

TUNBRIDGE WELLS BOROUGH COUNCIL

CABINET

Thursday, 25 June 2020

**Present: Councillor Alan McDermott (Chairman)
Councillors March (Vice-Chairman), Bailey, Dawlings and Mackonochie**

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), Stephen Baughen (Head of Planning Services), Jane Fineman (Head of Finance and Procurement), Terry Hughes (Community Safety Manager), Gary Stevenson (Head of Housing, Health and Environment), Keith Trowell (Team Leader (Corporate Governance)) and Caroline Britt (Democratic Services Officer)

Other Members in Attendance: Councillor Nancy Warne

APOLOGIES

CAB163/19 Apologies for absence were received from Stephen McGinnes (Mid Kent Services Director) and Denise Haylett (Head of Facilities and Community Hubs).

DECLARATIONS OF INTEREST

CAB164/19 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB165/19 Councillor Warne had registered as wishing to speak on minute item 24 – Affordable Housing Commuted Sums; former Council Offices in Cranbrook.

MINUTES OF THE MEETING DATED 16 APRIL 2020

CAB166/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 16 April 2020 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB167/19 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB168/19 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 29 MAY 2020

CAB169/19 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 29 May 2020 be noted.

CORPORATE UPDATE ON COVID-19

CAB170/19

William Benson, Chief Executive, introduced the report that provided a summary of the consequences of the Covid-19 pandemic for Tunbridge Wells Borough Council and the Borough of Tunbridge Wells.

Discussion and responses to Members questions included the following matters:

- The report set out how the Council responded to emergencies.
- The Council was part of the Kent Resilience Forum that included a wide range of public sector partners and when appropriate, representatives from the voluntary and committee sectors.
- Internally, the Council set up a structure to manage the crisis and provide support and deal with the needs of the Communities.
- The pandemic had had a significant effect on the Council - calls on its services, the nature of services it provided, the restrictions incurred, pressures on finances and income streams and the impact on staff availability.
- The report highlighted areas where the Council had experienced additional demand, including Business Rates, Environmental Health and Council Tax support. Additionally, it showed a significant reduction in parking fines and voter registrations.
- Support had been given to the formally shielded population and other vulnerable residents. A number of Community Hubs had also been set up along with a 7 day contact centre,
- The Council had also offered support in a number of ways to businesses and the voluntary and community sector.
- A website, TWSocial had been set up to support those who were socially isolated.
- Against the appalling consequences of the pandemic the Council would ensure that the positive outcomes including, strong working relationships, reduction in carbon emission and the development of new ways of working and getting about would be captured and promoted.

RESOLVED – That the report be noted.

REASON FOR DECISION: To provide an overall summary of the consequences of the Covid-19 pandemic for Tunbridge Wells Borough Council and the Borough of Tunbridge Wells.

COVID-19 PANEL - ENHANCING SCRUTINY FOR RECOVERY

CAB171/19

Jane Clarke, Head of Policy and Governance introduced the report that set out proposals for widening involvement in and oversight of the recovery in the wake of the Coronavirus pandemic.

Discussion and responses to Members questions include the following matters:

- The report sought to formally establish a Covid-19 Panel.
- The Panel would focus on issues related to recovery and would provide guidance and oversight to the Council's response and action plans.
- As a working group of Cabinet, the Panel was not required to be politically balanced. However, every effort had been made to ensure that all political parties were represented.
- The membership also included representatives from business and voluntary communities, from the Town and Parish Councils, Kent CC and the Tunbridge Wells Town Forum.
- The Chair of the Overview and Scrutiny Committee would also be included and would provide a summary of the Panel's discussion at the beginning of each Overview and Scrutiny Committee meeting.
- The Panel had already met in shadow form.
- The Panel had no decision making or budgetary powers.

RESOLVED –

1. That a Covid-19 Panel be established as a working group of the Cabinet;
2. That the Terms of Reference as set out in Appendix A to the report be agreed;
3. That members be appointed to the Covid-19 Panel as set out in Appendix B to the report; and
4. That the revised arrangement regarding the programme of committee meetings for the Overview and Scrutiny Committee be noted.

