

TUNBRIDGE WELLS BOROUGH COUNCIL

CABINET

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Thursday, 9 February 2023

Present: Councillor Ben Chapelard (Chair)
Councillors Warne (Vice-Chair), Hall, Everitt, Fitzsimmons, Hayward, Pound and Rutland

Officers in Attendance: William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Paul Taylor (Director of Change and Communities), David Candlin (Head of Economic Development and Property), Dan Hutchins (Procurement Manager), Max Horgan, Stuart Clifton (Housing Services Manager), Gary Stevenson (Head of Housing, Health and Environment), Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer) and Caroline Britt (Democratic Services Officer)

Other Members in Attendance: Councillors Bailey, Moon and Wakeman

LEADERS INTRODUCTION AND ANNOUNCEMENTS

CAB103/22 Councillor Ben Chapelard, Leader of the Council welcomed listeners to this, the first Cabinet meeting of 2023.

Councillor Nancy Warne, Deputy Leader and Cabinet Member for Rural Communities gave an update on the £100k that was given to the Community Support Fund. Charities and organisations were invited to apply for grants to help fund either specific projects or to expand existing projects.

The Community Grants Panel met on 31 January 2023 to consider the six applications that were received. Following the meeting, grants had now been awarded to:

- Charlie's Angels Kitchen.
- Nourish
- No1 Community Trust
- The Tunbridge Wells Volunteers Bureau
- Parish Larders
- West Kent Mind

TWBC would contact these organisations in April to ask them how and what they had delivered with the grant money.

APOLOGIES

CAB104/22 There were no apologies.

DECLARATIONS OF INTEREST

CAB105/22 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB106/22 The following Members and members of the public had registered to speak:

Mr Robert Banks – Agenda Item 10
County Councillor Sarah Hamilton – Agenda Item 13
Katharine Ridger – Agenda Item 13
Jeremy Thompson – Agenda Item 13
Nigel Stratton – Agenda Item 13
Councillor Raymond Moon – Agenda Item 13
Councillor Suzie Wakeman – Agenda Item 13
Councillor Matthew Bailey – Agenda Item 13

MINUTES OF THE MEETING DATED THURSDAY 8 DECEMBER 2022

CAB107/22 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 8 December 2022 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB108/22 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB109/22 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 31 JANUARY 2023

CAB110/22 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 31 January 2023 be noted.

BOROUGH PARTNERSHIP PLAN: BUILDING A BETTER BOROUGH

CAB111/22 Councillor Ben Chapelard, Leader of the Council introduced the report set out in the agenda and provided an update following the reports progression through the Overview and Scrutiny Committee and all three of the Cabinet Advisory Boards, which included the following:

- The name of the report had changed and would now be referred to as the Tunbridge Wells Borough Council Plan 2022-2024.
- The report laid out the priorities for the Council, known as the Focus on Five.
- Under each of the priorities, there were details of key projects and actions the Council wanted to take between 2022-24.
- Following the reports progression through Overview and Scrutiny and the Cabinet Advisory Boards, the two main pieces of feedback were:
 - o The original name 'the Borough Partnership Plan' wasn't supported. This has now been changed.
 - o The document lacked detail. This was being considered with a view to providing a lot more detail against each of the priorities.
- It was very much an interim plan, with a longer term Corporate Plan to follow in about 12-14 months.

RESOLVED – That Full Council be recommended to adopt the Partnership Plan as detailed in Appendix A of the report

REASON FOR DECISION: The Plan sets the key priorities and direction of travel that will allow the Council to plan services and budgets and deliver on key actions.

