

TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a 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 Wednesday, 23 February 2022

PRESENT:

The Mayor Councillor Chris Woodward (Chairman)

Councillors Allen, Atkins, Atwood, Backhouse, Barrington-King, Bailey, Bland (Vice-Chairman), Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Goodship, Hall, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Knight, Lewis, Lidstone, March, McDermott, Morton, Ms Palmer, Patterson, Poile, Pope, Pound, Rands, Roberts, Rutland, Sankey, Scholes, Scott, Simmons, Warne, White, Willis and Wormington

IN ATTENDANCE: William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Mark O'Callaghan (Scrutiny and Engagement Officer), Claudette Valmond (Head of Legal Partnership and Interim Monitoring Officer) and Renee Dillon (Democratic and Executive Support Manager)

APOLOGIES FOR ABSENCE

FC68/21 Apologies were received from Councillors Funnell and Thomson.

MINUTES OF THE MEETING DATED 15 DECEMBER 2021

FC69/21 Councillor Simmons advised that he had moved the amendments to the Constitution, not Councillor Dawlings as stated.

RESOLVED –

1. That FC60/21 be amended to replace Dawlings with Simmons;
and
2. That, subject to the above amendment, the minutes of the meeting dated 15 December 2021 be approved as a correct record.

DECLARATIONS OF INTEREST

FC70/21 No declarations of pecuniary or other significant interest were made.

ANNOUNCEMENTS

FC71/21 The Mayor announced:

- The Civic Dinner in support of the Mayor's Charity was on 22 April 2022.

The Leader of the Council:

- Expressed his gratitude in the excellent work that was carried out by the building service team during storm Eunice.

The Portfolio Holder for Economic Development:

- Provided an update on Tunbridge Wells crime statistics and how they had achieved high ranking status across Kent, and he expressed his thanks to all the hard work gone into achieving this.

The Portfolio Holder for Environment, Culture and Leisure announced:

- The TWBC Climate Action website would go live on 28 February 2022.
- Tunbridge Wells would host the Subbuteo World Cup in 2024.

PRESENTATION OF A CIVIC MEDALLION TO JUNE BRIDGEMAN

FC72/21 The Mayor and members of the Council welcomed June Bridgeman, family and friends to the meeting and set out their reasons for granting the well-deserved award.

The Chief Executive read the citation and the Mayor presented the award.

Upon receiving the medallion, June Bridgeman returned thanks for the award.

GOUDHURST NEIGHBOURHOOD DEVELOPMENT PLAN

FC73/21 Councillor McDermott moved, and Councillor Dr Hall seconded, the recommendation set out in the associated report.

Debate included:

- Neighbourhood plans were developed over many months involving many people.
- The Plan was supported at referendum, 92% voting Yes and 8% No.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That, following a favourable local Referendum result in relation to the use of the Goudhurst Neighbourhood Development Plan to help in the determination of planning applications in the Parish Neighbourhood Area, the Goudhurst Neighbourhood Development Plan be formally 'made' (adopted) and become part of the statutory Development Plan for the area with immediate effect;
2. That the Goudhurst Neighbourhood Development Plan Decision Statement (post-Referendum) shown at Appendix A to the report also be published; and
3. The Goudhurst Neighbourhood Development Plan SEA Adoption Statement also be drafted and published shortly after the NDP is 'made'.

BENENDEN NEIGHBOURHOOD DEVELOPMENT PLAN

FC74/21 The Mayor asked the Monitoring Officer to advise members regarding an email which had been circulated by objectors to the Benenden Neighbourhood Development Plan (NDP) commenting about an article which had been published in a local magazine.

Monitoring Officer advised:

- Legal input had been sought in relation to the publication of certain statements in a local magazine and their impact on the validity of the Plan.
- It was felt that under the circumstances the risk of challenge to the Council's decision was low.

Councillor McDermott moved, and Councillor Holden seconded, the recommendations set out in the associated report.