REASON FOR DECISION:

The creation of the Panel would provide an appropriate oversight of the Council's plans and provide a confidential forum in which issues can be discussed with a range of stakeholders and interested parties.

OVERVIEW OF THE COUNCIL'S PROPOSED RECOVERY STRATEGY

CAB172/19

William Benson, Chief Executive introduced the report that set out proposals for widening involvement in and oversight of the recovery in the wake of the Coronavirus pandemic.

Discussion and responses to Members questions include the following matters:

- The report emphasised the importance of a safe, sustainable, managed recovery.
- It further set out some of the overarching objectives and a proposed structure for the response phase of the crisis.

RESOLVED – That the report be noted and the principles agreed.

REASON FOR DECISION: The report sets out the high level issues, objectives, principles and structures for overseeing the Recovery phase of the Covid-19 Pandemic.

SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER: PROPOSED LOCAL CONNECTION TEST

CAB173/19

Stephen Baughen, Head of Planning introduced the report that proposed the adoption of a local connection test to its Self-Build and Custom Housebuilding Register.

Discussion and responses to Members questions included the following matters:

- The Council had been required to keep a Self-Build and Custom Housing Building Register since 2016.
- National Planning Policy and Guidance included two tests that could be introduced by a Council. Full details were included in the Report.
- A four week consultation period about the proposed introduction of a local connection test started on 6 February. The outcome of the consultation concluded there was sufficient justification for the proposal to implement a local connection to the Self-Build and Custom Housebuilding Register.
- Following feedback from the Overview and Scrutiny Committee meeting held on 22 June 2020, the local connection test (set out in detail in paragraph 4.2 of the report) and in particular (d), be now amended to instead read, 'be employed in the borough with a permanent contract of paid employment that has been continuous for the last six months, or self employed for the last six months, where there is evidence that the main area of work is in the borough'.
- The amendment would strengthen the requirement and would also now align with the housing register, also held by the Council.

RESOLVED – That the Council adopts a local connection test to its Self-Build and Custom Housebuilding Register, as set out in the report, subject to the change provided in the verbal update to paragraph 4.2 (d).

REASON FOR DECISION:

In supporting the self-build and custom housebuilding policy in the Local Plan, it would assist in ensuring that the new Local Plan delivers housing growth for those with a local connection to the Borough.

FINANCE UPDATE COVID-19

CAB174/19

Lee Colyer, Director of Finance, Policy and Development introduced a report that provided a high level summary of the Council's finances and how they have been severely impacted by the Covid-19 Pandemic.

Discussion and responses to Members questions included the following matters:

- TWBC entered the Covid-19 pandemic on a sound financial footing with no long-term debt, healthy cash reserves, a balanced revenue budget and a track record of clean annual audit letters.
- This would provide some capacity to respond to and recover from the national emergency. But with the widespread collapse of income and relatively fixed expenditure obligations, all of local government was under intense pressure.
- Mechanisms were put in place to manage the expected requests of the Council for financial support. This approach allowed the finances to be directed to service provision and health in the community with the expectation that Government would provide national support packages for businesses who were struggling, employees and charities.
- Three financial concerns were identified:
 - o Cash-flow – TWBC had successfully negotiated a deferral of funds which had alleviated cash-flow pressure.
 - o Budget – The impact of Covid-19 to the Council was £1m per month. After intense pressure, support was provided by Government. The first tranche providing £42k, the second tranche, £1.2m. This covered the budget gap for March and April. If there was no further financial support, a prudent forecast could result in an £8m in year budget deficit. In September, a report would go to Cabinet that would revise the current budget.
 - o Government had advised Councils not to take any drastic measures to bring their budgets back into balance as there would be an imminent announcement of significant levels of funding.
 - o Solvency – Local Government was not allowed to run up a deficit or set in-year budgets that relied on borrowing to fund services.
- Business Grant payments of £26m to just under 2,000 local businesses had been made.

RESOLVED – That the report be noted.

REASON FOR DECISION: The report provides an initial summary of the impact of the Covid-19 pandemic on the Council's finances.