***ASSET MANAGEMENT PLAN 2023/24**

CAB112/22 County Councillor Sarah Hamilton had registered to speak which included the following:

- The Wesley Centre should be listed under the category of Community (as the Day centre was).
- It was both surprising and concerning that the Wesley Centre faced the risk of potential disposal.
- It was protected on the Towns Neighbourhood Plan which the Borough Council had not challenged.
- Facilities and access to green space were needed in Paddock Wood.
- It had been an inspiration of Heritage Paddock Wood to protect the Wesley Centre for the benefit of the local area.
- The Community Store House was a valuable tenant. The Paddock Wood Community Advice Centre was also nearby so the location was ideal and sustainable.
- It was important to find a viable way to keep this historic building and allow it to continue to serve the community.
- Cabinet should remove the Wesley Centre from any risk of disposal at this time or in the near future. It should instead look to explore, develop and exploit opportunities for collaborative working with other bodies including KCC and partner agencies to build on existing relationships and facilitate an viable opportunity.

Katharine Ridger had registered to speak which included the following:

- The 4th Paddock Wood Brownies currently met every Wednesday at the Wesley Centre.
- They had been using the Wesley Centre for a number of years and it had proved an ideal location with no safe guarding risks. The gates locked which allowed the Brownies to play freely outside. Storage was also ample.
- The new Community Centre had been considered but the risks would be much higher. The toilets were out of view of the hall, so an adult would have to accompany each time. There was also no secure play area.
- Any plans for disposal should be urgently reconsidered.

Jeremy Thompson had registered to speak which included the following:

- Heritage Paddock Wood rented a small room at the Wesley Centre which was used to store and display some of their large archive collection of photos and other items.
- It was important that this historical building was not lost to further housing developments
- Heritage Paddock Wood was building a website that would showcase the history of Paddock Wood and the surrounding villages.
- Heritage Paddock Wood were keen to work with TWBC to establish a satellite to the Amelia Scott. This would include the remodelling of the garden to enhance it as a safe green space in the heart of the town.
- Green spaces were essential to the health and wellbeing of residents.

- The Wesley Centre was protected on the Town's Neighbourhood Plan and on the Local Plan, so why was it included on the list?
- The consultation had not finished at the time this issue was discussed.
- Had the Council written to all the users and tenants of the Wesley Centre.
- The Wesley Centre was not a surplus asset.
- Paddock Wood had already helped the Borough with its housing targets. A number of developments had already taken place, with more to follow.
- The Council should invest in the Wesley Centre. The building was very valuable and the green space must not be lost.
- Vibrant and safer towns had already been declared a priority by the Partnership so the residents should be listened to as they know their town.

Nigel Stratton had registered to speak which included the following:

- The Centre was a value asset in Paddock Wood.
- The Wesley Centre was the oldest remaining building in Paddock Wood.
- It was bought by TWBC in 1996, not as an asset, but to be preserved for the people of Paddock Wood.
- TWBC were trustees of the building, not owners to do with it as it liked.
- It would be complete betrayal if it was allowed to be vested away from Paddock Wood.
- The land and the Centre were one in the same. Selling the land but saving the Centre would therefore also be a betrayal.
- Paddock Wood wanted both the Centre and the land preserved for the future.

Councillor Raymond Moon had registered to speak which included the following:

- The Asset Management Plan (AMP) 2023/24 included the Wesley Centre as a site to be reviewed for development and sale.
- The Wesley Centre was not a surplus asset, but one that was used by the Paddock Wood community.
- The Centre had many users, including the Community Store House (Food Bank) and the Paddock Wood Children's Centre, who both used it two days a week.
- Three children centres in Tunbridge Wells had been threatened with closure by KCC. If the Wesley Centre closed, so would the Children's Centre.
- There was no guarantee that the bookings at the Wesley Centre would be transferred to the Community Centre.
- It was concerning that the consultation for the AMP closed today (9 February) so Cabinet was being asked to make a decision based on a verbal report. A detailed assessment of the results should be put together before a decision was made.
- Cabinet should review the inclusion of the Wesley Centre in the AMP and its status as a surplus asset.

