

Tunbridge Wells Borough Council

Decisions taken by the Cabinet on Thursday, 23 March 2023



Item	Topic	Decision
<b>Part 1 – Items considered in public</b>		
8	Revenue Management Report Quarter 3  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That at Quarter 3 net expenditure on services year to date was £10,361,000, £741,000 less than budget be noted.</li> <li>2. That by year end the Council anticipated net expenditure of £15,278,000 on services, a forecast of £144,000 under budget, an improvement of £656,000 on Quarter 2 be noted.</li> <li>3. That by year end the Council anticipated receiving an increase in funding of £1,150,000 due to additional investment interest. An improvement of £400,000 since Quarter 2. Overall, this means an underspend compared to budget of £1,294,000, and improvement of £1,056,000 since Quarter 2. This will fund the budget deficit of £944,000 that was to be met from reserves, with the additional £350,000 being available to be transferred to reserves, be noted.</li> <li>4. That a new charge for bay suspensions be implemented from 1 April 2023 be approved.</li> </ol> <p><b>REASON FOR DECISION:</b> To show the actual expenditure on services compared to the revised budget for the period ending 31 December 2022, and the forecast outturn position, highlighting significant variances from the revised annual budget</p>
9	Capital Management Report Quarter 3  Subject to call-in: Yes	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>2. That the proposed variations to the Capital Programme, set out in paragraph 4.3 to 4.9 of the report be approved.</li> <li>3. That the inclusion of new schemes into the Capital Programme as set out in notes 4.10 to 4.11 be noted.</li> </ol>

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		<p>4. That the proposed movement between years set out in note 4.12 be approved.</p> <p><b>REASON FOR DECISION:</b> Managing and forecasting capital expenditure effectively was vital in order to support all of the services provided by the Council</p>
<p><b>10</b></p>	<p>Treasury and Prudential Indicator Management Report Quarter 3</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the Treasury Management and Prudential Indicator position for 2022/23 be noted.</li> <li>2. That the forecast for investment and bank interest is £1,595,000, an increase of £1,150,000 from the approved budget of £445,000 and a further improvement of £400,000 from the Quarter 2 projection be noted.</li> </ol> <p><b>REASON FOR DECISION:</b> Ensuring effective cash flow management is vital in order to support all the services provided by the Council. The interest received from investments is an important source of income in helping to set a balanced budget.</p>
<p><b>11</b></p>	<p>Performance Summary Quarter 3</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the summary of project performance over quarter three 2022/23 as at Appendix A be noted.</li> <li>2. That the summary of service performance over quarter three 2022/23 as at Appendix B be noted; and</li> <li>3. That the Recovery Plans for quarter three 2022/23 as at Appendices C-K be noted.</li> </ol> <p><b>REASON FOR DECISION:</b> 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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12	*Community Safety Partnership 2023/24  Subject to call-in: No	<p><b>RESOLVED</b> – That Full Council be recommended that the Community Safety Partnership Plan 2023/24 be approved.</p> <p><b>REASON FOR DECISION:</b> To confirm the multi-agency activity to reduce crime and disorder.</p>
13	Draft air quality Action Plan for Hawkhurst AQMA  Subject to call-in: Yes	<p><b>RESOLVED</b> – That the draft Action Plan (as at Appendix A) be formally adopted as the Air Quality Action Plan for the Hawkhurst AQMA be approved.</p> <p><b>REASON FOR DECISION:</b> To ensure the Council continues to comply with all relevant Air Quality legislation, guidance and best practice.</p>
14	Re-tender Tunbridge Wells Car Club  Subject to call-in: Yes	<p><b>RESOLVED</b> –</p> <ol style="list-style-type: none"> <li>1. That authorisation of the re-tender of the Tunbridge Wells Car Club in accordance with the criteria set out in Appendix C, with the new contract to start on 1 August 2023 be approved.</li> <li>2. That, subject to the preferred bidder meeting the criteria as set out in Appendix C and being within the limits of the delegated authority, authority be given to the Head of Housing, Health and Environment to award the contract to the preferred bidder be approved.</li> </ol> <p><b>REASON FOR DECISION:</b> To help the Council meet its targets on emissions reduction, improving air quality and encouraging individuals to increase their use of sustainable transport modes.</p>
15	Horsmonden Neighbourhood Development Plan  Subject to call-in: Yes	<p><b>RESOLVED</b> –</p> <ol style="list-style-type: none"> <li>1. That the independent examiner’s report on the Horsmonden Neighbourhood Development Plan (HNDP) at Appendix A be noted and published.</li> <li>2. That following discussions with Horsmonden Parish Council the HNDP be modified as set out in</li> </ol>

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		<p>Appendix B be approved. In addition, changes to Policy 4.4 of the HNPD (as detailed in paragraphs 2.20 – 2.22) be included be approved.</p> <ol style="list-style-type: none"> <li>3. That publication of the Decision Statement at Appendix C and a decision to progress the HNPD as set out in Appendix D to referendum be approved.</li> <li>4. That the plan forms part of the statutory development plan for the Neighbourhood Area (Horsmonden Parish) immediately following a positive referendum outcome on the HNPD, with more than 50% of the vote, and does not have to wait until it is made. That Cabinet then recommends to the Council that in the event that the referendum result on the HNPD is positive, the Council formally makes the HNPD as set out in Appendix D, which will subsequently be considered at the next Full Council post-referendum be approved.</li> <li>5. That the referendum will take place on 8 June 2023 and if passed will go to Full Council on 5 July 2023 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>
16	<p>Grounds Maintenance Contract Extension</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the Head of Housing, Health and Environment in consultation with the Council’s Monitoring Officer and Section 151 Officer be given delegated authority to enter into a contract extension with Tivoli Group Ltd to end 31 December 2026 be approved.</li> <li>2. That delegated authority be given to the Council’s Monitoring Officer and Section 151 Officer to undertake all legal and financial requirements necessary to complete the extension of the Grounds Maintenance Contract be approved.</li> </ol>

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		<p><b>REASON FOR DECISION:</b> Extending the contract will provide longer term price certainty and will also tie in with the re-procurement of the other major contracts for sports centre management and recycling and waste collection and street cleaning which may provide other opportunities.</p>
17	<p>Health Inequalities Action Plan 2023-25</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED -</b> That the Health Inequalities Action Plan 2023-25 be approved.</p> <p><b>REASON FOR DECISION:</b> The plan would support Kent County Council’s wider Public Health Strategy in its objectives to reduce health inequalities.</p>
18	<p>The Ice Rink</p> <p>Subject to call-in: Yes</p>	<p><b>RESOLVED –</b></p> <ol style="list-style-type: none"> <li>1. That the preferred option for the future of the ice rink (Option 4) be approved.</li> <li>2. That delegated authority be given to the Head of HR, Customer Services and Culture, in consultation with the Cabinet Member for Leisure, Wellbeing and Culture to take such action as necessary to give effect to the preferred option, be approved.</li> <li>3. That authority be given to the Head of Mid Kent Legal Services and the Council's Procurement Manager to negotiate and complete all necessary legal documentation and formalities, including any procurement processes, and award the contract be approved.</li> </ol> <p><b>REASON FOR DECISION –</b> To continue to provide a significant Christmas attraction in the Borough.</p>

Decision Notice published: Friday 24 March 2023

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

## Tunbridge Wells Borough Council

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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 31 March 2023**

Tunbridge Wells Borough Council  
Town Hall  
Tunbridge Wells TN1 1RS  
Email: [Scrutiny@TunbridgeWells.gov.uk](mailto:Scrutiny@TunbridgeWells.gov.uk)