STRATEGIC RISK REGISTER

CAB175/19

Lee Colyer, Director of Finance, Policy and Development introduced the report that set out the strategic risks identified by the Council.

Discussion and responses to Members questions included the following matters:

- Cabinet, on an annual basis, reviewed the Strategic Risk Register and their current risk levels.
- The report reflected the extraordinary times the Council was currently experiencing, with all but 2 risks showing as red or black.
- In addition to being a Category 1 responder under the Civil Contingencies Act, the Council was pivotal in helping the community and the economy recover in a safe and sustainable manner.
- This has led to a new Covid-19 risk being put in place which covered the longer term and civic leadership requirements to safely and sustainably to recover from the current emergency.
- Under the emergency decision making arrangements, agreed with political group leaders, the report also went to the Overview and Scrutiny Committee who made a number of suggestions which would be taken forward.
- When the risks were next updated at the end of June, those suggestions would be incorporated. It would then be presented at the next Audit and Governance meeting in July.

RESOLVED – That the Committee notes the risk management report and arrangements for managing strategic risk.

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

COMPLAINTS SUMMARY: QUARTERS 3 & 4

CAB176/19

Jane Clarke, Head of Policy and Governance introduced the report that provided details on complaints performance for the period 1 October 2019 to 31 March 2020.

Discussion and responses to Members questions included the following matters:

- There was a significant increase in the number of complaints received compared to the same period last year.
- The majority of these complaints were recorded at stage 1.
- The target for responding to stage 1 complaints was 15 working days, 20 days for stage 2. And a

- target of 90% to respond to all complaints in time.
- The Council was significantly below its response targets for the whole of 2019/20.
 - The number of complaints and response targets had been significantly impacted by the introduction of the new recycling and waste service. Responding formally to complaints was not prioritised during this period so resources could be effectively used to resolve the complaints on the ground.
 - The vast majority of complaints were received in electronic form. However, this did not include the number received by The Gateway where the call handler used the online form on behalf of the complainant.
 - The Council recorded its decisions on complaints, which were normally fairly evenly spread. However, for this period, the number of complaints where the Council agreed with the complainant was significantly higher. This was due to the effects of the new recycling and waste service.
 - Compensation payments by the Council remained low. Five complaints were considered by the Ombudsman with only 1 being investigated and this was not upheld.

RESOLVED – That Cabinet notes the position on complaints performance at the end of period 2 (1 October 2019 – 31 March 2020)

REASON FOR DECISION: To enable Cabinet to understand the Council's current performance in relation to complaints handling.

PERFORMANCE SUMMARY: QUARTER 4 AND END OF YEAR

CAB177/19

Jane Clarke, Head of Policy and Governance introduced the report that summarised the performance of the Council's priority projects and service delivery for the period 1 January to 31 March 2020.

Discussion and responses to Members questions included the following matters:

- It was important to note that performance was recorded as at 31 March 2020 and performance for any indicator might have changed between then and now.
- Project updates were received during April and May and the RAG ratings were a snapshot at that time.
- The Council initially had 8 major projects included in the Five Year Plan. This was increased to 10 when it was agreed to separate the new Community Hubs (Southborough, Paddock Wood and Cranbrook).
- Of the 10 projects with statuses recorded, 2 were closing down and one was on hold. 3 projects were rated green, 4