Councillor Suzie Wakeman had registered to speak which included the following:

- Very concerned that the Wesley Centre was included on the list of assets declared as surplus.
- Paddock Wood appeared to be bearing the brunt of new housing developments so there was even more need for Community space, not less.
- The Wesley Centre was well used by community groups within Paddock Wood, including the Community Store House and the Children's Centre.
- It was also the oldest publicly owned building in the town.
- Assets should be reviewed annually and the Wesley Centre had been on the list under previous administrations.
- If the Borough Partnership were considering disposing of this asset, then this should be made clearer and details should be made public so as to avoid speculation and associated anxiety.

Councillor Matthew Bailey had registered to speak which included the following:

- Opposed to the sale or redevelopment of the Wesley Centre.
- TWBC provided only a very modest amount of community space in Paddock Wood.
- Losing the Wesley Centre would leave the town with only the Day Centre. This was clearly insufficient for a town that had expanded and would continue to expand in the coming years.
- Developing the small area of green space to the rear of the building would be inappropriate given the amount of building already taking place in Paddock Wood.
- The expansion of the town was unpopular, not only because of the loss of green space, but also because of the noise, pollution and congestion the construction process brought.
- New developments also put an additional strain on the existing infrastructure and available services.
- Concern regarding the consultation process and the claims made by the coalition. Contrary to these claims, it was not common practice for the Council to declare a long list of assets as surplus every year, and then do nothing about them.
- The AMP last year, did not include a list of surplus assets. It did however state that the Gateway building would be surplus once the Amelia Scott building had opened. The Gateway building was now for sale.
- The consultation period should be extended. TWBC should make it very clear to residents that this was an important new strategy that would have serious consequences for them and for the Borough.

Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced David Candlin, Head of Economic Development and Property who presented the report as set out in the agenda.

A verbal update of the consultation results was as follows

- 285 responses to the Asset Management Plan (AMP) had been received.
- 109 people had reported they had read the AMP.

- 76 people had not read the AMP
- 165 people had left comments regarding the AMP and these can be summarised as follows:
 - o 49 related to car parks in Tunbridge Wells
 - o 101 comments on the Wesley Centre
 - o 4 comments were received related to other assets
 - o 8 comments about the policy on potential disposal and the process including the Property Asset Oversight Panel (PAOP).
 - o 1 comment on the future use of disposals that had not been given in the AMP.
 - o 2 comments on the clarity and length of the AMP.

Discussion and questions from Members included the following:

- Responses to the consultation this year had been slightly higher than in previous years.
- The Council had not been quite as overt about listing potential surplus properties in previous years. The Wesley Centre had not been directly mentioned, but had been an asset the Council had been looking at via Cabinet reports, firstly in 2013 and again in July 2021.
- The Wesley Centre had been on the list as an asset of community value, but came off the list in 2020. In 2018, the Council, as the owner of the asset, made a notification regarding the potential disposal of the land to the rear of the centre. The Council received no expressions of interest from anybody for the purchase of the land.
- The Council had offered the opportunity to Heritage Paddock Wood to come forward with a business plan, but to date nothing had been received.
- The AMP was essentially a strategy about how the Council managed its assets. No decisions were being made at this time.
- The Council recognised that there were assets that needed to be considered.
- With regards to the Wesley Centre itself, there were a number of issues that had been raised by the speakers which would need careful consideration.
- It would be very important to ensure there was dialogue with Paddock Wood Town Council.
- The decision to be taken by Cabinet was whether to agree the management strategy on how the Council would manage its assets.
- The list included in the AMP would be discussed and the comments raised by the speakers would be considered.
- The car parking strategy would have to be finalised before consideration could be given to the disposal of any car parks. A first draft was expected in the spring.
- TWBC currently had a long lease with the freeholder (YMCA) for the TN2 centre. TWBC were having informal discussions with the YMCA about allowing TWBC to relinquish the lease so that they could then provide the 5 community services in their centres.
- The TN2 Centre was in need of reinvigoration and regeneration and the YMCA as owners of the property might be better placed to undertake this work.
- Any discussions about the Wesley Centre should be de-coupled from the Community Centre.
- Residents would expect the Council to assess all of its assets. Those that were not offering value (either community or financial) should then be considered for potential disposal.

