

Tunbridge Wells Borough Council

Decisions taken by the Cabinet on Thursday, 2 December 2021



Item	Topic	Decision
Part 1 – Items considered in public		
8	Poverty and Deprivation: Response to OSC Task and Finish Group Review Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the Council’s point of contact for coordinating a cross organisational working group to focus on poverty, including income, education & training and housing be Steve McGinnes be approved. 2. That the Council’s recently introduced new dashboard will be presented as part of an All Members Briefing. 3. That the Council will engage with residents experiencing difficulties in a targeted and meaningful way. 4. That the continuation of the Task and Finish Group be supported. <p>REASON FOR DECISION: It was agreed at Full Council in February 2020 that this work be undertaken by a working group of the Overview and Scrutiny Committee to give consideration and address the rising levels of poverty in Tunbridge Wells.</p>
9	*Civic Medallion Nomination (December 2021) Subject to call-in: No	<p>RESOLVED – That Full Council be recommended to award the Civic Medallion to the individual set out at Exempt Appendix A.</p> <p>REASON FOR DECISION: To endorse the nominee who fulfils the criteria of the Civic Medallion scheme.</p>
10	Draft Budget 2022/23 and Medium Term Financial Strategy Subject to call-in: Yes	<p>RESOLVED – That the Draft Budget 2022/23 be agreed for public consultation.</p> <p>REASON FOR DECISION: To commence a public consultation on the Council’s proposed budget for 2022/23</p>
11	Revenue Management Report Quarter 2 Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That at Quarter 2 net expenditure on services year to date was £8,014,000, £495,000 less than budget be noted;

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		<p>2. That by year end the Council anticipated net expenditure of £15,417,000 on services, £10,000 under budget, an improvement of £58,000 since Quarter 1, be noted;</p> <p>3. That by year end the Council anticipated receiving an increase in funding of £1,472,000, an improvement of £84,000 since Quarter 1 with an overall improvement to budget of £1,482,000 be noted.</p> <p>REASON FOR DECISION: To show the actual expenditure on services compared to the revised budget for the period ending 30 September 2021, and the forecast outturn position, highlighting significant variances from the revised annual budget.</p>
12	<p>Capital Management Report Quarter 2</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <p>1. That the actual gross and net expenditure for the year and the sources of finance, as shown in Appendices B to D to the report, be noted;</p> <p>2. That the proposed variations to the Capital programme, set out in paragraph 4.3 to 4.5 of the report be approved; and</p> <p>3. That the proposed movement between years set out in note 4.6 of the report be approved.</p> <p>REASON FOR DECISION: Managing and forecasting capital expenditure effectively was vital in order to support all of the services provided by the Council</p>

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13	<p>Treasury and Prudential Indicator Management Report Quarter 2</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the Treasury Management and Prudential Indicator position as at 30 September 2021 be noted; and 2. That the forecast for investment and bank interest is £432,000, an increase of £70,000 from the approved budget of £362,000 (the same as Quarter 1) be noted. <p>REASON FOR DECISION: Ensuring effective cash flow management was vital in order to support all the services provided by the Council. The interest received from investments was an important source of income in helping to set a balanced budget</p>
14	<p>Calculation of Council Tax Base</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED – That the Tunbridge Wells Tax Base for 2022/23, as set out at in Appendix B to the report be approved.</p> <p>REASON FOR DECISION: To comply with the provisions of Statutory Instruments 2012 No 2914 – The Local Authorities (Calculation of Council Tax Base) (England) Regulations.</p>
15	<p>Performance Summary Quarter 2</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the summary of project performance over quarter two 2021/22 as at Appendix A be noted; 2. That the summary of service performance over quarter two 2021/22 as at Appendix B be noted; and 3. That the Recovery Plans for quarter two as at Appendices C-H be noted. <p>REASON FOR DECISION: To monitor the effectiveness of the council’s actions and plans to meet all of the objectives within the Five-Year Plan, highlight underperforming areas, and propose actions to remedy any underperformance to ensure the key objectives are met.</p>

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16	<p>Complaints Summary Quarter 1 and 2</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED – That the Council’s position on complaints performance at the end of Period 1 be noted.</p> <p>REASON FOR DECISION: To enable Cabinet to understand the Council’s current performance in relation to complaints handling.</p>
17	<p>Draft Asset Management Plan 2022/23</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED – That the Draft Asset Management Plan 2022/23 be agreed for public consultation</p> <p>REASON FOR DECISION: To commence a public consultation on how the Council manages its assets.</p>
18	<p>Benenden Neighbourhood Plan</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the independent examiner’s Report on the Benenden Neighbourhood Development Plan (BNDP) be noted and published. 2. That the BNDP be modified in part, according to the examiner’s recommendations and following discussion with Benenden Parish Council be approved. 3. That the Decision Statement at Appendix D and the decision to progress the BNDP as set out at Appendix E to referendum be approved (noting that the referendum area is Benenden Parish plus seven addresses identified by the examiner, located adjacent to the Benenden Hospital site at East End and falling within Biddenden Parish (Ashford District Council)). 4. That in the event the referendum result on the BNDP is positive with more than 50% of the vote, the Council formally makes the BNDP as set out in Appendix E so that it has effect as part of the statutory Development Plan for the Neighbourhood Area (Benenden Parish) be approved. <p>REASON FOR DECISION: 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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19	Goudhurst Neighbourhood Development Plan Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the independent examiner’s Report on the Goudhurst Neighbourhood Development Plan (GNDP) be noted and published. 2. That the GNDP be modified in part, according to the examiner’s recommendations and following discussion with Goudhurst Parish Council be approved. 3. That the Decision Statement at Appendix C and the decision to progress the GNDP as set out at Appendix D to referendum be approved (noting that the referendum area is Goudhurst Parish). 4. That in the event the referendum result on the GNDP is positive with more than 50% of the vote, the Council formally makes the GNDP as set out in Appendix D so that it has effect as part of the statutory Development Plan for the Neighbourhood Area (Goudhurst Parish) be approved. <p>REASON FOR DECISION: 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>
20	PSPO 2021 Consultation Results Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the current order for Southborough Roads be varied to have effect only on London Road and Holden Park Road for the length of the convenience store for a period of three years be approved. 2. For the introduction of a ‘dogs on leads’ order in the formal area of Dunorlan Park for a period of three years be approved. 3. That the dogs on leads requirement at the Nevill Ground be renewed for a period of three years be approved. 4. That preparatory work at Sherwood Lake (as set out in the report) be undertaken to introduce an order to address anti-social behaviour at this location in April 2022 be approved. 5. That preparatory work at St John’s Park (as set out in the report) be undertaken to introduce an order to address anti-social behaviour at this location in April 2022 be approved. 6. That preparatory work at the multi-storey car parks (as set out in the report) be undertaken to introduce an order to address anti-social behaviour at this location in April 2022 be approved.

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		REASON FOR DECISION: To help ensure the protection of public spaces from persistent anti-social behaviour.

Decision Notice published: Thursday 2 December 2021

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 Thursday 9 December 2021**

Mark O'Callaghan
Scrutiny and Engagement Officer

Tunbridge Wells Borough Council
Town Hall
Tunbridge Wells TN1 1RS

Email: Scrutiny@TunbridgeWells.gov.uk