

Tunbridge Wells Borough Council

Decisions taken by the Cabinet on Thursday, 22 September 2022



Item	Topic	Decision
Part 1 – Items considered in public		
9	Response to Car Parking Consultation Subject to call-in: YesNo	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. Increase the prices for parking as stated in the Sales Prices, Fees and Charges Cabinet report 20 July 2022 (excluding Dunorlan Park) as soon as the necessary steps to implement the changes have taken place, with the exception of: <ol style="list-style-type: none"> i. The free period for Yew Tree Road, Southborough and/or ii. The free period for Paddock Wood <p>which will be maintained while other options for funding, including those suggested in the consultation, are explored. The Council will engage with Southborough Town Council and/or Paddock Wood Town Council to discuss funding the revenue foregone by retaining the current free parking periods, be approved.</p> <ol style="list-style-type: none"> 2. Cabinet agree for officers to commence an informal public consultation, seeking views on options to improve the amenity value of Dunorlan Park, including the introduction of parking charges, be approved. <p>REASON FOR DECISION: To bridge some of the £944,000 revenue budget deficit for 2022/23 and support the budget setting process for 2023/24, thereby protecting other council services.</p>
10	Budget Projection and Strategy 2023/24 Subject to call-in: YesNo	<p>RESOLVED – That work continues towards reducing the projected budget deficit in line with the Budget Strategy, to report back in October and prior to the public consultation on the draft budget in December be approved.</p> <p>REASON FOR DECISION: To agree the form of consultation and begin the process of setting the budget for 2023/24.</p>

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11	Performance Summary Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the summary of projected performance over quarter one, 2022/23, at Appendix A be noted. 2. That the summary of service performance over quarter one, 2022/23, at Appendix B be noted. 3. That the Recovery Plans for quarter one, 2022/23, at Appendices C-F 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>
12	Revenue Management Report Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the Quarter 1 net expenditure on services year to date was £3,268,00, £224,000 less that budget be noted. 2. That by year end the Council anticipates net expenditure of £15,382,000 on services be noted. And that this forecast is £300,000 over budget be noted. 3. That by year end the Council anticipates receiving an increase in funding of £300,000, due to additional investment interest, which is the same as the additional spend forecast for services be noted. 4. That the new and updated charges for the Crematorium as set out in the report be approved. <p>REASON FOR DECISION: To show the actual expenditure on services compared to the revised budget for the period ended 30 June 2022, and the forecast outturn position, highlighting significant variances from the revised annual budget.</p>

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13	Capital Management Report Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the actual gross and net expenditure for the year and the sources of finance as shown in Appendices B to D be noted. 2. That the proposed variations to the Capital Programme, set out in the note 4.3 to 4.5 be approved. 3. That the proposed movement between years set out in note 4.6 be approved. <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>
14	Treasury and Prudential Indicator Management Report Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the Treasury Management and Prudential Indicator position for 2022/23 be noted. 2. That the forecast for investment and bank interest is £745,000, an increase of £300,000 from the approved budget of £445,000 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>
15	Annual Corporate Health and Safety Report Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the contents of the report, along with the work undertaken to secure a safe and healthy working environment be noted. 2. That the priorities for 2022/23 be approved. <p>REASON FOR DECISION: 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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16	<p>Request to Consult on Draft Air Quality Action Plan for Hawkhurst</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. Measure No. 8 on Appendix A to be clarified by the Environmental Protection Team Leader. 2. Measure No. 1 on Appendix B be added to Appendix A. 3. That authorisation be given to the Environmental Protection Team Leader to consult on the proposed actions set out in Appendix A and amended as above, as part of the development of an Air Quality Action Plan for the new Hawkhurst AQMA be approved. <p>REASON FOR DECISION: To ensure the Council continues to comply with all relevant Air Quality legislation, guidance and best practice.</p>
17	<p>Corporate Carbon Reduction Plan: Year 1 Progress and Year 2 Action Plan</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the summary report, which provides an update on the progress of the year 1 action plan of the adopted Corporate Carbon Descent Plan, be noted. 2. That the findings of the updated yearly Greenhouse Gas report up to and including 2021/22, be noted. 3. That the climate emergency and carbon reduction is focused on both reducing and reaching the carbon neutral goal for our own operation and services as part of the Corporate Carbon Descent Plan. At the same time work is also progressing to develop the borough wide Climate Emergency strategy to empower and support our communities in meeting the carbon neutral goal, be noted. 4. That the year 2 action plan as set out in the report to support the delivery of the objectives as identified in the Corporate Carbon Descent Plan, be approved. 5. That several of the year 2 actions are already in progress and are part of the next phase of activities linked to year 1 actions. Information on progressing the year 1 action plan have also been communicated via members briefing and the members information pack, be noted. <p>REASON FOR DECISION: The recognition of a climate emergency acknowledges the importance of acting and for the Council to take an effective leadership role on climate action.</p>

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18	Brenchley and Matfield 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 Brenchley & Matfield Neighbourhood Development Plan (BMNDP) received on 20 June 2022 at Appendix A be noted and published. 2. That the BMNDP be modified in part as set out in Appendix B, according to the examiner’s recommendations, following discussion with Brenchley & Matfield Parish Council be approved. 3. That the Decision Statement at Appendix C and the decision to progress the BMNDP as set out at Appendix D to referendum be approved. 4. That in the event the referendum result on the BMNDP is positive with more than 50% of the vote, the Council formally makes the BMNDP as set out in Appendix D so that it has effect as part of the statutory Development Plan for the Neighbourhood Area be approved. 5. That a referendum will take place on 10 November 2022 be noted. <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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Part 2 – Items considered in Private

21	Grant of Lease to Enable Funding Subject to call-in: Yes	RESOLVED – 1. That the recommendations as set out in the exempt report, be approved. REASON FOR DECISION: As set out in the report.
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Decision Notice published: 23 September 2022

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 30 September 2022**

Mark O'Callaghan
Scrutiny and Engagement Officer

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Tunbridge Wells TN1 1RS

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