- Listing all the possible assets for disposal was being open and transparent, but it didn't mean they would all go forward.
- Being intelligent with the assets the Council had would provide better value for residents.

RESOLVED – That Full Council be recommended that the Asset Management Plan 2023/24 be adopted

REASON FOR DECISION: The Plan supports the Council's Corporate Priorities in the Five-Year Plan.

***BUDGET 2023/24 AND MEDIUM TERM FINANCIAL STRATEGY**

CAB113/22 Robert Banks had registered to speak which included the following:

- The main areas that the respondents to the consultation wished to reduce the budget for discretionary services (contrary to those proposed by the Council) were, The Amelia Scott, Property and Development and the Assembly Hall Theatre.
- Respondents suggested reductions in all but one of the other areas and instead recommended increasing funding to recreation and climate change incentives.
- Although the results of the consultation had been presented, it didn't look as though the report had been modified to incorporate those suggestions.
- Respondents to the consultation were not asked for their views on the statutory services.
- Respondents would have been unaware of the subsequent proposal for new collection rounds to be introduced, with the budget for waste and street sweeping to increase by £798k. This increase would include indexation and the cost of terminating the leases on a number of the existing fleet vehicles to facilitate a new fleet of 44 vehicles in 2023/24. The new 8 year lease would exceed Urbasers existing lease (which terminated in March 2027).
- The annual cost of the current contract could have increased by £2m.
- It was surprising that no details had been given regarding the annual cost of the new contract, the criteria for assessing any resulting improvement in the service, or whether any other Councils had adopted a similar business model.
- After 2027, the Council would be responsible for a further 4 years lease for half of the new fleet of diesel vehicles, which even if converted would still produce a carbon footprint that would need to be offset.
- Was it prudent to embark on this arrangement without evaluating the detrimental consequences and encouraging further public engagement.

Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Lee Colyer, Director of Finance, Policy and Development who presented the report as set out in the agenda.

- It was noted there was a slight change in Recommendation 5 of the report – the figure had been amended to £5.71 (from £5.72).

Discussion and questions from Members included the following:

- There was an excellent response to the budget survey with valuable feedback received.
- The Council was in a very serious situation with action needed in a number of areas, including:
 - o Increasing revenue
 - o Looking at the Revenue Budget to find ways to make savings
 - o The production of a Savings Plan, which was currently in progress but would take some time.
 - o Looking at the Asset Management Plan
- The 2022/23 budget was a 'wait and see' budget. To wait and see what the effects of Covid were and what the economic recovery would look like.
- That period had passed, and it was now clear that there were some very real structural issues that needed to be addressed.
- The Council was having to use £1m in reserves because it had a structural deficit that required the budget to be propped up in that way.
- The Council had to look at its assets e.g. car parks and assess the level of maintenance required and the huge cost that involved, and decide whether they continued to be needed.
- The Council was actively looking at its assets and would make assessments on what cost the most to run/manage but also understanding the need to continue to provide services effectively and efficiently.
- The additional payment to be given to the waste service would deliver additional efficiencies and opportunities in terms of carbon reduction.
- The changes would not affect the entire fleet so there would be opportunities to change other parts of the Council's collection fleet to be electric vehicles in the future.
- When the new administration took control, the deficit for 2023/24 was £2.649m. An In-Year budget review was undertaken, and now looking at the fees and charges that had been introduced to safeguard the finances, over a year, this would raise £890k. The current projected deficit was now £943k.

RESOLVED – That Full Council be recommended:

1. That the changes to the base budget along with the assumptions and approach set out throughout the report be approved.
2. That the responses to the budget consultation be approved.
3. That the use of £943,000 from reserves to balance the budget be approved.
4. That the rolling forward of the capital programme including gross funding of £620,000 for new schemes be approved.
5. That an increase in the Basic Amount of Council Tax of £5.71 per annum for a Band D property be approved.
6. That the implementation of Council Tax premiums on second homes from 1 April 2024 and the application of 100% Council Tax premium on properties that have been empty for at least 1 year from 1 April 2024, subject to the Regeneration and Levelling -Up Bill receive Royal Assent be approved.

