

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, 27 July 2023

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

Officers in Attendance: William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer), Tobi Phillips (Affordable Housing and Enabling Officer), Peter Benfield (Senior Estates Officer), Hilary Smith (Economic Development Manager), James Read (Senior Economic Development Officer), John Strachan and Caroline Britt (Senior Democratic Services Officer)

Other Members in Attendance: Councillors Dawlings and Pope

LEADERS INTRODUCTION AND ANNOUNCEMENTS

CAB17/23 Councillor Ben Chapelard, Leader of the Council thanked residents for taking part in the Borough wide Residents Survey. The Council had received over 1200 responses.

Councillor Wendy Fitzsimmons, Cabinet Member for Sport Leisure and Health reported that the judges from Britain in Bloom had visited Tunbridge Wells and were very impressed. South and South East in Bloom had also recently taken place with the judges being equally impressed. Thanks were given to the Parks Team and Tivoli for all their hard work.

Councillor Hugo Pound, Cabinet Member for Housing and Planning gave an update on the new software being used for residents in the Borough to register for housing. The Council had received 1,038 registrations of which 300 of those applications had now gone live. There were currently 455 applications pending review (not all of which would be accepted), with 103 at the pre application stage and 165 which had been closed because they did not qualify. The Housing Team continued to work hard which was very much appreciated.

APOLOGIES

CAB18/23 There were no apologies.

DECLARATIONS OF INTEREST

CAB19/23 Councillor Nancy Warne declared that regarding Agenda Item 12 (Dunorlan Parking – Consultation Response), she was related to the Chair of the Friends of Dunorlan Park and was aware of his views but would participate and vote on this item.

Councillor Nancy Warne declared that regarding Agenda Item 15 (Cranbrook and Sissinghurst Neighbourhood Development Plan), as the current chairman of the steering group, she would excuse herself from the meeting for this item.

NOTIFICATION OF VISITING PERSONS WISHING TO SPEAK

CAB20/23 The following people had registered to speak:

Dr Robert Banks – Agenda Item 12
Councillor Pope – Agenda Item 12
Councillor Dawlings – Agenda Item 12

MINUTES OF THE MEETING DATED 22 JUNE 2023

CAB21/23 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 22 June 2023 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB22/23 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB23/23 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 18 JULY 2023

CAB24/23 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 18 July 2023 be noted.

TENANCY STRATEGY

CAB25/23 Councillor Hugo Pound, Cabinet Member for Housing Planning introduced Tobi Philips, Affordable Housing and Enabling Officer who presented the report set out in the agenda.

Discussions and questions from Members included the following:

- Cabinet were recommended to endorse Option 1 and approve the adoption of the strategy.
- The Strategy had not been renewed since 2012, and the world had moved on considerably with the Council's registered providers and the expectations of residents who rented social housing.
- The work was therefore wholly appropriate in creating something fresh that could be rolled out to the Council's registered providers.

RESOLVED – That the Tenancy Strategy at Appendix A be approved.

REASON FOR DECISION: To comply with the Localism Act 2011.

ECONOMIC DEVELOPMENT STRATEGY

CAB26/23 Councillor Justine Rutland, Cabinet Member for Economic Development introduced Hilary Smith, Economic Development Manager and James Read, Senior Economic Development Officer who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Members thanked the team for their hard work in producing the draft Strategy and for taking on board the comments from the Communities and Economic Development Cabinet Advisory Board.
- The consultation looked very comprehensive so it would be interesting to see what responses were received and how the Council would respond.
- It was very encouraging to see that aiming for net zero was one of the headline objectives.
- The team were thanked for their work in arranging visits for the Leader and the Chief Executive to meet with local businesses. It had proved very helpful in trying to understand their concerns and ambitions.

RESOLVED –

1. That a 6-week consultation of the Draft Economic Development Strategy for the period 2023-2026, starting in September be approved.
2. That a final version of the Strategy be brought back to Cabinet for consideration, approval and adoption be approved.

REASON FOR DECISION: To ensure that the key issues relating to economic development are recognised and addressed to help create the right conditions for businesses to flourish in the borough and for inward investment. To provide a basis for bidding for project funding in the future, as opportunities arise.

PROPERTY TRANSACTION REPORT JANUARY TO JUNE 2023

CAB27/23 Councillor Christopher Hall, Cabinet Member for Finance and Performance, introduced Peter Benfield, Senior Estates Surveyor who presented the report set out in the agenda.

