

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, 21 September 2023

Present: Councillor Ben Chapelard (Chair)
Councillors Neville, Pound, Rutland, Sharratt and Wilkinson

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), Gary Stevenson (Head of Housing, Health and Environment), Pamela Grover-Morgan (Performance and Governance Manager), Peter Benfield (Senior Estates Officer), David Scully (Landscape and Biodiversity Officer), Carlos Hone (Head of Planning) and Caroline Britt (Senior Democratic Services Officer)

Other Members in Attendance:

LEADERS INTRODUCTION AND ANNOUNCEMENTS

CAB36/23 Councillor Ben Chapelard, Leader of the Council thanked the 1500 residents who took part in the Borough wide survey.

Councillor Wendy Fitzsimmons had stepped down from her role on Cabinet. Councillor Pamela Wilkinson had now joined Cabinet as the new Member for Sport, Leisure and Health.

Councillor Jayne Sharratt, Cabinet Member for Carbon Reduction and Sustainability made clear the disappointment felt on hearing the news from Government of a delay in targets for net zero and a prolonged reliance on fossil fuels. It was important to make note, that the Council remained committed to achieve net zero by 2030. Local Authorities continued to make ground breaking progress towards their own targets despite inadequate funding from Central Government. The Council could look after people and the planet together. Officers were commended on the work already done in working towards the Council's net zero policies. 28 new EV charging points would be going into Council owned car parks and work to decarbonise the Weald Leisure Centre and the North Farm Depot was on target for completion by the end of 2023. In addition, the Borough Partnership was looking at a business case for producing its own clean energy for an income that would protect front line Council services and give the Council energy independence.

Councillor Justine Rutland, Cabinet Member for Economic Development announced that on 20 September, Heather Stracey, Senior Collections Officer at the Amelia Scott had been awarded the accolade of Young Museum Professional of the Year 2023. This was a national award, given by the British Association of Friends of Museums to professionals under 30 years of age who work in museums. The warmest congratulations were given from all at the Borough Council.

APOLOGIES

CAB37/23 Apologies for absence were received from Councillors Hall and Warne

DECLARATIONS OF INTEREST

CAB38/23 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING PERSONS WISHING TO SPEAK

CAB39/23 There were no visiting Members who had registered as wishing to speak.

MINUTES OF THE MEETING DATED 27 JULY 2023

CAB40/23 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 27 July 2023 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB41/23 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB42/23 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 13 SEPTEMBER 2023

CAB43/23 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 13 September be noted.

ANNUAL CORPORATE HEALTH AND SAFETY REPORT

CAB44/23 Councillor Ellen Neville, Cabinet Member for Environmental Services introduced Gary Stevenson, Head of Housing, Health and Environment.

The report was taken as read.

RESOLVED –

1. That the contents of the report, along with the work undertaken to secure a safe and healthy working environment be noted.

2. That the corporate priorities for 2023-24 be approved.

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.

PERFORMANCE SUMMARY QUARTER 1

CAB45/23 Pamela Grover-Morgan, Performance and Governance Manager presented the report set out in the agenda.

Discussion and questions from Members included the following:

- It was noted that some of the Performance metrics were legacy matters from the previous administration. Cabinet would be engaging with officers soon to update both the matters being reported on and the metrics associated with them. An update on the manner in which the data was reported to Cabinet and the public would follow.

RESOLVED –

1. That the summary of project performance over quarter one, 2023/24 at Appendix A be noted.
2. That the summary of service performance over quarter one, 2023/24 at Appendix B be noted.
3. That the Recovery Plans for quarter one, 2023/24 at Appendices C-E 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

SHOWFIELDS, TUNBRIDGE WELLS - DISPOSAL OF PARCELS OF LAND

CAB46/23 Peter Benfield, Senior Estates Surveyor presented the report set out in the agenda.

The report was taken as read.

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

RESOLVED –

1. That the grant of the option and the disposal of land referred to in the report and Appendices be approved.
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.
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.

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.

CAPITAL MANAGEMENT REPORT - QUARTER 1

CAB47/23 Lee Colyer, Director of Finance, Policy and Development presented the report set out in the agenda.