The Mayor advised that there were four members of the public registered to speak:

- Hazel Strouts – Resident of Benenden
- Nicola Thomas – Chair of Benenden Parish Council
- Paul Tolhurst – Benenden NDP
- Andrew Marks – Resident of Benenden

Comments by speakers included:

- Felt the wider community was not consulted on plans.
- Friends of East End were not consulted until too late in the process.
- Advised a petition was submitted and signed by 127 people and not 31 as suggested.
- The community felt they were being silenced and prevented from publishing articles expressing their views.
- Posters had been published that were confusing and misleading.
- The facilities of the site at East End were not adequate to accommodate the developments plans.
- Thanks was expressed to all councillors for their support.
- Delighted that over 80 per cent voted for the proposal.
- Congratulated Tunbridge Wells Planning team for openness and support.
- Benenden NDP had to date taken nearly four years with 25 volunteers to get to the position it is in today.
- Five workshops, three drop-in sessions and two exhibitions with a village plan launch meeting were held to make residents aware of the development.
- It was stressed that all meetings were well attended except the meeting held in the East End.
- The Independent examiner held a 5-hour meeting to listed to all concerns, he found robust and sound planning principles.
- 53.6 per cent turn out for the referendum.
- Residents felt NDP was a done deal.
- NDP group failed to include residents who would be most affected by development.
- Brown field site reference is emotive and incorrect as Tunbridge Wells own register does make such reference.
- Outside of the Area of Outstanding Natural Beauty where much of hospital intrudes into it for historical reasons.
- NDP failed to include hospital site in its consultation, and it was only at final planning consultation were residents able to express their concerns.
- This development lacks any formal infrastructure to accommodate such a sizeable development.

Councillor Patterson moved, and councillor Poile seconded, a motion to adjourn the debate under Council Procedure Rule 13.11.4. The Mayor determined that the motion had not reasonably been discussed and debate would continue.

Debate included:

- Concern was expressed over the allegations on how the Plan was conducted, it was felt the Borough Council should defer the vote on this plan until adjudication has taken place.
- It was reiterated that Legal Services had been consulted and they advised there was low risk to this challenge and there would be little advantage of deferring the decision.
- It was stressed that the East End lacked the infrastructure to support such housing plans and there were other areas nearby which could accommodate such a development.
- The Inspector had taken all the sustainable elements into consideration which on balance were found to be acceptable.
- It was noted that these plans had already been agreed in their current form and been subject to a referendum. It was the Councillors' obligation to move the plan forward.
- With a turnout of over 50 per cent disappointment was expressed if councillors went against the wishes of the referendum.
- It was felt that there was a last-minute push to delay the decision.
- The NDP was part of the strategic development plan and to date no council had ever overturned a referendum vote. With 665 votes in favour and 161 votes against, there was no reason to overturn this decision.

The Mayor took a vote on the motion by affirmation.

Members who wished their vote be recorded: Councillors Fitzsimmons, Dr Hall, Lidstone, Morton, Patterson, Rutland and Willis and abstained.

RESOLVED –

1. That, following a favourable local Referendum result in relation to the use of the Benenden Neighbourhood Development Plan to help in the determination of planning applications in the Parish Neighbourhood Area, the Benenden Neighbourhood Development Plan be formally 'made' (adopted) and become part of the statutory Development Plan for the area with immediate effect;
2. That the Benenden Neighbourhood Development Plan Decision Statement (post-Referendum) shown at Appendix A also be published; and
3. That the Benenden Neighbourhood Development Plan SEA Adoption Statement also be drafted and published shortly after the NDP is 'made'.

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC75/21 The Mayor advised that ten questions from members of the public had been received under Council Procedure Rule 10.6.

1. Question from Terry Cload

“The Pantiles is Royal Tunbridge Wells greatest tourist attraction. The public toilets closed several years ago. When will the replacement facilities be open?”

