

TUNBRIDGE WELLS BOROUGH COUNCIL

CABINET

Thursday 12 April 2018

Present: Councillor David Jukes (Chairman)
Councillors McDermott (Vice-Chairman), Dr Basu, March and Weatherly

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), Patricia Narebor (Head of Legal Partnership), Terry Hughes (Community Safety Manager), David Scully (Landscape and Biodiversity Officer), Hilary Smith (Economic Development Manager), Gary Stevenson (Head of Environment and Street Scene) and Mark O'Callaghan (Democratic Services Officer)

Other Members in Attendance: Councillors Simmons, Backhouse and Mrs Soyke

APOLOGIES

CAB155/17 Apologies for absence were received from Councillors Moore and Reilly.

DECLARATIONS OF INTEREST

CAB156/17 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB157/17 There were no Visiting Members who had registered as wishing to speak.

MINUTES OF THE MEETING DATED 01 MARCH 2018

CAB158/17 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 01 March 2018 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB159/17 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB160/17 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 04 APRIL 2018

CAB161/17 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 04 April 2018 be noted.

ASHDOWN FOREST AIR QUALITY IMPACT ASSESSMENT AND REVISED HABITAT REGULATION ASSESSMENT PRACTICE NOTE

CAB162/17 Councillor McDermott opened the item and noted that the Planning and Transportation Cabinet Advisory Board had supported the recommendations at its meeting held on 10 March 2018.

David Scully, Landscape and Biodiversity Officer, introduced the report which included the following comments:

- The report set out the Council's position towards Ashdown Forest taking account of recent legislative changes and was primarily focused on the impact on air quality.
- Appendix A contained a detailed technical study by AECOM which reviewed and responded to all relevant material published by Wealden District Council.
- Appendix B brought together a conclusion on the study which considered that there was no adverse affect, alone or in combination with other plans and projects, on the Ashdown Forest as a result of development in this Borough. There was no reasonable scientific doubt about this conclusion.
- Having made said conclusion, the practice note at Appendix C set out how the Council would consider planning applications in relation to Ashdown Forest.
- Provided that development in the Borough was within the level and scope as assessed, there would unlikely be any adverse impact on Ashdown Forest.
- Both the practice note and the technical report had been approved by Natural England.
- Officers had met with Wealden District Council who, contrary to previous statements, had advised that no further letters of objection would be issued and they were unlikely to challenge any planning decisions which were contrary to their objections. A written statement was expected in due course.

Councillor Jukes commended the report and wished to see written confirmation of Wealden's position to avoid any doubt or misunderstanding. Mr Scully noted that the meeting with Wealden had been minuted and the statement was made in response to a specific question from officers. He added that clear answers had been difficult to come by but he would make any updates available.

Councillor Jukes welcomed the approval of the report by Natural England. Mr Scully confirmed that Natural England agreed that there would be no adverse impact on the Ashdown Forest from traffic generation as a result of development in Tunbridge Wells.

Councillor McDermott commended the report and thanked Mr Scully.

RESOLVED – That Full Council be recommended:

1. That the contents and conclusions of the detailed technical report titled Ashdown Forest Air Quality Impact Assessment 2018, set out at appendix A to the report, be noted;

2. That the discussions and conclusions with regards the Councils approach to Ashdown Forest and objections received from Wealden District Council in relation to planning applications within the Borough and the Councils current Practice Note in relation to possible adverse effects on Ashdown Forest in the report titled Ashdown Forest – Discussions on Air Quality dated 29 March 2018, set out at Appendix B to the report, be noted; and
3. That the revised Practice Note to inform development management decisions in relation to the application of the Habitat Regulations with regards possible adverse effects on Ashdown Forest, set out at Appendix C to the report, be adopted.

REASON FOR DECISION:

To take account of new evidence and legal advice in the application of the Habitat Regulations in connection with European protected sites to assist in determining individual planning applications that might possibly affect Ashdown Forest Special Area of Conservation and Special Protection Area.