Discussion and questions from Members included the following:

- Members of the public were aware of the Council's short term capital expenditure. More now needed to be done to make them aware of the Council's longer term position.
- This would provide the public with a better picture of how the Council was shaping its finances now, and in the future.

RESOLVED –

1. That the actual gross and net expenditure for the year and the sources of finance, as shown in Appendices B-D be noted.
2. That the proposed variations to the Capital Programme, set out in note 4.3 be approved.
3. That the proposed movement between years set out in note 4.4 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.

REVENUE MANAGEMENT REPORT - QUARTER 1

CAB48/23 Lee Colyer, Director of Finance, Policy and Development presented the report set out in the agenda.

Discussion and questions from Members included the following:

- The increases in interest rates, the reduction in staff and the increase in car parking income had already been factored into future years.
- However by 2027/28, the Council's major contracts would be due for renewal (Waste Management, Grounds Maintenance and Leisure Centres). Current intelligence suggested that the cost to renew these contracts would be significantly higher as the market was very different now.
- To cover the expected increase in cost, an additional £2.5m had been factored in for the year 2027/28.

RESOLVED –

1. That the Quarter 1 net expenditure on services year to date was £2,666,000, £1,098,000 less than budget be noted.
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.
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.

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.

TREASURY AND PRUDENTIAL INDICATOR MANAGEMENT REPORT - QUARTER 1

CAB49/23 Lee Colyer, Director of Finance, Policy and Development presented the report set out in the agenda.

The report was taken as read.

RESOLVED –

1. That the Treasury Management and Prudential Indicator position for 2023/24 be noted.
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.

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

BIODIVERSITY ACTION PLAN AND BIODIVERSITY NET GAIN

CAB50/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning presented the report as set out in the agenda supported by David Scully, Landscape and Biodiversity Officer.

Discussion and questions from Members included the following:

- The proposal had been discussed in detail by Cabinet Members and they were now familiar with the proposals and the complexity of them.

RESOLVED –

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.

2. That the Council continues preparation for Mandatory Biodiversity Net Gain, commencing in 2023, to include:

- 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.

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.

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.

REASON FOR DECISION: To comply with the Council's Corporate Planning roles and responsibilities under the Environment Act 2021.

KENT HIGH WEALD PARTNERSHIP:SERVICE LEVEL AGREEMENT AND FUNDING

CAB51/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning presented the report as set out in the agenda, supported by David Scully, Landscape and Biodiversity Officer.

The report was taken as read.

RESOLVED –

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.

REASON FOR DECISION: Maintaining a well-funded KHWP offers clear value for money to the Borough Council.

AFFORDABLE HOUSING COMMUTED SUM POSITION STATEMENT

CAB52/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning presented the report, supported by Gary Stevenson, Head of Housing, Health and Environment.

The report was taken as read.

RESOLVED –

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.

REASON FOR DECISION: To provide a transparent mechanism for calculating commuted sums.

AFFORDABLE HOUSING COMMUTED SUMS SPENDING POLICY

CAB53/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning presented the report, supported by Gary Stevenson, Head of Housing, Health and Environment.

The report was taken as read.

RESOLVED –

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.
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.

REASON FOR DECISION: To provide the Council with scope to utilise funding to promote genuinely affordable avenues into affordable housing.

NOMINATION AGREEMENT

CAB54/23 Councillor Hugo Pound, Cabinet Member for Housing and Planning presented the report, supported by Gary Stevenson, Head of Housing, Health and Environment.

Discussion and questions from Members included:

- The Housing Team were commended for their work on this report and

- the two previous reports on this evening's agenda.
- The increased clarity was very much welcomed.

RESOLVED –

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.
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.

REASON FOR DECISION: To provide the procedures to be used to make existing and arising void properties available for nominations to the Council.

URGENT BUSINESS

CAB55/23 There was no urgent business.

DATE OF NEXT MEETING

CAB56/23 The next meeting would be held on Thursday 26 October 2023 commencing at 6:30pm.

NOTES:
The meeting concluded at 7.25 pm.