- were amber and none were red.
- Of the projects rated amber, all 4 had been affected by the Covid-19 pandemic. Work was now being undertaken to get these projects back on schedule.
 - For the Amelia Scott project, a financial review was being undertaken and would be submitted in September.
 - Of the 25 service indicators collected, 16 were performing as expected, 6 were underperforming and 3 were missing.
 - There were no recovery plans in this quarter for the 6 indicators that were underperforming. But notes had been added to explain the underperformance.
 - The Council also collected 9 annual indicators, 6 of which had targets.
 - Of the 6 with targets, 1 was performing, 3 were underperforming and 2 were unavailable.
 - The underperforming indicators were affordable housing delivery, average ticket price per skater and the number of attendances across shows at the Assembly Hall Theatre. Notes were also included in the report to explain the underperformance.
 - Overall, decisions had been impacted by the decision to close down the Calverley Square Project and by the start of the Covid-19 pandemic.
 - Service performance across the year had remained steady and was comparable with previous years. However, notable areas of underperformance included planning applications without extensions of time, which reflected the recruitment difficulties currently being experienced and collections of Council Tax and NNDR which had been very slightly under target throughout the year.
 - The missing information for the street cleansing indicator was raised by the Overview and Scrutiny Committee on 8 June. It was further noted that this information had not been collected for the last year. The reason was because the focus had been on the recycling and waste contract issues. It had since been decided that this indicator would no longer be collected.
 - An error on page 156 of the Agenda (Appendix B, Page 6) – the subsidy per seat in the AHT for 2018/19 currently showing as green, should be red.
 - A statement was read that related to the Crescent Road car park – ‘ the Crescent Road car park extension was being brought forward within our Five Year Plan under the priority to provide additional off street car parking and to meet demand for additional spaces as identified at that time. Given the changes that had taken place since the Five Year Plan was put together, most particularly the Council’s declaration of a climate change emergency and the decision not to proceed with Calverley Square and the dramatic changes to the high street, both before and most likely post Covid-19, Cabinet had determined that it would not be sensible to proceed with the extension of the Crescent Road car park at this time. We have therefore completed the work and we are already commissioned such that the project is ready to be submitted at the planning application, but are not to proceed any further

until there is a clear need for further car parking capacity. The scheme has been removed from the Council's capital programme, and in reporting on performance and project management that it is now a project that is on hold. It will remain on hold until such time as a review of car parking demand in the town centre determines if extra spaces the extension will deliver is needed in the current climate. The factors we will need to take into account are the number of new dwellings proposed in the draft Local Plan and expected population increases. Known developments taking place in the town centre, current car parking demand and ownership trends. Future car parking demand and the need for an increase capacity is more likely to be influenced by economic vitality of the town and new developments already planned. Should occupancy rates start to climb to a level where there is likely to be insufficient capacity, we will reconsider the scheme and whether it should be brought back into the capital programme.'

RESOLVED -

1. That Cabinet notes the summary of priority projects performance over quarter 4 at appendix A;
2. That Cabinet notes the summary of service performance over quarter 4, at appendix B; and
3. That Cabinet notes that performance indicator Recovery Plans for quarter 4 have not been submitted, but notes are included in appendix B

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.

REVENUE MANAGEMENT REPORT: QUARTER 4

CAB178/19

Jane Fineman, Head of Finance, Procurement and Parking introduced the report that provided details of the unaudited actual expenditure outturn on services compared to the revised budget for the year ended 31 March 2020 and the forecast outturn position as at Quarter 3.

Discussion and responses to Members questions included the following matters:

- The outturn for net expenditure on services was £18,673,000, £11,000 under budget. An improvement on the forecast position from quarter 3 of £36,000.
- Total costs were £1.242m underspent. This consisted of a saving of £602k on staff costs and a saving of £600k on the Assembly Hall Theatre from fees paid to the promoters. These costs were driven by income so were completely offset by a shortfall in the income received.
- Total income was under budget by £1.231m. There was a shortfall in the income for the Assembly Hall Theatre of

£822k – although this loss was mainly covered by reduced costs of £797k (including to the promoters).

- Parking income was down by £332k. The crematorium income was under budget by £245k.
- Covid-19 played a small part in the outturn for 2019/20. It accounted for £172k loss of parking fees for March 2020. And a small amount for the Assembly Hall Theatre, which cancelled 6 shows after they closed on 17 March 2020.
- Business Rates and Central Government Grants showed a surplus to budget of £829k. This was due to the Business Rates Retention Scheme. The Council does not reply on this when setting the budget as the rules and reliefs were subject to change. Any surplus was put back into reserves where it could be used for investment purposes.
- The report included details of the final costs for the Calverley Square project.
- The Council's total reserves were £21.23m. This compared with the £24.41m held at the end of last year.
- The report included a request to start charging for monitoring fees for s106 agreements. A range of fees had been suggested depending on development size.
- Approval was also sought to start charging a fee of £600 for data provided from traffic surveys.