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

RESOLVED – That the report be noted.

REASON FOR DECISION: To comply with the constitution

STRATEGIC RISK REGISTER

CAB28/23 Councillor Christopher Hall, Cabinet Member for Finance and Performance, introduced Lee Colyer, Director of Finance, Policy and Development who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Members would need to ensure that the focus of development and activities wasn't confined to just Tunbridge Wells, that the Borough's other towns and villages were included.
- It was therefore welcomed that Risk Scenario 4, which was around towns and villages had been well represented.

RESOLVED – That the strategic risk register and arrangements for managing strategic risk be noted.

REASON FOR DECISION: To effectively manage strategic risks in accordance with the method advised by the Council's auditors.

BUDGET PROJECTION AND STRATEGY 2024/25

CAB29/23 Councillor Christopher Hall, Cabinet Member for Finance and Performance, introduced Lee Colyer, Director of Finance, Policy and Development who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The Medium Term Financial Strategy projection of £7.298m projected for 2029/30 assumed that the Council didn't make adjustments to manage the deficit during any of the years prior to 2029/30.
- The consequence of the Council trying to find that level of savings, i.e. half of the Council's net budget requirement, would result in the Council only being able to fund its statutory services.
- It would be the responsibility of everyone to close that gap, which would involve making some difficult decisions.
- The Council could not rely on inflation to come down and on the continuing vacancy factor. Additionally, the Council couldn't rely on current or higher interest rates.
- Members had the opportunity to make decisions now that would cover the next 3 years that would set the Council on the right path to reducing the deficit and get the finances on a stable footing.
- It wasn't sustainable to rely on the vacancy factor to balance the books.

RESOLVED –

1. 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.
2. That the emerging Saving Plan be supported.

REASON FOR DECISION: To agree the form of consultation and begin the process of setting the budget for 2024/25.

DUNORLAN PARKING - CONSULTATION RESPONSE

CAB30/23 Dr Robert Banks had registered to speak which included the following comments:

- At the Finance and Governance Cabinet Advisory Board (F&G CAB), Councillor O'Connell highlighted the importance of positively reacting to the results of the public consultation that had rejected the Council's proposal.
- There was an implicit assumption that car parking charges would be introduced.
- 50% of respondents opted for a zero payment at the Park. A further 30% of respondents asked that if charges were introduced that they be restricted for a maximum period of 5 days per week.
- Only 2 out of the 18 freeform responses supported parking charges.
- The F&G CAB had a long discussion on this item, all the objections were dismissed.
- The Council's solution to the deficit was to levy charges or reduce services. Other options, such as efficiency savings or income generation were either not considered or rejected.
- Comparisons were made about Haysden Park. However the park didn't have a boat business, the charges were lower, and they were not introduced during a period of significant inflation.
- 76% respondents said they travelled to the park by car, the comment that this was by choice was disingenuous. Personal choice included a wish to visit for reasons of beauty, amenities etc.
- No details were given regarding the possibility of vehicle displacement due to the introduction of charges.
- The consultation was flawed because the fundamental question was not asked. The option to leave the parking free of charge was rejected because it did not support either the Council's principles of 'user pays' or the Borough Partnership's first priority of safeguarding the Council's finances.
- The outcome of the consultation had been predetermined, with the assumption that changes would be introduced had been now realised.
- None of the other options offered reflected the view of respondents.
- Whilst the outcome of the consultation was not binding the non-evidence based rejection of the results was non democratic.

Councillor Nicholas Pope had registered to speak which included the following comments:

- Does not like the idea of parking charges being introduced at Dunorlan Park.
- But understood the financial difficulties being faced and that alternative options were running out.
- The Council currently had a budget gap of just under £1m, which was forecast to grow to nearly £6m in the next 5 years.
- If charging were introduced, displacement would be an issue. People visiting the park, but using residential roads for parking would make it more difficult for residents.
- If people parked along Halls Hole Road, it would further narrow the lane and make it dangerous with an increased risk of accidents.
- People might decide to park on Pembury Road, which would impede traffic and churn up the verge.
- Cabinet should ensure that mitigation measures were in place should

- displacement occur.
- It would be important to support the businesses and volunteers that worked in the park. Parking should be free for these users when they were working.
 - Parks were important for people's mental health. The first 2 hours should be a flat rate.
 - Higher rates for those staying beyond 4 hours should be introduced to deter commuters from using the car park.
 - The majority of users that used the park arrived on foot, so the user pays strategy was not applicable.
 - That said, the majority of people that responded to the consultation were drivers.
 - Not offering the option of retaining free parking as part of the consultation process skewed the results. Public consultation questions should be carefully thought out.