REASON FOR DECISION: To deliver a sustainable budget to deliver the Council's key objectives.

PROCUREMENT PROCESS AND POLICY UPDATES

CAB114/22 Christopher Hall, Cabinet Member for Finance and Performance introduced Dan Hutchins, Procurement Manager who presented the report as set out in the agenda.

Discussion and questions from Members included the following:

- The work involved and the content of both policies was very much appreciated.

RESOLVED –

1. That the Sustainable Procurement Policy and Modern Slavery Statement be approved.
2. That the proposed changes to the Contract Standing Orders, pending final approval from the Audit and Governance Committee and Full Council be noted.

REASON FOR DECISION:

Adoption would enable the Council to implement a new framework for the use of environmental and modern slavery factors in its evaluation of tenders, and the decision to award contracts.

PROPERTY TRANSACTION REPORT JULY TO DECEMBER 2022

CAB115/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced David Candlin, Head of Economic Development and Property who presented the report as set out in the agenda.

Discussion and questions from Members included the following:

- The Directors of the Tunbridge Wells Property Holdings Ltd were David Candlin (Chair), Councillor Godfrey Bland (Board Member) and Councillor Ms Beverley Palmer (Board Member).

To note, the matter was decided in taking the exempt information set out in the report as read.

RESOLVED – That the report be noted.

REASON FOR DECISION: To comply with the Constitution.

DISPOSAL OF LAND AND PUBLIC CONVENIENCES IN BRENCHLEY AND MATFIELD

CAB116/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Max Horgan, Estates Surveyor who presented the report as set out in the agenda.

RESOLVED –

1. That the freehold transfers of the land and public conveniences at High Street, Brenchley and the land and public conveniences at Maidstone Road, Matfield be approved.

2. That the key terms of the transfers as detailed in Option 1 of the report, with the other terms of transfer to be agreed under delegated authority of the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development and the Cabinet Member for Finance and Performance be approved.
3. That the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development, the Head of Legal Services and the Cabinet Member for Finance and Performance be given delegated authority to complete all necessary negotiations, legal processes and legal documentation to complete these transfers be approved.

REASON FOR DECISION: The transfer of the freeholds of both public conveniences to Brenchley and Matfield Parish Council would allow the Parish Council to manage the buildings in their locality and ensure that both facilities remained open and operational.

***CAPITAL STRATEGY**

CAB117/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Lee Colyer, Director of Finance, Policy and Development who presented the report as set out in the agenda.

RESOLVED: That Full Council be recommended that the Capital Strategy 2023/24, as set out at Appendix A to the report be adopted.

REASON FOR DECISION

To provide guidance on the Council's capital programme and the use of its capital resources as required by the Chartered Institute for Public Finance and Accountancy and Prudential Code and Treasury Management Codes.

***TREASURY MANAGEMENT POLICY AND STRATEGY**

CAB118/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Lee Colyer, Director of Finance, Policy and Development who presented the report as set out in the agenda.

RESOLVED – That Full Council be recommended that the Treasury Management Policy and Strategy 2023/24, as set out in Appendix A to the report, be adopted.

REASON FOR DECISION:

The security of the Council's cash and effective cash flow management is vital in order to support all the services provided by the Council. The interest received from the Council's investments is an important source of income in helping the Council set a balanced budget.

TEMPORARY SUSPENSION OF THE HOUSING REGISTER

CAB119/22 Councillor Hugo Pound, Cabinet Member Housing and Planning introduced Stuart Clifton, Housing Services Manager who presented the report as set out in the agenda.

