Management (101118/CAB007)**

**PRIORITY:**

The report supports the corporate commitment 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 July to 30 September 2010. 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 2010/11 was now £700,000, a reduction of £200,000 on the approved budget of £900,000.

It was noted that the target interest rate for 2010/11 was set at 3.36%; however, this was now forecast to be 2.61% as the Council was unable to find investment opportunities within its strategy that paid at the rate required by this target.

The Head of Finance and Governance advised that the investment income for 2010/11 included in the revenue budget was £900,000 but it was expected that the interest received this year would be £700,000, a reduction of £200,000.

Councillor Mrs Moore asked that in future reports include the latest interest forecasts from a variety of sources, officers agreed with this. Cabinet also asked whether the forecast rates had changed since publication of the agenda, the Head of Service confirmed to Cabinet that the forecast rates had not changed.

**DECISION MADE:**

That the second quarter position be acknowledged.

**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 & Governance**

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**DECISION NO. CAB109/10****NON-EXEMPT****PORTFOLIO:****FINANCE AND GOVERNANCE****PORTFOLIO HOLDER:****Councillor Horwood****REPORT TITLE:****Quarters 1 & 2 Complaints Data (6 Monthly report)  
(101118/CAB008)**

**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 submitted a report providing members with details of the total number of complaints received in the first six months of 2010/11, which showed an increase of 27% on the previous quarter and a decrease of 8.5% on the same period for 2009/2010.

The Customer Care Manager reported that all performance indicators had been achieved during the period. Cabinet asked that the feedback form statistics be included in future reports. The Chief Executive also informed members that in future complaint reports would include information relating to Freedom of Information Requests.

**DECISION MADE:**

That the contents of the report be noted.

**REASONS FOR DECISION:**

To update Cabinet on the complaints received.

**Contact Officer: Ingrid Weatherup, Customer Care Manager**

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**DECISION NO. CAB110/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Budget Update (101118/CAB009)**

**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 that set out the current progress on the recommendations set by Cabinet on 29 July 2010.

Cabinet noted that the contracts for refuse and street cleansing services and the regeneration company were all awarded for ten years, the report set out projections which covered an extended period up to 2019/20.

The work that continues would set a budget that would be balanced and sustainable into future years, but it might be necessary to use reserves in 2011/2012 to smooth the impact of the formula grant settlement.

The Head of Service informed Cabinet that members of the public had three opportunities in which to identify ideas regarding the budget, namely: two budget workshops held on 2 and 23 November 2010 and via the Council's website. It was noted that the Overview and Scrutiny Team would collate the ideas from both the workshops.

Cabinet asked for an update on the concessionary fares – the Head of Service stated that Kent County Council was taking responsibility for the from 1 April 2011, the cost implications will be confirmed as part of the formula grant settlement.

The tri-annual pension actuarial results have been received, full details will be reported to December but contrary to press expectations, the costs have reduced and the Local Government Scheme remains well funded.

**DECISION MADE:**

That officers continue to work on delivering a balanced budget in line with the recommendations of the Cabinet meeting on 29 July 2010 and report back to Cabinet in December with proposals to balance the budget that would be sustainable into future years.

**REASONS FOR DECISION:**

To set a balanced budget that will meet the Council's priorities.

**Contact Officer: Lee Colyer, Head of Finance and Governance**

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**DECISION NO. CAB111/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Implications from the Comprehensive Spending Review (101118/CAB010)**

**PRIORITIES:**

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

**DISCUSSION:**

Cabinet was provided with details on the implication for the Council following the Coalition Government's Spending Review (SR 2010) which was published on 20 October 2010. Cabinet was informed that the SR 2010 was the process by which the Coalition Government set departmental expenditure limits for the next four years.

It was noted by members that there were no surprises largely due to the action taken by the Council since 2008; however, there would still be challenges during the period as more information was released. The SR 2010 only provided the total formula grant for all authorities and would not provide individual local authority allocations. These would be provided in accordance with the usual timetable of provisional allocations in December with final provisional allocation in January for debate in Parliament by the beginning of February 2011.

The Head of Finance and Governance stated that the front loading and peculiarities of the complex formula grant mechanism would result in a much larger reduction in 2011/12 which might require the use of reserves to smooth the impact over the medium term.

