

Tunbridge Wells Borough Council

Decisions taken by the Cabinet on Thursday, 21 September 2023



Item	Topic	Decision
Part 1 – Items considered in public		
9	Annual Corporate Health and Safety Report Subject to call-in: Yes	<p>RESOLVED –</p> <p>1. That the contents of the report, along with the work undertaken to secure a safe and healthy working environment be noted.</p> <p>2. That the corporate priorities for 2023-24 be approved.</p> <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>
10	Performance Summary Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <p>1. That the summary of project performance over quarter one, 2023/24 at Appendix A be noted.</p> <p>2. That the summary of service performance over quarter one, 2023/24 at Appendix B be noted.</p> <p>3. That the Recovery Plans for quarter one, 2023/24 at Appendices C-E be noted.</p> <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>

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11	<p>Showfields, Tunbridge Wells - Disposal of Parcels of Land</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <p>1. That the grant of the option and the disposal of land referred to in the report and Appendices be approved.</p> <p>2. That the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development, the Monitoring Officer and the Cabinet Member for Finance and Performance be given delegated authority to negotiate and agree the terms of the option to be granted and the subsequent disposal if the option is exercised be approved.</p> <p>3. That the Head of Mid Kent Legal Services is authorised to negotiate and complete all necessary legal documentation and formalities to give effect to these recommendations and the disposal of the land be approved.</p> <p>REASON FOR DECISION: The sale would tidy up the land ownership issues, remove any obligation for maintenance to the Council and provide some additional funds to the Council.</p>
12	<p>Capital Management Report - Quarter 1</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <p>1. That the actual gross and net expenditure for the year and the sources of finance, as shown in Appendices B-D be noted.</p> <p>2. That the proposed variations to the Capital Programme, set out in note 4.3 be approved.</p> <p>3. That the proposed movement between years set out in note 4.4 be approved.</p> <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>

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13	Revenue Management Report - Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <p>1. That the Quarter 1 net expenditure on services year to date was £2,666,000, £1,098,000 less than budget be noted.</p> <p>2. That by year end the Council anticipates net expenditure of £15,837,000 on services and that this forecast is £1,001,000 under budget be noted.</p> <p>3. That by year end the Council anticipates receiving an increase in funding of £1,248,000, due to additional investment interest and that overall, this means an improvement to budget of £2,249,000 be noted. Further, that the Council will transfer £1,832,000 of this to earmarked reserves and £417,000 will reduce the budget deficit that was to be met from reserves be noted.</p> <p>REASON FOR DECISION: To show the actual expenditure on services compared to the revised budget for the period ended 30 June 2023, and the forecast outturn position, highlighting significant variances from the revised annual budget.</p>
14	Treasury and Prudential Indicator Management Report - Quarter 1 Subject to call-in: Yes	<p>RESOLVED –</p> <p>1. That the Treasury Management and Prudential Indicator position for 2023/24 be noted.</p> <p>2. That the forecast for investment and bank interest is £2,668,000, an increase of £1,248,000 from the approved budget of £1,420,000 be noted.</p> <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>

