

Tunbridge Wells Borough Council

Decisions taken by the Cabinet on Thursday, 24 October 2019



Item	Topic	Decision
<b>Part 1 – Items considered in public</b>		
8	Annual Audit Letter 2018/19  Subject to call-in: Yes	<p><b>RESOLVED</b> – That the Annual Audit Letter 2018/19 be approved.</p> <p><b>REASON FOR DECISION:</b>                      The Audit letter confirms an unqualified audit opinion across all areas and comments on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending March 2019.</p>
9	Budget Update Report 2020/21  Subject to call-in: Yes	<p><b>RESOLVED</b> – That Officers shall continue to work on delivering a balanced budget in line with the Budget Strategy and report back in December with proposals prior to public consultation on the draft budget.</p> <p><b>REASON FOR DECISION:</b>                      To enable Directors and Heads of Service to continue the service planning process and to help develop proposals with their respective Portfolio Holder(s) for savings, changes to service delivery and optimise income.</p>
10	Royal Victoria Place Tunbridge Wells Update  Subject to call-in: Yes	<p><b>RESOLVED</b> –</p> <ol style="list-style-type: none"> <li>1. That the contractual obligation on the council as the freeholder of the long leasehold interest between the Council and British Land consent to the proposed mall refresh refurbishment works and to contribute to the full cost of such works as provided for under the terms of the lease be noted; and</li> <li>2. That the Head of Economic Development and Property in consultation with the Monitoring Officer, the Director of Finance, Policy and Development, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Property, Major Projects and Strategic Engagement be delegated authority to:                         <ol style="list-style-type: none"> <li>a. Complete of all necessary negotiations, legal documentation and legal formalities and to appoint external solicitors to deal with such matters as considered appropriate; and</li> <li>b. Make all proven and necessary payments to ensure compliance with the lease obligations in relation to the identified Type 1 Qualifying Refurbishment works.</li> </ol> </li> </ol> <p><b>REASON FOR DECISION:</b>                      To allow the refurbishment works at Royal Victoria Place Shopping Centre to be taken forward.</p>

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11	Minor Maintenance and Responsive Repairs Term Contracts 2020  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the appointment of contractors to carry out minor maintenance and responsive repairs, as recommended in Exempt Appendix A to the report, be approved; and</li> <li>2. That the Director of Finance, Policy and Development in consultation with the Monitoring Officer, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Property, Major Projects and Strategic Engagement be delegated authority to accept the contractors in Exempt Appendix A to the Report as recommended, complete negotiations and legal formalities, complete the procurement process and enter into contracts for the delivery of the minor maintenance and responsive repairs.</li> </ol> <p><b>REASON FOR DECISION:</b>                      To allow the Council to appoint a new contract that replaces the existing contract which will end on 31 December 2019. And for the new 5 year contract to start on 1 January 2020.</p>
12	The Amelia at the Amelia Scott Update  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the project had been progressed in accordance with the decisions made by Cabinet in December 2018 and that those decisions would continue to be enacted through the delivery be noted;</li> <li>2. That the update on the progress of the scheme, including finalised construction costs, be noted;</li> <li>3. That the Gateway building be declared surplus to the Council's operational requirements and any capital receipt be earmarked to underwrite the external fundraising;</li> <li>4. That an addition of £400,000 to the Council's Capital Programme to deliver the scheme and to underwrite to underwrite £400,000 NHLF funding be approved and the s151 Officer, in consultation with the Portfolio Holder for Finance and Governance, be delegated authority to determine the sources of funding to deliver the scheme;</li> </ol> <p style="text-align: right;">Continued overleaf</p>

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		<p>5. That the Head of Economic Development and Property and the Head of HR Customer Service and Culture in consultation with the Director of Change and Communities, the s151 Officer, the Monitoring Officer, the Portfolio Holder for Culture, Leisure and Economic Development and the Portfolio Holder for Finance and Governance be delegated authority to enter into contract with Willmott Dixon and other necessary suppliers and to complete all negotiations necessary and enter into all necessary legal agreement in order to deliver the Amelia at the Amelia Scott project; and</p> <p>6. That the contract sum and increased project budget set out in Exempt Appendix A and B to the report be agreed.</p> <p><b>REASON FOR DECISION:</b> To allow the Council to enter into a contract with Willmott Dixon to deliver the scheme. And that the expected 18 month work programme work would start in January 2020.</p>
13	<p>Public Art Guidance, for adoption</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED</b> – That the Public Art Guidance as set out at Appendix A to the Report be adopted.</p> <p><b>REASON FOR DECISION:</b> To issue guidance that would allow TWBC to obtain funding for Public Art programming from upcoming major developments.</p>

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Item	Topic	Decision
<b>Part 2 – Items considered in private</b>		
19	Land Asset Strategy Site Disposal  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the disposal of 1 land asset strategy site as identified in the Exempt Report be agreed; and</li> <li>2. That the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development, the Monitoring Officer, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Property, Major Projects and Strategic Engagement be delegated authority to complete all necessary negotiations, legal processes and legal documentation to complete the disposal.</li> </ol> <p><b>REASON FOR DECISION:</b> To ensure best use of the Council’s assets in accordance with the adopted Asset Management Plan.</p>

Decision Notice published: Friday 25 October 2019

Please see below for details of the Council’s call-in procedure.

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## Call-in Procedure

Call-in is the procedure whereby a decision of the Cabinet, the Leader or a Portfolio Holder, or a member or officer with delegated executive authority (an executive decision), taken but not implemented, may be examined by the Overview and Scrutiny Committee prior to implementation.

This is a power which should only be used in exceptional circumstances and should not be used in respect of day-to-day operational decisions. The procedure will not apply to decisions to which the Call-in and Urgency Procedure is applied (Overview and Scrutiny Procedure Rule 14) or to recommendations to or decisions of Full Council.

An executive decision can be called in by the date specified below (within five clear working days of the publication of the decision) by the Chairman of the Overview and Scrutiny Committee or at least any three (non-Cabinet) members of the Council in accordance with Overview and Scrutiny Procedure Rule 12 of the Constitution.

Any request for call-in must be in writing, bearing the signature(s) of the Council member(s) initiating the call-in, or by email which, if from several persons, shall require a separate email from each of them.

A request for call-in must state the reason(s) and must meet at least one of the following grounds:

- (12.6.1) inadequate consultation with stakeholders prior to decision;
- (12.6.2) the absence of adequate evidence on which to base a decision;
- (12.6.3) the decision would require a departure from or a change to the agreed budget and policy framework;
- (12.6.4) the action decided upon would not be proportionate to the desired outcome;
- (12.6.5) the decision would be open to a human rights challenge;
- (12.6.6) insufficient consideration of legal and financial advice; or
- (12.6.7) the decision is not within the Cabinet's powers or terms of reference or within the portfolio of the Leader or Portfolio Holder or member or Officer with delegated executive powers who took it.

Any request in respect of the above decisions must reach the proper officer by: **5pm on Friday 1 November 2019**

Mark O'Callaghan  
Scrutiny and Engagement Officer

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Tunbridge Wells TN1 1RS

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