

## **TUNBRIDGE WELLS BOROUGH COUNCIL**

MINUTES of an Extraordinary Meeting of the Tunbridge Wells Borough Council, duly convened and held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, at 6.30 pm on Monday, 17 June 2019

### **PRESENT:**

**The Mayor Councillor James Scholes (Chairman)**  
**Councillors Atkins, Atwood, Backhouse, Bailey, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Horwood, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Podbury (Vice-Chairman), Poile, Pope, Pound, Rands, Scott, Simmons, Mrs Soyke, Stanyer, Mrs Thomas, Thomson, Warne, Williams, Willis and Woodward**

**IN ATTENDANCE:** William Benson (Chief Executive), Patricia Narebor (Head of Legal Partnership) and Mark O'Callaghan (Scrutiny and Engagement Officer)

### **APOLOGIES FOR ABSENCE**

FC11/19 Apologies for absence were received from Councillors Dr Basu, Barrington-King and Reilly.

### **DECLARATIONS OF INTEREST**

FC12/19 Councillor Pope declared an 'Other Significant Interest' and recused himself from items FC13/19, FC14/19, FC15/19 and FC16/19 on the basis that: his wife owned a flat in Grove Hill House which is adjacent to, and affected by the Compulsory Purchase Order related to, the Calverley Square development; he lived on Mountfield Road which, whilst not in view of the development site, was near Calverley Grounds; and he was a trustee, and former Chairman, of Friends of Calverley Grounds whose objectives were to preserve, promote, support and improve Calverley Grounds.

Councillor Ms Palmer noted that she was a director of Tunbridge Wells Property Holdings Limited but that as she did not benefit financially from the office this did not constitute a beneficial interest.

### **MOTION 1**

FC13/19 Councillor Atwood moved, and Councillor Hayward seconded, the motion: "Cabinet be requested to terminate the Calverley Square project with immediate effect and will not enter into any further commitments other than to manage an orderly termination of these projects."

The following points were made in moving the motion:

- The recent election results showed a clear lack of support for the project and the Council should respect the vote.
- Expert advice was based on restricted and biased briefs.
- There was no purpose is waiting for the RIBA Stage 4 report as this would not address the fundamental problems.
- There was no evidence that a new theatre was the only way to grow the economy and protect services. The cost of £2.3m would be covered by cuts to services and increasing charges.
- The Council had an obligation to make evidence based decisions but the evidence relied upon was flawed.

- Whilst the wording of the motion was in the form of a request due to technical reasons it was expected that the view of Full Council would be respected.

Dr Robert Chris had registered to speak, which included the following comments:

- The previous administration had become complacent and this was an opportunity to put right past mistakes.
- Evidence in support of the project had been cherry-picked and/or misrepresented.
- Evidence presented at public enquiry demonstrated that the public had been treated shoddily.

Robert Atwood had registered to speak, which included the following comments:

- The debate was likely to include detailed and conflicting views but the public objection was clear.
- The project was not the only way to grow the economy.
- Businesses owners may support the project but as they did not pay Council Tax they were not responsible for the cost.
- It was not the job of opponents to provide alternatives.
- There was no silent majority in favour of the project and failure to stop would be reflected in future election results.

Peter Dunlop had registered to speak, which included the following comments:

- Rural areas needed a vibrant town for economic viability.
- There had been a lack of investment in the town.
- A new theatre in town would be preferable to having to travel into London.

Kim Freeman had registered to speak, which included the following comments:

- The town centre was not vibrant and needed investment. Plans for major investment had been reassuring.
- A theatre would both grow the economy and add to the cultural wellbeing of the town and surrounding areas.
- Tunbridge Wells was a 'destination town' but was at risk of losing that status.
- The current theatre was not able to meet the demands of audiences or producers. Reconfiguring the theatre could not fix its fundamental limitations.
- The decision to proceed with the project had been made following years of evidence gathering and public debate.
- It was easy to stir up opposition but fear of change and a vocal minority should not be allowed to derail plans.

Councillor Scott moved, and Councillor McDermott seconded, an amendment to add and remove words so that the motion reads:

“Cabinet be requested to stop all new expenditure on the Calverley Square project with immediate effect and to not enter into further commitments other than, with the involvement of all political parties and other relevant stakeholder groups, to manage an orderly consideration of all alternative proposals.”