Councillor Tom Dawlings had registered to speak which included the following comments:

- The report to the Cabinet Advisory Board stated that 50% respondents were opposed to the introduction of parking charges.
- The Friends of Dunorlan were also wholly opposed to car parking charges being introduced.
- The responses in the free text section made clear that the majority favoured retaining free parking.
- There was no option given to retain the status quo of free parking in the recommendations.
- Despite many requests the opportunity to vote to retain free parking was not given at the Cabinet Advisory Board.
- The suggestion was that the 50% opposed to charging should be ignored. If this was the case, then the consultation was not a very effective one.
- Tunbridge Wells town had many green spaces to enjoy. The parks contributed to the health and well being of those living in the Borough.
- All households, through their Council Tax, contributed to the maintenance of the parks.
- The report stated that the charges would contribute to the maintenance of the park and this was consistent with the principle of user pays.
- Firm disagreement of this. This would be an introduction of a charge on an apartheid basis. It would be paid only by those who didn't live in the centre of Tunbridge Wells.
- The charges were also needed to reduce the deficit. Understood the effect that inflation was having on the Council, but financial decisions should be taken when considering all fees and charges, not assessing just one source of income.
- Those who sought to use the car park for purposes other than for visiting the park would have to be managed.
- Could envisage a case for introducing a charge for parking management purposes. But this was not an option presented to the Cabinet Advisory Board.
- The Cabinet Advisory Board was left in no doubt of Cabinet's intention to introduce charges at Dunorlan. This would be a very disappointing outcome.
- Exemptions from charges should include volunteers and others associated with businesses at the park.

Councillor Justine Rutland, Cabinet Member for Economic Development and Councillor Christopher Hall, Cabinet Member for Finance and Performance, introduced John Strachan, Parking Manager who presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Officers had considered the issue of displacement. Restrictions already existed on Halls Hole Road, which could be reviewed and if necessary extended. Consideration could also be given to introducing restrictions on Pembury Road. In both cases, this could be achieved relatively easily and not at great expense.
- It was suggested that given the current constraints on both roads, there already existed an element of self-enforcement. Halls Hole Road was narrow and busy, the Pembury Road was also very busy.
- The Council didn't have any control over private roads, but mitigation measures could be put in place e.g. additional signing and the use of private enforcement companies.
- The next stage would be to make a Parking Order on the car park. This included a 21 day statutory consultation process. The notice would be advertised locally in the area including in the local press. A copy of the Order would be available for inspection at the Town Hall and a notice placed on the TWBC website. It would also be published on social media.
- Statutory consultees included Kent County Council (KCC) and Kent Police.
- KCC were also responsible for the provision of any restrictions on the Highway. TWBC had already been in contact with KCC so they were aware of the proposal.
- It would be for Members to decide who they would like to give dispensation from parking charges at the Park. This could include volunteers and those who worked within the Park.
- The Council could 'white list' vehicles exempt from parking charges.
- The Council, in putting together the questions for the informal consultation, included questions that would maximise the data. Including an option to 'do nothing' tended to invite a 'non response'.
- The consultation was aimed as a fact finding exercise for residents to express their views.
- The statutory consultation was free text so there were no constraints on what people could say in their responses.
- Views on people's habits, when they visited the park and how they got there, was important information alongside views on proposed charging.
- The introduction of charges could result in a better turnover of cars using the car park i.e. cars not staying as long, freeing up spaces on a more regular basis.
- Once charging had been introduced the Council would be able to collect a large amount of data on habits and usage at the car park. Depending on the data collected (perhaps after one year), charges could be adjusted to alter behaviour. For instance, if cars were parked there all day, the Council could consider increasing the all day charge to discourage this practice and free up spaces for short term users.

