

Tunbridge Wells Borough Council

Decisions taken by the Cabinet on Thursday, 29 July 2021



Item	Topic	Decision
<b>Part 1 – Items considered in public</b>		
8	Budget Projection and Strategy 2022/23  Subject to call-in: Yes	<p><b>RESOLVED</b> – That work continues towards reducing the projected budget deficit in line with the Budget Strategy prior to the public consultation on the draft budget in December be approved.</p> <p><b>REASON FOR DECISION:</b> To agree the form of consultation and begin the process of setting the budget for 2022/23.</p>
9	Property Transaction Report January to June 2021  Subject to call-in: Yes	<p><b>RESOLVED</b> – That the report be noted.</p> <p><b>REASON FOR DECISION:</b> To comply with the constitution.</p>
10	Annual Corporate Health and Safety Report  Subject to call-in: Yes	<p><b>RESOLVED</b> –</p> <ol style="list-style-type: none"> <li>1. That the contents of the report, along with the work undertaken to secure a safe and healthy working environment be noted.</li> <li>2. That the priorities for 2021/22 be approved.</li> </ol> <p><b>REASON FOR DECISION:</b> To ensure that the Council continues to comply with the Health and Safety at Work Act 1974 and ensure that there is effective monitoring and review of health and safety management throughout the Council.</p>

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11	Property Asset Programme  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. To vire from the Capital and Revenue Initiatives Reserve the sum of £500,000 be used to establish a suitable budget for external consultancy services be approved.</li> <li>2. That the head of Economic Development and Property in consultation with the S151 Officer and the Portfolio Holder for Finance and Governance be given authority to allocate funding to specific projects be approved.</li> <li>3. That the head of Economic Development and Property in consultation with the S151 Officer and Portfolio Holder for Finance and Governance be given authority to appoint external professional advisors to deliver specific projects be approved.</li> <li>4. That the establishment of a working group of Cabinet – the Property Asset Oversight Panel and associated terms of reference as detailed be approved.</li> </ol> <p><b>REASON FOR DECISION:</b> To allow the delivery of capital receipts to support wider delivery of Council priorities and services.</p>
12	Town Hall  Subject to call-in: Yes	<p><b>RESOLVED:</b></p> <ol style="list-style-type: none"> <li>1. That a soft marketing and procurement exercise in respect of the Town Hall to secure a partner to deliver co-working space be approved.</li> <li>2. That the Head of Economic Development and Property in consultation with the S151 Officer and Portfolio Holder for Finance and Governance be delegated to finalise the brief to undertake soft marketing and secure a partner to deliver co-working space be approved.</li> <li>3. That the Head of Economic Development and Property in consultation with the S151 Officer and Portfolio Holder for Finance and Governance be delegated to engage with existing Town Hall tenants and other occupiers to negotiate and agree terms to vary and where required to surrender leases/licences to facilitate the development of co-working space be approved.</li> <li>4. That the Head of Mid Kent Legal Services be delegated authority to negotiate and complete all necessary deeds, leases, agreements and other legal documentation and formalities required to deliver the release and management of the Town Hall for co-working space be approved.</li> <li>5. That the S151 Officer in consultation with the Portfolio Holder for Finance and Governance be delegated the power to authorise a capital budget and allocation of appropriate resources to meet</li> </ol>

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		<p>requirements in opening up the Town Hall to third party use be approved.</p> <p>6. That through appropriate carbon reduction and energy efficient measures the proposal ensures it contributes to the Council's Corporate Carbon Descent Plan and Action Plan 2021-22.</p> <p><b>REASON FOR DECISION:</b> To develop and deliver a sustainable and cost effective use of the Town Hall.</p>
13	<p>Prevention of Engine Idling</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED:</b> That a 6-month trial be undertaken to advise drivers of the illegality and the impact on the environment of an idling engine be approved.</p> <p><b>REASON FOR DECISION:</b> To give the Council an opportunity to gain information into the scale of engine idling in the Borough.</p>
14	<p>Lamberhurst Neighbourhood Plan</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the independent examiner's Report on the Lamberhurst Neighbourhood Development Plan (LNDP) be noted and published.</li> <li>2. That the LNDP be modified in part, according to the examiner's recommendations and following discussion with Lamberhurst Parish Council be approved.</li> <li>3. That the Decision Statement at Appendix C and the decision to progress the LNDP as set out at Appendix D to referendum be approved.</li> <li>4. That in the event the referendum result on the LNDP is positive with more than 50% of the vote, the Council formally makes the LNDP as set out in Appendix D so that it has effect as part of the statutory Development Plan for the Neighbourhood Area be approved.</li> </ol> <p><b>REASON FOR DECISION:</b> Approved Neighbourhood Plans become part of the development plan for the Borough and are a key document in the determination of planning applications that allow the local community to take responsibility for land use planning in their area.</p>

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15	Sports Centre Management Contract  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That authority to the Director of Change and Communities in consultation with the Portfolio Holder for Culture and Leisure be delegated to negotiate and implement the agreed recommendations at detailed in the exempt appendix be approved.</li> <li>2. That enhanced performance measures alongside the contract extension with associated financial consequences for any failure to meet expected standards of customer care and cleanliness be agreed.</li> <li>3. That negotiations be undertaken to front-load capital investment into the sports centres be agreed.</li> <li>4. That any contract extension be made contingent upon an agreed phasing of revenue payments and capital spend with any failure to meet this agreement being regarded as a breach of contract be agreed.</li> <li>5. That work be undertaken to explore alternative arrangements for delivering the contract be agreed. That reports be brought back to Cabinet as detailed below be agreed:                         <ol style="list-style-type: none"> <li>a. The relative merits of contracting with a leisure operator, partnering with another authority/other authorities and in-house/arms-length provision of the contract.</li> <li>b. Options for reducing the carbon footprint of the Council’s leisure centre; and</li> <li>c. Recommendations for future leisure provision taking account of the state of the market and projected future trends and the benefits of any linkages with voluntary and community sector organisations, parish and town councils and with parks and educational settings.</li> </ol> </li> </ol> <p><b>REASON FOR DECISION:</b> To allow the continuation of sports provision across the Borough whilst maintaining a sustainable level of operation over the medium term.</p>

Decision Notice published:  
Thursday 29 July 2021

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

**Tunbridge Wells Borough Council**

**Decisions taken by the Cabinet on Thursday, 29 July 2021**



<b>Item</b>	<b>Topic</b>	<b>Decision</b>
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## Tunbridge Wells Borough Council

### Decisions taken by the Cabinet on Thursday, 29 July 2021



### 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 Thursday 5 August 2021**

Mark O'Callaghan  
Scrutiny and Engagement Officer

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Tunbridge Wells TN1 1RS

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