

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, 23 March 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), Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer), Jane Fineman (Head of Finance and Procurement), Carlos Hone (Head of Planning), Ellen Gilbert (Principal Planning Officer), Terry Hughes (Community Safety Manager), Pamela Grover-Morgan (Performance and Governance Manager) and Caroline Britt (Democratic Services Officer)

Other Members in Attendance:

LEADERS INTRODUCTION AND ANNOUNCEMENTS

CAB134/22 There were no announcements.

APOLOGIES

CAB135/22 There were no apologies.

DECLARATIONS OF INTEREST

CAB136/22 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB137/22 There were no visiting Members who had registered as wishing to speak.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB138/22 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB139/22 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 6 MARCH 2023

CAB140/22 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 6 March be noted.

***COMMUNITY SAFETY PARTNERSHIP 2023/24**

CAB141/22 Nancy Warne, Deputy Leader and Cabinet Member for Rural Communities introduced Terry Hughes, Community Safety Manager who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The joined up approach between the statutory bodies and the voluntary sector was very welcomed and provided a strong re-enforcement for Community Safety in the Borough.
- A lot of work went on behind the scenes to ensure that residents and businesses were kept safe.
- TWBC Councillors were part of the partnership and had a role to play to reach out to the Community to encourage residents to be aware and to report incidents to the police when they occur.
- Fly tipping remained a concern and this was something that could be looked at.
- More information on the number of arrests and convictions was requested.
- Road safety remained a major concern.
- A meeting had been arranged with Inspector Jones (Friday 24 March 2023) to discuss these issues and any others that Members felt appropriate.
- The priorities included in the Report reflected the messages from residents.
- The police were very praiseworthy of the work of the TWBC CSU unit.

RESOLVED – That Full Council be recommended that the Community Safety Partnership Plan 2023/24 be approved.

REASON FOR DECISION: To confirm the multi-agency activity to reduce crime and disorder.

HORSMONDEN NEIGHBOURHOOD DEVELOPMENT PLAN

CAB142/22 Councillor Hugo Pound, Cabinet Member for Housing and Planning introduced Ellen Gilbert, Interim Planning Policy Manager who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Neighbourhood Plans sought to bring something extra to Planning Policy and to identify the needs of a particular parish.
- Horsmonden had sought to do this and had put a lot of work into the Plan to ensure it was fit for purpose and this was to be commended.

RESOLVED –

1. That the independent examiner's report on the Horsmonden Neighbourhood Development Plan (HNDP) at Appendix A be noted and published.
2. That following discussions with Horsmonden Parish Council the HNDP be modified as set out in 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.

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.
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.
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.

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.

REVENUE MANAGEMENT REPORT QUARTER 3

CAB143/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Jane Fineman, Head of Finance, Procurement and Parking who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- All usable reserves had been allocated and currently there was an over allocation of £1m.
- All expenditure, whether revenue or capital should be funded from reserves, but there was also the ability to fund from a minimum revenue requirement i.e. internal borrowing.
- Internal borrowing had to be repaid over a period of years, over the life of the asset. This impacted on the revenue budget going forward.
- £5.9m of internal borrowing had been forecast, if this was included, all reserves had been spent.
- Whilst the revenue budget was welcomed news, this was a double edged sword as budget savings due to staff vacancies was not sustainable.
- Staff vacancies needed to be filled so that services did not suffer.
- Parking revenue was encouraging and did not appear to be having an effect on visitor numbers to Tunbridge Wells.
- There was significant expenditure still to come, so although this was positive, there were still challenges ahead.
- Appendix H highlighted a number of uplifts and officers should be commended for providing services despite the current resourcing problems.
- It was made clear that TWBC only received 10p out of every £1 of Council Tax collected. Similarly, it only received 4.7p out of every £1 collected for Business Rates.
- Staffing issues were a much wider problem affecting the whole of

Local Government.

- Unemployment levels in Tunbridge Wells had gone down, making the problem in TWBC worse.

RESOLVED –

1. That at Quarter 3 net expenditure on services year to date was £10,361,000, £741,000 less than budget be noted.
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.
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.
4. That a new charge for bay suspensions be implemented from 1 April 2023 be approved.

REASON FOR DECISION: 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

CAPITAL MANAGEMENT REPORT QUARTER 3

CAB144/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Jane Fineman, Head of Finance, Procurement and Parking who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The Council's commitment to its car parks could be seen by the continuing provision of car parks across the Borough and the assurance they met health and safety requirements.

RESOLVED –

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.
2. That the proposed variations to the Capital Programme, set out in paragraph 4.3 to 4.9 of the report be approved.
3. That the inclusion of new schemes into the Capital Programme as set out in notes 4.10 to 4.11 be noted.
4. That the proposed movement between years set out in note 4.12 be

approved.

REASON FOR DECISION: Managing and forecasting capital expenditure effectively was vital in order to support all of the services provided by the Council

TREASURY AND PRUDENTIAL INDICATOR MANAGEMENT REPORT QUARTER 3

CAB145/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Jane Fineman, Head of Finance, Procurement and Parking who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The increase in interest rates was good news for the Council.
- The Finance Team had been very proactive in finding investment opportunities to take advantage of the higher interest rates on offer.
- The additional projected income from higher interest rates had now been included in the forecast so it could not be relied on for next year.

RESOLVED –

1. That the Treasury Management and Prudential Indicator position for 2022/23 be noted.
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.