Debate

- Contrary to the suggestion from one of the speakers, the decision had not been predetermined.
- The Labour Group had had an in-depth discussion on this issue and remained divided. It was important that green spaces in towns were protected and that the welfare of residents wasn't impacted negatively by the lack of outside green space.
- The planet was in crisis with people's health being impacted negatively by carbon emissions.
- Many in the Labour Group felt that the Council should not be charging residents to access green spaces as they were already paid for through Council Tax payments.
- It was suggested that the charge was not for accessing the park but a charge for those who chose to drive there.
- However, it was noted that it was not uncommon to pay for a service through Council Tax charges, and to then pay additionally for the use of a facility e.g. sports centres.
- Consideration of car parking charges in isolation and in advance of a Car Parking Strategy was also questioned. However, the Car Parking Strategy would be a high level document and that it would be reasonable for a decision on Dunorlan to be taken forward separately.
- It was suggested that any decision on charging should wait until there was adequate provision on the public transport network so that accessibility to green spaces was better provided for. However, to wait for a resolution on the public transport network would unfortunately result in nothing being achieved.
- The annual cost of maintenance at Dunorlan Park and its car parks was over £170k. A contribution to those costs by those who chose to drive to the park did not seem unreasonable.
- The provision of providing one hour of free parking would be a mistake. This would result in higher pollution and not enough in revenue to cover the cost of the installation and maintenance of the systems required.
- The Labour Group remained divided but confirmed that both Cabinet Members were in support of introducing charges for the reasons explained.
- Officers confirmed that the Parking Strategy was currently in draft form. It was hoped that it would be shared with officers and Members before going out for consultation later this year.
- Officers confirmed that Dunorlan Park maintenance net costs were £174k, contract indexation was currently running at about 10% which the Council was contractually committed to meet. This equated to an additional £17k in 2024/25.
- It was confirmed that the Friends of Dunorlan were not wholly opposed to the introduction of car parking charges, it was approximately 50/50.
- It was agreed the park was a very valuable asset but it was a luxury that couldn't be afforded without the addressing the Council's current financial issues.
- The Council had made efficiency savings. When the contract with Tivoli was extended, the Parks Team did extensive work to identify areas where the spec could be reduced, including a reduced mowing scheme, a reduction in the number of times hedges were cut, rewinding areas of the park and adjusting the planting to better fit current circumstances.

- The green spaces within the town were free, the Council was asking drivers to pay a small amount for the privilege of driving to the park.
- The Tunbridge Wells Alliance (TWA) were also split on this issue. The Councillors representing Park Ward were very concerned about the introduction of charging on their residents.
- There was also concern raised about the consultation and the weight the responses were given by the Council.
- It was important that the results of the consultation were given sufficient weight and to understand that this formed only part of an ongoing process.
- Other factors had to be incorporated into the decision making process, including efficiency and financial savings.
- TWA had also raised concerns regarding parking displacement and where this scheme fitted in with the wider Parking Strategy.
- Officers confirmed that the Parking Strategy was a high level document and wouldn't go into detail about individual charges for the different car parks. The Strategy was there to help support the Local Plan.
- The 'white listing' of certain users should be supported.
- The notion of 'free parking' should be rejected. Parking was being paid for either directly or indirectly.
- The Council did consider different perspectives, but needed to work collectively for the public. Choices should be made in a way that had less negative impact on society and on the planet. This would be a small adjustment for the benefit of others.
- Option A was the preferred option, as Option B would not bring the benefits needed.
- The Portfolio Holder for carbon reduction stated that the right choice was one that supported a reduction in car use, but it was still not an easy decision to make.
- Green spaces should be free to enjoy for health and wellbeing. The park would still be free, along with many other parks that were accessible across the Borough. Car parking charges should not be taken lightly, and could be a barrier for one of the Borough's green spaces.
- Car parking charges should be introduced alongside other positive measures such as improved cycling routes and a good public transport system, but it was acknowledged this was not achievable at the present time.
- The Council's finances had to be stabilised and safeguarded for investments in future years, including reaching the goal of zero carbon by 2030.
- It was a difficult decision but it was a financial imperative and would reduce some carbon emissions.
- The consultation was aimed at trying to gain a better understanding of how people used the park, how long they stayed, where they lived and how they travelled to the park.
- The report explained how some of the concerns would be handled should they arise, e.g. displacement, businesses etc. The report further set out costs so that income figures could be explained and that they were worthwhile.
- Feedback from people who took part in Park Runs indicated that they were used to having to pay, including at Tonbridge and Bedgebury.
- The report also made clear the revenue raised would help maintain the park.
- It was recognised that those driving to the park would not welcome the

introduction of charges, so it was proposed that signs be placed that explained the decision.