ECONOMIC DEVELOPMENT STRATEGY 2018 - 2021

CAB163/17 Councillor March opened the item and highlighted the achievements of the previous strategy set out in the foreword of the new strategy.

Councillor Jukes noted that rural broadband could be faster and asked whether the Secretary of State could be encouraged to help. Councillor March advised that conversations would be had with Greg Clark MP.

Hilary Smith, Economic Development Manager, introduced the report which included the following comments:

- The achievements of the previous strategy were welcome but there was more to do and the Council would continue working with partners to deliver on improved broadband and other issues.
- The draft strategy had been subject to considerable consultation which supported many of the known issues. Key concerns included a need for more business premises, a need for greater support of rural businesses and a need for improved transport infrastructure.
- Some minor amendments and clarifications had been made to the draft strategy in response to consultation feedback.
- An action plan was set out at the end of the strategy and would be reviewed throughout the life of the strategy.
- The strategy would help prioritise limited resources and form the basis of any future bids for funding.

RESOLVED – That the Economic Development Strategy 2018 – 2021 be adopted.

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.

COMMUNITY SAFETY PARTNERSHIP PLAN 2018/19

CAB164/17 Councillor Weatherly opened the item and noted that this was the annual review of the plan on its way through to Full Council.

Terry Hughes, Community Safety Manager, introduced the report which included the following comments:

- Despite a headline increase in crime by 25 per cent, this was the smallest increase in Kent and Tunbridge Wells remained the safest district in Kent.
- Achievements and progress made under each of the community safety priorities for Tunbridge Wells last year were set out in the report.
- For next year, the Police and Crime Commissioner had increased funding for all local authorities by 10 per cent plus a new tactical fund for special expenses. Funding sources were set out at Appendix B to the report.
- Domestic Abuse, Road Safety, Drugs & Alcohol Misuse and Safeguarding / Vulnerable People remained priorities and had been agreed by the Community Safety Partnership.

Councillor Jukes noted the increase in road casualties in the under 16's category and enquired whether the Royal Society for the Prevention of Accidents (RoSPA) still delivered road safety training in schools. Mr Hughes advised that this service was now provided by KCC Wardens who attend schools across the Borough and particularly in rural areas.

Councillor Weatherly sought to confirm comments made at a recent Overview and Scrutiny Committee meeting whereby the increase in domestic abuse cases was largely due to better reporting and that the number of repeat offences was a key indicator. Mr Hughes agreed and added that support services could have a greater impact on the number of repeat offences as the perpetrators and victims had already been engaged by the system.

Councillor McDermott asked whether there was a particular reason behind the 35 per cent reduction in drug possession offences. Mr Hughes advised that there were difficulties relying solely on such statistics as they were often subject to indirect influences such as fewer police on the streets.

In response to a question from Councillor March, Mr Hughes advised that a new Road Safety Centre had been opened by Kent Fire and Rescue Service in Rochester which featured demonstrations on how road safety – including the use of seat belts, mobile phones and alcohol – affected young people. There had not been the expected take-up from secondary schools so the Fire Service was intending to bring the exhibits around the county. Councillor March welcomed the initiative and added that if young people were engaged the good behaviour was likely to continue through to adulthood.

Councillor Jukes was reassured that Tunbridge Wells remained the safest place in Kent.

RESOLVED – That Full Council be recommended:

That the Community Safety Partnership Plan 2018/19 be approved.

REASON FOR DECISION:

All Community Safety Partnerships are required by law to carry out a yearly in-depth analysis of crime, anti-social behaviour and other partnership data in order to produce a strategic assessment document. This process also identifies the priorities for the year ahead. The Community Safety Partnership Plan then set out how those priorities would be tackled.

PUBLIC SPACES PROTECTION ORDER IMPLEMENTATION

CAB165/17 Councillor Weatherly opened the item and commented that the proposals had been widely consulted on and were intended to go to Full Council.