REASON FOR DECISION: 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.

PERFORMANCE SUMMARY QUARTER 3

CAB146/22 Councillor Christopher Hall, Cabinet Member for Finance and Performance introduced Pamela Grover-Morgan, Performance and Governance Manager who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The graphs included Appendix C were helpful as they provided a good level of explanation.
- The graphs included at Appendix B were less helpful and were a little blunt. The level of underperformance was very marginal, e.g. Household Waste sent for reuse and composting had missed its target by 0.16%. Whilst it had underperformed, there should be a better way of explaining the figures.
- The work of the Economic Development Team was applauded.
- Going forward, Cabinet might want to look at which KPI's it wanted to report on.

RESOLVED –

1. That the summary of project performance over quarter three 2022/23 as at Appendix A be noted.
2. That the summary of service performance over quarter three 2022/23 as at Appendix B be noted; and
3. That the Recovery Plans for quarter three 2022/23 as at Appendices C-K be noted.

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.

DRAFT AIR QUALITY ACTION PLAN FOR HAWKHURST AQMA

CAB147/22 Councillor Luke Everitt, Cabinet Member for Environment, Sustainability and Carbon Reduction introduced Paul Taylor, Director of Change of Communities who presented the report set out in the agenda.

- Since the Cabinet Report had been published, Defra had awarded Mid Kent Environmental Health Service (with TWBC as the lead) and Canterbury City Council, a grant £170k to develop an air quality source aimed at GP's and Health professionals to help educate them about the dangers of air pollution, with a particular emphasis on how to help the most vulnerable patients on how to protect themselves and limit their exposure to air pollution.
- It was therefore suggested that a 9th action be added to the plan, to prioritise the role out of this resource in Hawkhurst. If approved by Cabinet, the final recommendation could be submitted to Defra for approval.

RESOLVED – That the draft Action Plan (as at Appendix A) be formally adopted as the Air Quality Action Plan for the Hawkhurst AQMA be approved.

REASON FOR DECISION: To ensure the Council continues to comply with all relevant Air Quality legislation, guidance and best practice.

RE-TENDER TUNBRIDGE WELLS CAR CLUB

CAB148/22 Councillor Luke Everitt, Cabinet Member for Environment, Sustainability and Carbon Reduction introduced Paul Taylor, Director of Change of Communities who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Car Club membership should be encouraged. Increased membership would reduce emissions and congestion.
- Fewer cars would provide better parking for local residents.
- Better provision for public transport would also help reduce the need for car ownership.

RESOLVED –

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.
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.

REASON FOR DECISION: To help the Council meet its targets on emissions reduction, improving air quality and encouraging individuals to increase their use of sustainable transport modes.

GROUNDS MAINTENANCE CONTRACT EXTENSION

CAB149/22

Councillor Wendy Fitzsimmons, Cabinet Member for Leisure, Wellbeing and Culture introduced Paul Taylor, Director of Change of Communities who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The provision of dog ‘poo’ bags was raised. Whether a sponsor should be sought for the provision of ‘poo’ bags or whether it should be the responsibility of the owners to bring their own.
- The proposed changes as detailed in the report in respect of carbon emissions was very welcomed.
- Further information regarding areas of park that were left as a ‘natural meadow’ would be circulated soon.
- TW Parks had secured a number of prizes and were very successful in Britain in Bloom last week.
- The introduction of a pesticide and herbicide usage policy was a very positive step and something to be congratulated.

RESOLVED –

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.
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.

REASON FOR DECISION: 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.

HEALTH INEQUALITIES ACTION PLAN 2023-25

CAB150/22 Councillor Wendy Fitzsimmons, Cabinet Member for Leisure, Wellbeing and Culture introduced Paul Taylor, Director of Change of Communities who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Discussions had taken place with regards to the groupings of the priorities. A decision was taken to restrict the number of priorities to 5 groups and this resulted in older people being included within the same group as disabilities.
- It was recognised that there were overlaps between the groups e.g. older people also fitted in with isolation and loneliness.
- The table at 5.81 gave details of the groups and it was clear that there were many overlaps.
- The Council were about to sign off on the Kent County Council's Community Services consultation. There was doubt expressed about Kent County Council's commitment to the programme.

RESOLVED - That the Health Inequalities Action Plan 2023-25 be approved.

REASON FOR DECISION: The plan would support Kent County Council's wider Public Health Strategy in its objectives to reduce health inequalities.

THE ICE RINK

CAB151/22

Councillor Wendy Fitzsimmons, Cabinet Member for Leisure, Wellbeing and Culture introduced Paul Taylor, Director of Change of Communities who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- There was agreement that Option 4 was the preferred option.
- The benefits to the local economy and the Council's finances supported the continuation of the ice rink.
- There was agreement that it should be restricted to the peak period only.
- The ice rink not only benefited residents but also brought people into the town.
- Although a non-statutory service, investing in the ice rink was a good thing to do.

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

RESOLVED –

1. That the preferred option for the future of the ice rink (Option 4) be approved.
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.

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.

REASON FOR DECISION – To continue to provide a significant Christmas attraction in the Borough.

URGENT BUSINESS

CAB152/22 There was no urgent business.

DATE OF NEXT MEETING

CAB153/22 The next meeting would be held on Thursday 22 June 2023 commencing at 6:30pm.

NOTES:

The meeting concluded at 8.10 pm.