It was noted that the Council had provided a full and constructive response to the Formula Grant consultation paper prior to the spending review.

The Head of Finance and Governance informed Cabinet that the implications from the SR 2010 would be incorporated within the draft Medium Term Financial Strategy 2011/12 – 2015/16 which would be considered by Cabinet in December 2010 alongside the Strategic Plan.

It was noted that the strategic documents would be subject to public consultation before being presented to Cabinet for recommendation to full Council in February 2011.

Cabinet congratulated the Finance and Governance team for their pro-activeness and accurate forecasting.

**DECISION MADE:**

1. That the Council volunteer to take part in the scheme to freeze Council Tax for 2011/12; and
2. That officers bring back further reports once details were known on the following announcements:
  - Release of individual formula grant allocations;
  - The white paper on local growth (issued on 28 October 2010) which covers Tax Increment Financing (TIF), retaining new local Business Rates and planning powers open to local authorities to support growth;

- Localism Bill (expected in November 2010) including localisation of Council Tax Benefit administration; and
- Local Government Resource Review (expected in January 2011)

**REASONS FOR DECISION:**

To play an active role in reducing the national deficit and locally to set a balanced budget within a Medium Term Financial Strategy that will meet the Council's priorities following the 2010 Spending Review.

**Contact Officer: Lee Colyer, Head of Finance and Governance**  
**Tel: 01892 526121 ext. 3132 or e-mail: lee.colyer@tunbridgewells.gov.uk**

**DECISION NO. CAB112/10**

**NON-EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Risk Management – Strategic Risk (101118/CAB011)**

**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 Audit Manager presented a report informing members of the current position regarding the strategic risks together with detailed action plans to manage these risks.

Cabinet was advised that the impact of the financial climate continued to have an adverse effect on the risk profile with a number of risks above the risk tolerance score requiring focussed management action.

In addition, it was noted that the authority currently had 17 active strategic risks which were set out in the report. It was also noted that a number of those risks would be merged and re-assessed as part of the current review.

**DECISION MADE:**

That the key strategic risks be agreed as those identified and that a further report be brought forward for consideration when the current review of risks has been concluded.

**REASONS FOR DECISION:**

To inform members of the strategic risks within the organisation and the actions being taken to manage those risks.

Contact Officer: Ian Cumberworth, Internal Audit Manager

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**DECISION NO. CAB113/10****NON-EXEMPT****DIRECTOR:****DIRECTOR OF CHANGE AND COMMUNITIES****PORTFOLIO HOLDER:****Mr Paul Taylor****REPORT TITLE:****Overview of Community Grants Programme 2010/11 and Recommendations for 2011/12 and Beyond (101118/CAB012)****PRIORITIES:**

The Community Grants programme supports voluntary and community organisations providing services that contribute to all of the Council's corporate priorities – particularly on the themes of Confident and Healthy.

**DISCUSSION:**

The Community Grants and Development Officer presented a report which provided an overview and review of the Community Grants programme process for 2010/11 and made recommendations for the continuation of the programme for the financial year 2011/12 and beyond.

Members were informed that the total budget allocated for revenue grants in 2010/11 was £403,090; this included a re-allocation of Arts Development funding of £90,000 in respect of grant support for Trinity Theatre.

Cabinet was reminded that grants totalling £390,590 were awarded by Cabinet in March 2010, leaving a total of £12,500 for the second round of the grants programme, this was increased to £16,000 by the return of £3,500 unused grant funding awarded in 2007/08 under the Leisure revenue grants programme. A further £11,520 was awarded by Cabinet in September 2010, leaving a total of £4,480 for any emergency funding requests that may arise during the remainder of 2010/11.

Cabinet noted that there were significantly more applications under the Community Grants programme in 2010/11, totalling 41, compared to 2009/10 which was 32. The officer stated that this might be due to the increasing familiarity of voluntary organisations with the scheme and the effect of promotional activity by the Council.

It was also noted that the number of leisure related applications, 13 in total for 2010/11, indicated that the amalgamation of the grants schemes and the promotion of the revised scheme to organisations involved in leisure projects had worked well.

Officers assured members that the programme would continue to be evaluated and monitored, with the help of feedback from voluntary and community organisations, to ensure that it provided value for money and continued to assist voluntary and community organisations with projects that helped to achieve the Borough Council's corporate priorities and contribute to the borough Sustainable Community.