Terry Hughes, Community Safety Manager, introduced the report which included the following comments:

- The proposals were intended to replace existing Alcohol Control Zones and tackle anti-social behaviour.
- The orders would usually be in force for three years but could be varied or rescinded at any time.
- The recommended orders were based on specific complaints or requests and had been subject to considerable public consultation.
- 160 responses had been received which were set out in the report.
- Dog controls were strongly supported and penalties for allowing dog fouling would increase from £50 to £100.
- Dogs being excluded from fenced play areas was strongly supported.
- An outright ban on dogs on playing fields was not supported, therefore the proposal was that dog were to be kept on leads.
- Re-designating current alcohol control zones with equivalent orders was strongly supported.
- Prohibition of possession and use of psychoactive substances in the town centre and area of the alcohol control zones was strongly supported.
- The Council being able to act when a complaint of amplified music was received and assessed to be causing a disturbance was supported. This was not intended to be a ban on busking.
- Controls on anti-social behaviour linked to rough sleeping or begging were supported in the consultation. Discretion would be applied where there was no anti-social behaviour or where the subject was engaged with local support services.
- Draft guidance on discretion and a reasonable behaviour agreement were set out in the appendices. Both documents would be reviewed and agreed by the chair of the monthly Rough Sleepers Professionals Meeting following discussion at the meeting. Any last-resort action taken against individuals would be monitored as a standing agenda item at said meetings.
- Two changes had been made to the discretion guidance document in response to comments made by the Communities Cabinet Advisory Board: 1) The catch-all phrase “any other behaviour the authorised officer deems unreasonable” had been removed; and 2) the scope of contract enforcement staff had been limited to ensure contact is made with Council employees prior to any enforcement action being taken.
- The Equalities team had completed an equalities impact assessment which highlighted issues related to disabilities and age:

- Disabilities, in terms of mental health, had an impact on the prohibitions on anti-social behaviour linked to rough sleeping and begging. To mitigate this the Rough Sleeping and Begging Assistance Form, used as part of the street-based encounter, will capture details of mental health support and engagement with alcohol or drug services. This information would be reviewed after year one.
- In respect of age, it was noted that a significant proportion of respondents to the Residents' Survey 2015 who supported measures such as those being proposed were over 55. There would need to be some form of monitoring to ensure certain age groups were not disproportionately affected.
- Also, suitable exceptions would be made for assistance dogs.

Councillor Jukes welcomed the consultative approach taken and noted the public support for the proposals. Councillor Weatherly concurred.

Councillor March welcomed the clarification and changes made as a result of the discussion at Communities Cabinet Advisory Board.

Councillor Dr Basu congratulated those involved for finding a good solution to the legitimate concerns of residents and businesses, he supported the recommendations. Councillor McDermott concurred.

RESOLVED – That Full Council be recommended:

That the prohibitions and positive requirements for Public Spaces Protection Orders, as set out in paragraph 1.7 and further detailed in paragraph 4.4 of the report, be agreed.

REASON FOR DECISION:

To take account of the response to the public consultation and introduce Public Spaces Protection Orders to address quality of life issues and anti-social behaviour.

PUBLIC REALM PHASE 2

CAB166/17 Councillor Dr Basu opened the item and noted that the plans had been discussed at the Joint Transportation Board and with Kent Highways officers.

Gary Stevenson, Head of Environment and Street Scene, introduced the report which included the following comments:

- The report set out the proposed improvements to Mouth Pleasant Road between Crescent Road and Monson Road which were intended to make the area more pedestrian friendly, encourage bus usage and reduce traffic. It was also noted that a recent planning application sited the proposed improvements as part of their reason for investing.
- Communities Cabinet Advisory Board had been keen to ensure access was maintained for taxis as well as buses and this had been clarified within the report.
- The works were possible due to £1million funding from the Local Enterprise Partnership and the Sustainable Transport Fund with £300k investment from the Council.