The following points were made in moving the amendment:

- A three point plan had already been put in place to ensure alternatives to the project could be properly considered: 1) A Councillor Convention bringing together Parish, Borough and County Councillors would include a review the Borough's main challenges and opportunities; 2) A small panel consisting of representatives of residents and businesses would be established to look at the concerns and aspirations of the community in a non-political fashion and report back to Cabinet. 3) The Cabinet would work with a number of financially trained members to review and set out in a simple form the economics and wider benefits of any proposed alternatives.

Councillor Chapelard raised a point of order in relation to council procedure rule 13.6.1(e) in that an amendment may not negate a motion. The Monitoring Officer advised that the amendment was in order.

The debate on the amendment included consideration of the following additional matters:

- The nature of the referenced 'alternatives' was unclear.
- The amendment could be supported on the basis that it was the beginning of the end of the project.
- Involvement of all parties in the consideration of any alternatives was welcomed.
- Consideration of any alternatives should be prefaced on the current plan being cancelled.
- Tax payers had strongly indicated that they did not accept the liabilities of the project regardless of any other considerations.
- The economic arguments for the project were strong and convincing.
- It was reasonable and expected that buildings should come to the end of their usable lives.
- The Council had had a plan since 2014 to encourage economic growth and investment into the Borough through the promotion of cultural and leisure activities.
- Council finances had changed significantly and used to depend on £5m per year in government grants. This had reduced to zero, and with Council Tax capped, the only option was to make up most of the shortfall through business rate retention. Further cuts to services and efficiencies were no longer sustainable and investment was necessary.
- Business Rate income was increasing and could be expected to continue to increase with several major private-sector developments due to start in the near future.
- The promotion of cultural and leisure activities, which initially enjoyed cross-party support, included provision of a modern theatre, the Amelia Scott centre and increased parking.
- Extensive work had been carried out to assess the options for redevelopment. Theatre users were keen to avoid closure of the theatre during any redevelopment.
- Thirteen options for new and existing sites had been considered in detail from which the current scheme had emerged which would also provide new income streams.

- The sustainability of repaying the cost of borrowing had been confirmed by the Council's auditors, the Chartered Institute of Public Finance and Accountancy and the Inspector following the CPO Enquiry.
- The Council was already committed to producing the RIBA Stage 4 report. It was sensible to await the report and in the meantime to review the options, including termination of the project. This was the purpose of the amendment.
- There was no option that did not include some expenditure and therefore borrowing.
- Refurbishment of the current Town Hall would cost £12m plus £3m relocation costs.
- Refurbishment of the current Assembly Hall would cost £31m and the result would still have most of its shortcomings.
- The amendment was a dilution of motions 1 and 4. Voting for motions 1 and 4 would achieve a similar outcome except it would be on the basis of a fresh start.
- The amendment put power in the hands of Cabinet and this was unacceptable.
- At the Overview and Scrutiny Committee meeting on 10 June officers were asked what were the ongoing liabilities should the project be cancelled after RIBA Stage 4. The answer had been that such eventuality had not yet been fully explored. Therefore, it was impossible to commit to no new expenditure as the Council's full undertakings were unknown.
- Opposition members had not had the time or resources to propose alternatives. The project should stop to allow full consideration of alternatives and the amendment did not meet this need.
- Climate Change was a significant concern and action was needed urgently. Offices were required to have a minimum energy efficiency rating of 'C'. The current Town Hall was rated 'D' and used 526 tonnes of carbon per year. The new development could reduce this to 248 tonnes.
- The project could not continue in spite of the election results. However, the Council operated in a framework of statutory processes and had to honour existing contracts and proceed with an orderly wind-down.
- There should be a referendum on the outcome of any consideration of alternatives.
- Tunbridge Wells voted 'Remain' in the EU Referendum which could have affected the local election results.
- Few comments relating to Brexit had been made whilst canvassing for the local elections, most people were concerned with local issues.
- The alternatives now being proposed were worthy of due consideration.
- The amendment read as a list of past mistakes and could not be trusted as a way forward.
- Whilst recognition of a climate emergency was welcomed, this alone did not justify the development and the Calverley Square scheme would not address problems of a failing high street and funding cuts.
- The expert opinions should be respected but they may not have been asked the right questions.
- There was a lack of surety of purpose to the amendment.