- The Liberal Democrats had tussled with the decision and there had been a lot of discussion about the social, financial and environmental implications.
- The introduction of charging was not lightly done. But it was a sensible decision as part of a package of measures to reduce the deficit and help safeguard the future of the Council's finances.
- From a finance viewpoint, not charging was an unrealistic option. There was however a need to be resourceful and to find ways of funding the parks to the standard that residents were used to. The cost of which was only going to escalate.
- Although the projected revenue of £90k wouldn't cover the whole cost, it would be a considerable contribution to the overall budget that went to fund the maintenance of the parks.
- At the Finance and Governance Cabinet Advisory Board, there were a couple of persuasive arguments put forward that supported the introduction of charges. The first was that the option to keep the first hour free would not deliver the income needed and wouldn't make the introduction of charges worthwhile (Option B).
- This left only Option A – to charge from the first hour as the only realistic option.
- There was a precedent for charging, Tonbridge and Malling had introduced charges at Haysden Park. Charging had been in place for some time with no adverse effects on visitor numbers.
- The decision would be taken with the long term view in mind. The provision of additional income whilst still being able to protect, support and preserve the park.
- As public finances across the whole country continued to deteriorate, it would be a tragedy if the Council's well maintained public spaces suffered. As custodians of these spaces, the Council had a duty to give them the resources that would enable them to continue and ensure the Borough continued to be a better place for its residents.
- The income raised would not be used to expand the car park.
- Residents should be encouraged to walk or cycle to the park.

RESOLVED –

1. That the responses to the Consultation held in November, and the mitigations in the report be noted.
2. That car parking charges be introduced in the Dunorlan Park car parks as detailed in Option A be approved.
3. That charges be implemented on 16 October 2023, except for Blue Badge Holders parked in Disabled spaces which will be free of charge, be approved.
4. That the Portfolio Holders for Finance and Performance and Economic Development, in conjunction with the Head of Finance, Procurement and Parking be given authority to make minor amendments to the proposal resulting from the comments received during the formal consultation process required to create the Parking Places Order or further operational issues that may arise, be approved.

REASON FOR DECISION: To provide an income stream to help protect Council Services, including the maintenance of the park, and to safeguard the Council's finances.

CRANBROOK AND SISSINGHURST NEIGHBOURHOOD DEVELOPMENT PLAN

CAB31/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning introduced the item as set out in the agenda.

The report was taken as read.

RESOLVED –

1. That the independent examiner's report on the Cranbrook & Sissinghurst Neighbourhood Development Plan (CSNDP) at Appendix A be noted and published.
2. That the CSNDP be modified as set out in Appendix B be approved.
3. That a decision to progress the CSNDP as set out in Appendix C to referendum, and a Decision Statement as set out at Appendix D be approved.
4. That if the referendum result on the CSNDP is positive, the Council formally makes the CSNDP as set out in Appendix C to be subsequently considered at a Full Council meeting, post referendum 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.

PADDOCK WOOD NEIGHBOURHOOD DEVELOPMENT PLAN

CAB32/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning introduced the item as set out in the agenda.

The report was taken as read.

RESOLVED –

1. That the independent examiner's report on the Paddock Wood Neighbourhood Development Plan (PWNDP) at Appendix A be noted and published.
2. That the PWNDP be modified as set out in Appendix B be approved.
3. That a decision to progress the PWNDP as set out in Appendix C to referendum, and a Decision Statement as set out at Appendix D be approved.
4. That if the referendum result on the PWNDP is positive, the Council

formally makes the PWNDP as set out in Appendix C to be subsequently considered at a Full Council meeting, post referendum 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.

PEMBURY NEIGHBOURHOOD DEVELOPMENT PLAN (PNDP)

CAB33/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning introduced the item as set out in the agenda.

The report was taken as read.

RESOLVED –

1. That the independent examiner's report on the Pembury Neighbourhood Development Plan (PNDP) at Appendix A be noted and published.
2. That the PNDP be modified as set out in Appendix B be approved.
3. That a decision to progress the PNDP as set out in Appendix C to referendum, and a Decision Statement as set out at Appendix D be approved.
4. That if the referendum result on the PNDP is positive, the Council formally makes the PWNDP as set out in Appendix C to be subsequently considered at a Full Council meeting, post referendum 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.

URGENT BUSINESS

CAB34/23 There was no urgent business.

DATE OF NEXT MEETING

CAB35/23 The next meeting would be held on Thursday 21 September 2023 commencing at 6:30pm.

NOTES:

The meeting concluded at 8.15 pm.