RESOLVED –

1. That the unaudited actual revenue expenditure outturn and impact on reserves for the year ended 31 March 2020 be noted.
2. That Members the new and updated charges for Planning as set out in this report be approved.

REASON FOR DECISION:

1. To show the actual expenditure outturn on services compared to the revised budget for the year ending 31 March 2020.
2. To agree the proposed changes for services offered by Planning.

CAPITAL MANAGEMENT REPORT: QUARTER 4

CAB179/19

Jane Fineman, Head of Finance, Procurement and Parking introduced the report that summarised the actual outturn on expenditure of capital schemes as at 31 March 2020.

Discussion and responses to Members questions included the following matters:

- Cabinet originally approved capital expenditure of £22.681m for 2019/20.
- By quarter 3 and allowing for new schemes, deletions and rescheduling of projects, the forecast outturn was £7.439m. With £4.139m coming from reserves.
- The actual position for the year was a net expenditure of £1.39m.
- The reduction of £1.607m was due to the rescheduling of

£1.48m into future years. £0.85m would be rescheduled from 2020/2021 back into 2019/2020. A reduction of £0.181m for the extension of the Crescent Road car park which was now no longer going ahead.

- The main areas of spend for 2019/20 were waste bins and food caddies which totalled £1.23m but half of which was recharged to Tonbridge and Malling Council. Disabled facilities grants of £1.09m, the Amelia Scott which was £1.08m, public realm improvements of £0.84m and the Cranbrook Hub contribution of £0.42m.
- The report included some new requests related to the 2021 financial year. £400k was requested as a contribution towards the Paddock Wood Hub and a new approval of £35k was requested for drainage costs at the Bayham Playing field (funded from s106 monies).
- £1.17m of capital receipts were received for a piece of land at Red Oak near Hawkhurst and 27 Monson Road. The next instalment of £1.388m for Holly Farm in Hawkenbury was also received.

RESOLVED –

1. That Cabinet note the actual gross and net expenditure for the year and the sources of finance as shown in Appendices B to D;
2. The proposed movement between years set out in note 4.3 be approved
3. The proposed variations to the 2019/20 Capital programme, set out in notes 4.4 to 4.10 be approved; and
4. The new proposed schemes for 2020/21 (to be approved by Full Council) to be included in the capital programme as set out in notes 4.11 to 4.13 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 4

CAB180/19

Jane Fineman, Head of Finance, Procurement and Parking introduced the report that provided an update on investments held by the Council and the interest received.

Discussion and responses to Members questions included the following matters:

- The interest from investments and bank interest was £755k. This was £68k more than the approved budget and a further £26k from the quarter 3 projection.
- The overall rate achieved was 1.74%. The same as the budget.
- The additional interest achieved was due to higher

than expected average funds. This was as a result of the rescheduling 2019/20 capital programme.

- The initial £9m invested in the property fund was now worth £10.488m. This represented a slight fall in value of about £389k.
- Interest payment of £50k was paid to the Public Works Loan Board loan. The final instalment of the loan would be paid in July 2020.
- Bank of England interest rates were cut in March due to the Covid-19 pandemic. This had little effect on 2019/20 but it was forecast that the new lower rates would remain for at least 2 years and this was likely to affect the Council's achievements next year.

RESOLVED – That the 2019/2020 Treasury Management and Prudential Indicator position 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.

ANNUAL REPORT ON THE USE OF RIPA

CAB181/19

Keith Trowell, Team Leader (Corporate Governance) introduced the report that provided details on the use of covert surveillance under the Regulation of Investigatory Powers Act (RIPA) by Tunbridge Wells Borough Council.

Discussion and responses to Members questions included the following matters:

- The Act was enacted in 2000 to regulate the manner in which certain public bodies conducted surveillance and access a person's electronic communications. And to ensure that these were used in accordance with human rights.
- The Council rarely made use of RIPA powers – no RIPA applications had been made or authorised since March 2011.
- The Council continued to receive inspections from the Investigatory Powers Commissioners Office, the most recent of which was in early 2018. The Council would take account of any recommendations included in the report that followed the inspection when formulating and revising RIPA practice and policy.
- The policy was duly updated in 2018 and was currently under review.