- All options had a cost, borrowing either £77m for Calverley Square or £50m to stand still. Calverley Square would deliver new assets and new investment in the economy.
- The project initially enjoyed support from many groups including the Friends of Calverley Grounds which noted that the proposed site was good in the centre of town and near the train station.

Councillor Chapelard requested a recorded vote.

Members who voted in favour of the motion: Backhouse, Bailey, Bland, Mrs Cobbold, Dawlings, Fairweather, Dr Hall, Hamilton, Holden, Horwood, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Simmons, Mrs Soyke, Stanyer, Mrs Thomas, Thomson and Woodward. (24)

Members who voted against the motion: Atkins, Atwood, Bruneau, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Neve, Poile, Pound, Rands, Warne, Williams and Willis. (20)

Members who abstained from voting: None.

#### **AMENDMENT CARRIED**

The amendment became the substantive motion.

Councillor Chapelard requested a recorded vote.

Members who voted in favour of the motion: Backhouse, Bailey, Bland, Mrs Cobbold, Dawlings, Fairweather, Dr Hall, Hamilton, Holden, Horwood, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Simmons, Mrs Soyke, Stanyer, Mrs Thomas, Thomson and Woodward. (24)

Members who voted against the motion: Atkins, Atwood, Bruneau, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Neve, Poile, Pound, Rands, Warne, Williams and Willis. (20)

Members who abstained from voting: None.

**RESOLVED** – That Cabinet be requested to stop all new expenditure on the Calverley Square project with immediate effect and to not enter into further commitments other than, with the involvement of all political parties and other relevant stakeholder groups, to manage an orderly consideration of all alternative proposals.

#### **MOTION 2**

FC14/19 Motion 2 was not moved.

#### **MOTION 3**

FC15/19 Councillor Lidstone moved, and Councillor Morton seconded, the motion: “The Cabinet is requested to require Full Council to decide whether it wishes to proceed to RIBA stage 5 (the construction stage of Calverley Square).”

The following points were made in moving the motion:

- Previous decision of this nature had been made by Full Council.
- Such an important decision must be made by all members.

Dr Philip Whitborne had registered to speak, which included the following comments:

- The Cabinet could ignore the request, Full Council should instruct the Cabinet.

Brian Bissell had registered to speak, which included the following comments:

- Motion 1 as amended involves working collaboratively, this should continue and Full Council should take the final decision.
- Investment was needed but closing the theatre would be detrimental.

The debate on the motion included consideration of the following additional matters:

- Full Council was the voice of the people in the absence of a referendum.
- The Local Government Act 2000 gave considerable powers to the executive.
- The functions of the executive was set out in legislation and this decision could only be made by the Cabinet.
- Previous decisions of this nature which may have been made by Council would have had elements which would have been within the remit of Council.
- The Council as a whole needed to demonstrate openness and transparency to restore trust.
- The costs of stopping the project needed to be fully explored.
- The Council had invested in a number of properties and was acting as a private landlord, the Full Council should debate this policy.
- There remained unanswered questions from the recent Overview and Scrutiny Committee meeting.
- No decision should be made by Cabinet until Council had given its view.
- The amendment to motion 1 on the agenda had intended to bring transparency.
- The decision making process to date had been open with plenty of opportunities to ask questions and it was right that new members should have the opportunity to influence future decisions. The Council had to do something to invest, economically and culturally and the Cabinet had set out a process to facilitate consideration of alternatives in a structured way.
- There were mixed messages from members of the Cabinet who should give assurances that the will of Council will not be ignored.
- The public had given a clear message that they did not want to continue with the Calverley Square project.
- There needed to be consideration of alternatives in order to achieve the economic and cultural aspirations of the Cultural Strategy and such a decision should be taken by the Council as a whole.

Councillor Chapelard requested a recorded vote.

Members who voted in favour of the motion: Atkins, Atwood, Bruneau, Chapelard, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Morton, Neve, Ms Palmer, Podbury, Poile, Pound, Rands, Scholes, Simmons, Mrs Soyke, Stanyer, Thomson, Warne, Williams and Willis. (30)

Members who voted against the motion: Backhouse, Bailey, Bland, Mrs Cobbold, Dawlings, Hamilton, Horwood, Mackonochie, March, McDermott, Noakes, Scott, Mrs Thomas, and Woodward. (14)

Members who abstained from voting: None.