- Royal Tunbridge Wells Town Forum and the Public Transport Forum had also been consulted. The carriageway would not be reduced as much as initially proposed in response to concerns of bus operators who wished to ensure sufficient space for buses to pass each other. The road would be reduced from four lanes to the equivalent of three lanes.
- Subject to Cabinet approval, next steps included detailed design, statutory consultation and work with contractors to develop a construction programme. Working more closely with KCC would help speed the process and aid co-ordination between other projects in the town.
- The recommendations also included a Clerk of Works post.

Councillor Jukes welcomed the inclusion of a Clerk of Works and commented that this should be standard for any future works to ensure a high quality.

In response to a question from Councillor Dr Basu, Mr Stevenson confirmed that the Chief Executive had met with the KCC Director of Highways and Transportation and a further meeting with officers was planned to discuss how KCC could be more involved. Councillor Dr Basu added that the Clerk of Works would be employed by Tunbridge Wells to supervise on it's behalf.

RESOLVED –

1. That the outline design of the public realm scheme be endorsed as the basis to move to a detailed design process.
2. That authority be delegated to the Head of Environment and Street Scene in consultation with the Portfolio Holder for Sustainability to enter in to an agreement, with appropriate project controls that include a Clerk of Works role, to transfer the approved capital funding and responsibility for commissioning the detailed design and construction phases of the public realm scheme to Kent County Council.

REASON FOR DECISION:

To progress a key project within the Council's Five Year Plan in such a way that enabled a shorter route to project completion through KCC's commissioning process, a greater control of the tasking of resources and coordination over other KCC Highway activities.

URGENT BUSINESS

CAB167/17 There was no urgent business.

DATE OF NEXT MEETING

CAB168/17 The next meeting would be held on Wednesday 23 May commencing at 11am or at the rising of Full Council, whichever was the later, in the Council Chamber at the Town Hall, Tunbridge Wells.

The subsequent meeting would be Thursday 21 June 2018 at 10.30am.

EXEMPT ITEMS

RESOLVED – That, pursuant to section 100A (4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act, by virtue of the paragraphs shown below.

ROYAL VICTORIA PLACE: VARIATION OF LEASEHOLD INTEREST

CAB169/17 Exempt by virtue of paragraph 3 of Schedule 12A of the above Act:
Information relating to the financial or business affairs of any particular person including the authority holding that information.

Lee Colyer, Director of Finance, Policy and Development, introduced the report and explained the details of the proposals to vary the long leasehold interest in Royal Victoria Place shopping centre which would ultimately increase the value of the Council's freehold asset and enable significant investment in a critical town centre location.

Mr Colyer, reminded members of the process to date and highlighted the benefits and risks involved. He noted that the recommendation had been supported by the Finance and Governance Cabinet Advisory Board meeting on 20 March 2018.

Members congratulated those involved for the achievements in the negotiations. Councillor Jukes added that this was the best possible outcome and a vote of confidence in the town.

Mr Colyer confirmed that authority to proceed was contained within the existing framework and the proposals would not need to go to Full Council.

RESOLVED – That the recommendations set out in the exempt report be approved.

REASON FOR DECISION:

To support the objectives set out in the report.

STRATEGIC LAND ACQUISITION

CAB170/17 Exempt by virtue of paragraph 3 of Schedule 12A of the above Act:
Information relating to the financial or business affairs of any particular person including the authority holding that information.

Lee Colyer, Director of Finance, Policy and Development, introduced the report setting out proposals for the acquisition of land which would be a prudent investment in the short term and potentially of strategic importance in the long term.

Members discussed the risks and benefits as well as the long term obligations associated with the land. Members noted the urgency of the matter as the land had become available on the open market.

RESOLVED – That the recommendations set out in the exempt report be approved.

REASON FOR DECISION:

To support the objectives set out in the report.

CALL-IN AND URGENCY:

In accordance with the provisions of Overview and Scrutiny Procedure Rule 14 in Part 4 of the Constitution, the Chairman of the Overview and Scrutiny gave prior agreement that this decision was urgent and would not be subject to call-in as delay would seriously prejudice the Council's or the public's interest.

NOTE: The meeting concluded at 11.30 am.