RESOLVED – That the report be noted.

REASON FOR DECISION: To demonstrate the Council's compliance with the Home Office Code of Practice.

COMMUNITY SAFETY PARTNERSHIP

CAB182/19

Terry Hughes, Community Safety Manager introduced the report that addressed local priorities to reduce crime and disorder across the Borough.

Discussion and responses to Members questions included the following matters:

- The Borough was either best or second best in 12 out of the 15 crime categories.
- There were modest increases in anti social behaviour and shop lifting. Also a modest, unwelcome increase in hate crime.
- An increase of about 9% in reported cases of domestic abuse.
- Substance and alcohol – possession offences did not differ greatly from the previous year. But an improvement from 5th best to 4th best.
- Trafficking offences jumped to 57%, an increase of 26 offences over the reporting period.
- The Kenward Trust and Street Pastors continued to offer guidance and support.
- The Community alcohol partnership had been working with retailers to prevent under-age sales and this had started to show some promise.
- Anti social behaviour was the best in Kent. However anti social behaviour had increased in the town centre during January and February, mainly caused by the same 4-6 young people.
- Road safety – 2nd best out of 12 Kent areas. An increase of 32 casualties were reported for the period which was a reduction from the 132 casualties reported last year.
- Ward reports for Frittenden and Capel showed 18 Killed or Seriously Injured – this was an increase from 0 last year.
- Parking infringements particularly around schools had been an issue.
- Key priorities for 2020/21 had been agreed:
 - o Domestic Abuse
 - o Substance misuse and supply, and alcohol abuse
 - o Anti social behaviour
 - o Road Safety
- Work would continue to promote the Kent Police and Perpetrator Programme Custody Initiative through the West Kent Domestic Abuse Forum.
- Work would also continue to seek White Ribbon Status for the Council.
- Kent Police developed a SARA Plan (Scanning,

Analysis, Response and Assess) in January to address some issues where a high number of victims do not support prosecution beyond the initial police visit. This programme would look to address this where the system was falling short for victims.

- Work to help with alcohol and substance abuse would continue.
- CCTV's had been purchased and placed at known 'hot spots'.
- An action plan to deal with anti-social behaviour in the town centre was being developed. With particular focus on dealing with anti-social behaviour during the summer months.
- Measures and activities to promote road safety would also be considered over the coming months.
- TWBC would work with partners to identify accident black spots and discuss possible engineering and enforcement solutions.

RESOLVED – That the Community Safety Partnership Plan 2020/21 be approved.

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

HOUSEHOLD RECYCLING AND WASTE COLLECTION SERVICE - SERVICE UPDATE

CAB183/19

Gary Stevenson, Head of Housing, Health and Environment introduced the report that provided an update on the progress of the Household Recycling and Waste Collection Service.

Discussion and responses to Members questions included the following matters:

- The report was originally going to go to Cabinet in March but had now been updated to include the impact of Covid-19.
- The contract was introduced on 30 March 2019 with the new service starting from 30 September 2019.
- The service included the introduction of a new garden waste service which was taken up by 19,000 residents. This was against an original target of 12,000.
- The report highlighted some of the service level problems experienced and that the disruption had continued longer than anticipated.
- One of the outcomes of the discussions about service levels was the creation of an action plan that came into effect at the beginning of 2020.
- The appendices showed the number of calls and missed collections and how they had declined as the service became more established.
- The impact of Covid-19 meant a reduction in the number of services provided, including the suspension of the garden waste collection. This allowed resources to be used to keep the front line services fully operational. The garden

- waste service resumed in May 2020.
- The Civic Community Service was the only service still suspended. This was now being reviewed as restrictions were eased.
 - A significant volume of waste had been collected during the lockdown period. This had lead Urbaser to review their mix of recycling vehicles.
 - Urbaser were also looking at whether there was a more efficient way to collect the garden waste.
 - The year end figure for recycling was just over 50%.
 - The amount and type of recycling was a little bit above expected. With perhaps a little more glass than predicted. A full year of data with the new service would give further detail.

RESOLVED – That the report be noted.