**RESOLVED** – The Cabinet is requested to require Full Council to decide whether it wishes to proceed to RIBA stage 5 (the construction stage of Calverley Square).

#### MOTION 4

FC16/19 Councillor Bruneau sought leave to table an alternative motion to that which was set out in the agenda. The Chief Executive advised that the alternative motion was not in order. Therefore, the motion as set out in the agenda was proposed.

Councillor Bruneau moved, and Councillor Willis seconded, the motion: “Tunbridge Wells Borough Council will create a borough-wide panel of experts and community stakeholders to generate alternative proposals to identify and address the requirements for new or refurbished office accommodation for both the Council and commercial use, and the realisation of the Cultural Strategy for consideration by the Council. No prior conditions will be set that might limit the range of options considered.”

Dr Robert Banks had registered to speak, which included the following comments:

- The public had clearly shown its opposition to the current scheme.
- Conciliatory comments by members of the Cabinet were welcome but previous suggestions that there had been opportunities for public involvements were not fully realised. The Council needed to ensure the public were genuinely involved in any future decisions.
- Approval of the motion may go some way to restoring trust and it should not be ignored.

Robert Atwood had registered to speak, which included the following comments:

- It would be outrageous for Cabinet to ignore the will of the Council.
- There was precedence for a panel of the type suggested in the motion and there was a wide choice of appropriate people from which to populate such a panel.
- The report of the previous Tunbridge Wells Town Plan Advisory Board in 2012 may still be useful.
- Joined up thinking was needed and could be facilitated by such a panel.

Dr Philip Whitbourne had registered to speak, which included the following comments:

- The challenge was now, how to meet the economic and cultural aspirations in a way that enjoys the support of the public.

- At the top of the list of possible alternatives should be the refurbishment of the current Town Hall and suggestions that it was too big for current needs should help a phased development without the need to move out.
- A creative redevelopment would set an example to other owners of historic buildings.

Parish Councillor Antony Harris of Goudhurst Parish Council had registered to speak, which included the following comments:

- This was an opportunity to find a bi-partisan consensus.
- Despite the similarity between the amended motion 1 and motion 4 it appeared that members were voting along party lines.
- Tunbridge Wells had to move forward, otherwise its town centre and culture would die. A bi-partisan group which included parishes, residents and businesses would offer a good way forward for the whole Borough.

The debate on the motion included consideration of the following additional matters:

- Most Conservative members and all opposition members had supported calls for Full Council to take the decision on any future plans so to subsequently give control to an unelected body seemed counterintuitive.
- The motion wording was not specific enough.
- Any ideas generated by the proposed advisory board would be subject to Council decision making.
- The amendment to motion 1 was similarly vague in its use of the term 'stakeholder'.
- The Council was already proposing to do that which was being asked for in the motion.
- Motion 1, as amended, covered the intention of Motion 4.
- The motion was too prescriptive for the current stage of proceedings and time was needed to generate alternatives.
- The Council's decision making procedures were subject to a high degree of scrutiny which should be used to vet any alternative proposals.
- There were mixed messages coming from the Council's leadership. The motion should be supported as it simply reinforced the Cabinet's plans.
- There was little confidence that the Cabinet would act in accordance with the will of Council and the motion was intended to provide a positive way forward in a way that had previously been lacking.
- The Council needed the support of residents to make the best of its plans and strategies.
- Nine parishes had been progressing with Neighbourhood Plan which involved working with local residents and experts to ascertain the wants and needs of the community and how to achieve them. This could be a model for working together in future.

Councillor Chapelard requested a recorded vote.



Members who voted in favour of the motion: Atkins, Atwood, Bruneau, Chapelard, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Morton, Poile, Rands, Warne, and Willis. (15)

Members who voted against the motion: Backhouse, Bailey, Bland, Mrs Cobbold, Dawlings, Fairweather, Dr Hall, Hamilton, Holden, Horwood, Mackonochie, March, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Scott, Simmons, Mrs Soyke, Stanyer, Thomson, Williams, and Woodward. (24)

Members who abstained from voting: Ellis, Lidstone, Neve and Pound. (4)

**MOTION NOT CARRIED**

**URGENT BUSINESS**

FC17/19 There was no urgent business.

**COMMON SEAL OF THE COUNCIL**

FC18/19 **RESOLVED** – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

**NOTES:**

The meeting concluded at 9.10 pm.

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