Having reviewed the scheme, officers recommended that the community and capital grants programmes be amended to ensure that they continue to adequately support the voluntary and community sector and provide value for money:

- all grant agreements for over £50,000 per annum be developed as SLAs for a three-year period - SLAs may also be developed with voluntary and community organisations for lesser grant amounts, where considered appropriate, with the agreement of the appropriate Portfolio Holder;
- the Community Grants programme criteria be amended to remove the condition that the Council would not award a grant to organisations who have submitted more than three consecutive applications to fund the same project since 2008/09;
- from the start of the financial year 2011/12, the Council's capital grants schemes for Financial Assistance to Parish/Town Councils and Voluntary Organisations (namely, the Village & Community Hall Grants Scheme, Leisure Capital Grants scheme, Play Area Improvement Grants scheme and Access Grants scheme) will be brought together under one programme in a similar way to revenue grants schemes under the Community Grants programme;
- a capital grants budget be allocated on an annual basis;
- authority to approve the recommendations of the Grants Assessment Panel be delegated to the appropriate Portfolio Holder; and
- significant proposed changes to the criteria for grant programmes will be submitted to Cabinet for approval prior to the start of the following application period.

Cabinet was informed that Councillors could support applications which are below the minimum grant level of £500.

**DECISION MADE:**

1. That the report be noted; and
2. That the Grants Programmes be amended as described above.

**REASONS FOR DECISION:**

1. To inform Cabinet of the progress of the Community Grants programme; and
2. To make amendments to community grants programmes so that they remain transparent and equitable and provide value for money.

**Contact Officer: Nick Green, Community Grants & Development Officer**  
**Tel: 01892 526121 ext. 3382 or e-mail: [nick.green@tunbridgewells.gov.uk](mailto:nick.green@tunbridgewells.gov.uk)**

**DECISION NO. CAB114/10****NON-EXEMPT****PORTFOLIO:****ECONOMIC DEVELOPMENT****PORTFOLIO HOLDER:****Councillor Mrs Moore****REPORT TITLE:****Tunbridge Wells Regeneration Company – Stage 1 Project Approval (101118/CAB015)****PRIORITIES:**

Prosperous, Green, Confident and Healthy

**DISCUSSION:**

The Portfolio Holder introduced the report informing members that the Tunbridge Wells Regeneration Company Business Plan, approved by Cabinet, set out that during 2010/11 the Regeneration Company would build on work undertaken in 2009 and deliver work in a number of key areas which included the development opportunity on the Great Hall Car Park site.

It was noted that the Shareholders' Agreement set up a two stage project approval process which protected the Council's position in that every project was assessed for viability against a number of commercial, viability, and valuation principles to ensure that the Council and its directors could be satisfied that the project meets with its declared objectives, achieves wider regeneration objectives and would also satisfy key commercial legal and financial tests at the time of a stage 2 approval.

Cabinet was informed the Regeneration Company Board had recently agreed the Great Hall Car Park project to progress from Stage 1 to Stage 2 of the Project Approval Process and approval by the Council was required for this to occur. The report before Cabinet outlined the Stage 1 process and asked Cabinet to consider the key commercial, legal and financial tests to enable a decision to proceed.

The Portfolio Holder outlined transport issues in relation to the redevelopment of the Great Hall Car Park and the effect of losing car parking spaces. Short term this could be accommodated in existing Car Parks but the Parking Strategy was required for the longer term.

**DECISION MADE:**

1. That it be approved that the Great Hall Car Park site identified in the exempt report, be moved from stage one to stage two of the project approval procedure;
2. That it be noted that the Council has a liability for half of this sum as set out in the Shareholders' Agreement and this is monitored and reported to Cabinet on a quarterly basis within the Quarterly Revenue Management report; and
3. That it be agreed that by the end of stage 2, the urban car parking strategy should be produced with testing under the VISUM model undertaken.