REASON FOR DECISION: To provide information on the new Household Recycling and Waste Collection Service following the introduction of the new service and the impact of Covid-19.

URGENT BUSINESS

CAB184/19 There was no urgent business.

DATE OF NEXT MEETING

CAB185/19 The next meeting would be held on Thursday 6 August 2020 commencing at 10:30am.

AFFORDABLE HOUSING COMMUTED SUMS - FORMER COUNCIL OFFICES IN CRANBROOK

CAB186/19

Councillor Nancy Warne, TWBC Borough Councillor had registered to speak and made the following comments:

- A substantial amount of work was undertaken by the housing officer in trying to ensure that these funds found a suitable home that would benefit Cranbrook and Sissinghurst Parish.
- For over 3 years, the housing officer had been working to support the Parishes' community lead initiative, The Crane Valley Land Trust, to try and deliver a local scheme that would be eligible for receipt of the s106 affordable housing commuted sum.
- The Trust had aligned all the necessary conditions to deliver a scheme that would build 17 affordable homes for local workers.
- The Trust had found a local landowner who would gift the land, had lined up a development partner, had secured funding in principle from the Government's Community Housing Fund, had identified local workers who wished to live in the new affordable homes and had achieved support in principle from the Parish Council, the High Weald AONB and local residents.

- The Trust had been on the verge of submitting a planning application. Unfortunately, unfavourable pre planning application discussions had thwarted the work already undertaken.
- The money allocated to subsidise the affordable housing at Brick Kiln Farm in Cranbrook only allowed for the delivery of one unit at a reduced rent. Four years after this site was allocated and 27 months since outline planning condition was granted a registered housing partner had yet to be found. And none of the 35% of affordable homes had been built
- As a member of the Council's Planning Committee both the advantages and disadvantages of any scheme must be considered. However, this decision-making process was made more difficult if the monies allocated remained with the Council and no assurance could be given that the benefits due to the Community to which they related would ever be delivered.
- As a Ward Member for Cranbrook and Benenden, the report recommendations should be supported. But this support included the following requests:
 - o A commitment to Cranbrook and Sissinghurst Parish Councils that £313,525.64 for affordable housing would be forthcoming once a suitable scheme was found and enabled by the Council.
 - o Ensure that local efforts to respond to the affordable housing crisis such as the Crane Valley Land Trust would be recognised and supported across all Portfolios.
 - o Enable open discussions across all Portfolios with a view to drawing up an action plan as to how to positively process not only the outstanding s106 funds of over £5m, but also future monies secured so that in the future the Cabinet is not being asked to support a last minute decision on the spending of these funds. This would ensure that the maximum benefit from developments could be secured for residents.

Lee Colyer, Director of Finance, Policy and Development introduced the report that requested approval for the transfer of £263,000 from the former Cranbrook Council Offices s106 contribution to the Kent & Sussex s106 contribution.

Discussion and responses to Members questions included the following matters:

- Recent legal advice had suggested that in moving funds from the Kent and Sussex development s106, the Council could be at risk of appearing not to have committed or spent the former Cranbrook Council offices contribution within the five-year timescale. This could result in the developer making a request that the Council repay the contribution.
- The report therefore sought agreement to transfer the

£263,000 that was spent outside Cranbrook, to be put back into the Kent and Sussex contribution.

- Details related to site specifics were a matter for planning services at the appropriate time but the comments were duly noted. The purpose of this report was to ensure the protection of funds.

RESOLVED – That the sum of £263,000 of the s106 affordable housing spent outside of the Parish of Cranbrook be transferred back to the former Kent and Sussex hospital contribution to be earmarked for the provision of affordable housing in the Parish of Cranbrook be approved.

REASON FOR DECISION: The agreement to transfer the money back to the Kent and Sussex ensured that the timescales for the s106 agreement for the Cranbrook Council Office site were fulfilled and the money was used to provide affordable housing in the Borough.

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 Committee hereby gives prior agreement that this decision is urgent and will not be subject to call-in as delay would seriously prejudice the Council's or the public's interest.

NOTES:

The meeting concluded at 12.30 pm.

An audio recording of this meeting is available on the Tunbridge Wells Borough Council website.