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15	<p>Biodiversity Action Plan and Biodiversity Net Gain</p> <p>Subject to call-in: Yes</p>	<p>RESOLVED –</p> <p>1. That the Council's Interim Net Gain project utilising Council owned woodland be continued as proposed and the necessary work and efforts be made to register the land for Biodiversity Net Gain credits under the Environment Act 2021 including the appointment of a consultant to undertake the necessary surveys and to provide advice on the longer-term management of the scheme be approved.</p> <p>2. That the Council continues preparation for Mandatory Biodiversity Net Gain, commencing in 2023, to include:</p> <ul style="list-style-type: none"> - Continuing to develop guidance and procedures for Development Management - Collating information on Biodiversity Net Gain being provided in the Borough and developing a longer-term strategy for the offsite provision for Biodiversity Net Gain. - The appointment of KCC Ecology under a Service Level Agreement (SLA) to assist in the review of Biodiversity Net Gain Plans submitted in support of planning applications in the Borough be approved. <p>3. As required by the Environment Act 2021, the Council prepare and publish a Biodiversity Report through consultation with Members and key stakeholders and that it shall meet the minimum requirements of the Biodiversity Duty and set out the Council's Biodiversity Action Plan be approved.</p> <p>4. That delegated authority be given to the Head of Planning in consultation with the Cabinet Member for Housing and Planning to implement the actions set out in recommendations 1-3, including entering into an SLA with KCC Ecology following any necessary negotiations be approved. And further that delegated authority be given to the Head of Legal Partnership in consultation with the Head of Planning to negotiate and complete all necessary agreements with the consultant referred to in Para 1 above, including negotiations with KCC Ecology to seek to secure a 1-year review clause and two training sessions for Members and officers be approved.</p>

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		REASON FOR DECISION: To comply with the Council's Corporate Planning roles and responsibilities under the Environment Act 2021.
16	Kent High Weald Partnership: Service Level Agreement and Funding Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That the Draft Service Level Agreement (SLA) between Tunbridge Wells Borough Council (TWBC) and the Kent High Weald Partnership (KHWP) be approved. 2. That the Draft Memorandum of Agreement (MoA) between Kent County Council (KCC) and TWBC governing the operations of the Kent High Weald Partnership be approved. 3. That delegated authority be given to the Head of Planning Services and Cabinet Member for Housing and Planning to make minor amendments and sign on behalf of TWBC the SLA and MoA in 1 and 2 above be approved. 4. That the funding for the Kent High Weald Partnership for the period 1 April 2024 to 31 March 2027 be set at £76,194.50 annually subject to the setting of the Council's annual budget be approved. <p>REASON FOR DECISION: Maintaining a well-funded KHWP offers clear value for money to the Borough Council.</p>
17	Affordable Housing Commuted Sum Position Statement Subject to call-in: Yes	<p>RESOLVED –</p> <ol style="list-style-type: none"> 1. That in order to set guidelines when calculating and negotiating a commuted sum in lieu of the onsite delivery of affordable housing, the Affordable Housing Commuted Sum Position Statement be approved. 2. That delegated authority be given to the Head of Housing, Health and Environment, in consultation with the Portfolio Holder for Housing and Planning to make any minor amendments to the Affordable Housing Commuted Sum Position be approved.

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		REASON FOR DECISION: To provide a transparent mechanism for calculating commuted sums.
18	Affordable Housing Commuted Sums Spending Policy Subject to call-in: YesNo	<p>RESOLVED –</p> <p>1. That the Affordable Housing Commuted Sums Spending Policy at Appendix A to utilise commuted sums funding paid in lieu of affordable housing provision be approved.</p> <p>2. That delegated authority be given to the Head of Housing, Health and Environment, in consultation with the Portfolio Holder for Housing and Planning, to make minor amendments to the Affordable Housing Commuted Sums Spending Policy be approved.</p> <p>REASON FOR DECISION: To provide the Council with scope to utilise funding to promote genuinely affordable avenues into affordable housing.</p>
19	Nomination Agreement Subject to call-in: Yes	<p>RESOLVED –</p> <p>1. That subject to any necessary drafting changes considered necessary by the Head of Mid Kent Legal Services the Nominations Agreement at Appendix A be approved.</p> <p>2. That delegated authority be given to the Head of Mid-Kent Legal Services to enter into Nominations Agreements with Registered Housing Providers after receiving instructions to do so from the Affordable Housing and Enabling Officer be approved.</p> <p>REASON FOR DECISION: To provide the procedures to be used to make existing and arising void properties available for nominations to the Council.</p>

Decision Notice published: Friday 22 September 2023

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 29 September 2023**

Tunbridge Wells Borough Council
Town Hall
Tunbridge Wells
Email: Scrutiny@TunbridgeWells.gov.uk