**REASONS FOR DECISION:**

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

**Contact Officer: David Candlin, Head of Economic Development**  
**Tel: 01892 526121 or e-mail: david.candlin@tunbridgewells.gov.uk**

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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 item of business referred to below on the grounds that it may involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Act namely: -

**DECISIONS CAB115/10 and CAB116/10**

Paragraph (3) - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

**DECISION NO. CAB115/10**

**EXEMPT**

**PORTFOLIO:**

**ECONOMIC DEVELOPMENT**

**PORTFOLIO HOLDER:**

**Councillor Mrs Moore**

**REPORT TITLE:**

**Tunbridge Wells Regeneration Company – Stage 1  
Project Approval (101118/CAB016 Exempt)**

**PRIORITIES:**

Prosperous, Green, Confident and Healthy

**DISCUSSION:**

Cabinet noted the project approval process outlined in the report and the key commercial, legal and financial tests considered by the Company at Stage 1. Cabinet also noted that more detailed work was required at Stage 2 to firmly prove and establish the work undertaken at Stage 1 and to secure a pre-let with the proposed tenant. The Regeneration Company Board had agreed the Stage 1 Approval pack and authorised the Regeneration Company to proceed with collating and developing the Stage 2 Approval Pack. Cabinet noted that the progression of Stage 2 was dependent on the approval of the Council.

A budget, as outlined within the report, was identified in the existing approved Business Plan for the cost of third party work and members noted that the Council has liability for half of the sum as set out in the Shareholders' Agreement.

**DECISION MADE:**

1. That approval be given for the Great Hall Car Park project moves from stage one to stage two of the project approval procedure; and
2. That it be noted that the Council has a liability as stated in the report to deliver the Stage 2 Approval and that this be monitored and reported to Cabinet on a quarterly basis within the Quarterly Revenue Management report.

**REASONS FOR DECISION:**

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

**Contact Officer: David Candlin, Head of Economic Development  
Tel: 01892 526121 or e-mail: david.candlin@tunbridgewells.gov.uk**

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**DECISION NO. CAB116/10**

**EXEMPT**

**PORTFOLIO:**

**FINANCE AND GOVERNANCE**

**PORTFOLIO HOLDER:**

**Councillor Horwood**

**REPORT TITLE:**

**Property Investment Portfolio Update (101118/CAB017 Exempt)**

**PRIORITIES:**

The proposal contained in the report supports the aims and objectives of the Asset Management Plan which are derived from the Strategic Plan and the 2026 Vision and will assist in providing finance to enable the Council to achieve all of its corporate priorities

**DISCUSSION:**

Members were reminded that Cabinet had previously agreed to develop a Property Investment Portfolio and that a specialist Property Investment firm of Chartered Surveyors would be appointed to identify investment assets for acquisition from the approved funds and to manage the property investment portfolio to ensure maximum capital and revenue returns. It was also noted that specialist advisors would be appointed to identify potential new assets for acquisition based on established criteria.

The report submitted to Cabinet outlined progress made and as per earlier request set out the criteria upon which potential property investments would be selected and evaluated.

Cabinet was informed that as each individual potential investment opportunity was identified; the consultant would apply a strict performance evaluation of each individual asset and its impact on the investment portfolio before recommending purchase of a new asset or disposal of an existing investment asset within the portfolio.

**DECISION MADE:**

- 1) That authority be given to the Section 151 Officer in conjunction with the Finance and Governance Portfolio Holder to:
  - appoint a firm of specialist Chartered Surveyors to act on the Council's behalf in:
    - identifying potential investment opportunities in accordance with the criteria set out in this report; and
    - undertake a full risk assessment and analysis of each potential opportunity on an individual basis.

- manage the Property Investment Portfolio to ensure maximum performance of the property investment portfolio capital and revenue terms.

2) That approval be given to complete any recommended purchase would be a Cabinet Decision where the value of the asset is over £250,000 and if required a Special Cabinet be arranged at short notice who may then decide to award delegations to complete the purchase.

**REASONS FOR DECISION:**

To enable the Council to invest in property assets to maximise its capital holding. To ensure that the necessary authorities are in place to exploit all suitable investment opportunities and to ensure that full, approved selection criteria and appropriate risk analyses of each investment opportunity are in place.

**Contact Officer: David Candlin, Head of Economic Development**  
**Tel: 01892 526121 or e-mail: david.candlin@tunbridgewells.gov.uk**

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(NOTES:

- (1) Councillor Mrs Mayhew left the meeting at 12.05pm after discussion on Item 13;  
and
- (2) The meeting closed at 12.37pm.)