Discussion and questions from Members included the following:

- Assurances were needed that measures had been put in place to ensure that vulnerable and existing applicants were protected and wouldn't fall through the gap when the new system was introduced.
- Paragraphs 1.10 to 1.14 of the report updated a communication strategy that involved sending reminders via email and writing directly to ensure applicants reapplied so their existing priority date was retained. A register of applicants who hadn't applied would also be kept so that further contact could be made to ensure that contact had been made to all applicants. This would be in addition to the various campaigns as part of the Kent Homes Choice system, both on the website itself and when applicants logged into their account. There would also be notifications on the TWBC website.
- The new allocation scheme had already been introduced. It would be important to ensure that no one was disadvantaged by being transferred across at their current allocation status to the new scheme.
- Most applicants were accessing their account on the Kent Homes Choice system quite regularly so this was a good place to remind them of the need to reapply.
- It was envisaged the process would be a lot less complicated as it had been reasonably well prepared.

RESOLVED –

1. That the temporary suspension of the housing register for a period of one month to allow the new housing IT system to be implemented in Tunbridge Wells and across Kent be approved.
2. So that a reassessment of applications against the Council's new Allocation Scheme can be carried out, existing housing register applicants be required to re-apply to the housing register, be approved.
3. That the Head of Housing, Health and Environment be delegated authority to make future decisions should the date for closure of the housing register need to be any later than 1 June 2023 be approved.

REASON FOR DECISION:

Suspension of the housing register will allow the transfer of data to be easily uploaded to the new system and provide a much easier process to assess new applications against the new Allocations Scheme.

HOUSEHOLD RECYCLING AND WASTE COLLECTION SERVICE

CAB120/22 Councillor Luke Everitt, Cabinet Member for Environment, Sustainability and Carbon Reduction, introduced Gary Stevenson, Head of Housing, Health and Environment who presented the report as set out in the agenda.

Discussion and questions from Members included the following:

- Mid Kent Partnership on waste (Ashford, Swale and Maidstone) had recently procured their new contract with an external supplier. The Councils had made the decision that they would purchase the vehicles rather than lease them.
- TWBC wouldn't be taking on the leases. In 2027, TWBC would

- transfer the leases from Urbaser to the new service provider.
- The new fleet of vehicles would be able to use HBO fuel which had the ability to reduce carbon emissions by about 90%.
- It was about 6 times more expensive to process if food waste was put in the normal waste rather than in the food caddies.

RESOLVED –

1. That the Head of Housing, Health and Environment be given authority to extend the provision of limited financial assistance between November 2022 and March 2023, to Urbaser Ltd and Urbaser SA in respect of the contract originally procured be approved.
2. That a one-off contribution of up to £150,000 be given to Urbaser Ltd towards the costs of terminating a number of existing collection vehicle leases to facilitate the provision of a new fleet of collection vehicles in 2023/24 be approved.
3. That the Head of Housing, Health and Environment in consultation with the Director of Finance, Policy and Development and the Head of Legal Services be given delegated authority to complete all necessary negotiations, legal processes and legal documentation to enter into an agreement with Urbaser Ltd to allow for the transfer of vehicle lease(s) to the Council in conjunction with Tonbridge and Malling Borough Council or to the organisation(s) contracted to provide the two councils' household waste collection service on the expiry of the current joint recycling and waste collection and street cleansing contract be approved.
4. That the Head of Housing, Health and Environment in consultation with the Director of Finance, Policy and Development and the Head of Legal Services be given delegated authority to complete all necessary negotiations, legal processes and legal documentation and enter into an agreement with Tonbridge and Malling Borough Council to share the liability for the new vehicle fleet from the end of the current joint household recycling and waste collection and street cleansing contract be approved.
5. That a Voluntary Ex-Ante Transparency Notice will be published containing details of the proposed changes set out in recommendations, 1,2 and 3 to cover the items highlighted above be noted.

REASON FOR DECISION:

The proposal would meet both objectives of ensuring the retention of necessary staff and bring about long term cost certainty and efficiencies.

URGENT BUSINESS

CAB121/22 There was no urgent business.

DATE OF NEXT MEETING

CAB122/22 The next meeting would be held on Thursday 23 March 2023 commencing at 6:30pm, Town Hall, Tunbridge Wells.

NOTES:

The meeting concluded at 8.15 pm.