Answer from Councillor Fairweather

“Public toilets have been incorporated into the Pump Room as part of the Union House development and they will be open from 09:00 to 17:30 seven days a week.”

Supplementary question from Terry Cload

“It was asked if a timeframe could be provided.”

Supplementary answer from Councillor Fairweather

“As the development is a private venture a date is not clear, however it is hoped that it will be opened immediately.”

2. Question from Dr Shadi Rogers

“Does the Conservative administration believe that the plans for the old cinema site being brought forward for luxury retirement housing with no proportion of genuinely affordable housing represents the best we can do for those Tunbridge Wells residents who are struggling to afford to own or rent a home of their own? What social value does this development really provide for the Borough and its residents?”

Answer from Councillor McDermott

“The planning policy for the cinema site is provided in the Submission Local Plan and in recognition of the viability issues associated with this site, there is no requirement for affordable housing. The policy was reviewed and agreed by the cross-party Planning Policy Working Group and agreed by Full Council in February 2021 with broad political support, including from the Labour party who voted en bloc to submit the plan, including the policy relating to the Cinema Site.

The proposals being discussed with Retirement Villages are for more residences than provided for in the Local Plan and will be assessed by the Planning Committee against local and national policy as part of any planning application. It would not be appropriate to prejudge the outcome of that decision. My colleague Councillor Fairweather will set out how the Council is actively working to boost the levels of affordable housing provision in response to the second question you’re asking this evening.”

Supplementary question from Dr Shadi Rogers

“Do you not agree that this development will do nothing for residents in Sherwood who are in their 20’s and 30’s who still live at home with their parents spiralling private rental and increased house prices which are out of control?”

Supplementary answer from Councillor McDermott

“The previous owners of the site asked for an independent test of the viability report for the cinema site, and it came back it was not viable. It is not appropriate to make judgement on planning applications before it is decided by the planning committee, I therefore suggest it is sent back for further negotiations.”

3. Question from James Tansley

“At the meeting of full Council on 21 April 2021, the Portfolio holder for Finance and Governance said he was “not aware” of any breaches by Council officials and Councillors of the fifth of the Nolan principles of Public Life, which states that: ‘Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing’. Yet even as he was speaking, the Council was refusing to answer Freedom of Inquest request FO9726, an action which the Information Commissioner judged to be in contravention of the Freedom of Information Act. What action is the Portfolio holder taking to make himself better aware that the Council is not wrongly withholding other information from the residents of the borough?”

Answer from Councillor Dawlings

“The Council publishes a vast amount of data that not only meets the requirements of the transparency guidance but in some instances goes further, for example we choose to publish details of expenditure above £250 rather than the required £500.

The Procurement Team run the expenditure reports but must first redact personal information. Where the payment is for a sole trader, it is necessary to not only have regard to the 2015 guidance but also the requirements of the Data Protection Act and the rights of privacy. This is a balancing act but in most instances data protection legislation is given more weight than the transparency guidance. It is better to be cautious and not to release the information and then to be able to consider releasing upon request when there is a legitimate reason to do so, rather than just publish and open the Council to claims for breach of privacy and data protection.

I am grateful to the Information Commissioner who after nearly a year of consideration of this case has reached a decision and provided a clear outcome that the council should publish the information, which is exactly what we have done.”

Supplementary question from James Tansley

“I have read the judgement IC103913W7L6. Will the council now start to publish full details of all items above £500 on their web site under local government transparency code?”

Supplementary answer from Councillor Dawlings

“We have discussed how we could improve this situation going forward. We will now change our tendering process to include a form where tenderers, including sole traders, must agree for their names to be included in our transparency data or provide a sound reason as to why they should be redacted. This is not a requirement of the Public Contracts Regulations 2015, but it is something that we can include locally.

Since the information has been published, the contractor has announced that he is no longer willing to work with the Council”.

4. Question from Christopher Gerry

Mr Gerry was not present at the meeting therefore the Mayor requested that a written answer be provided and recorded in to the minutes.

“Did the council adopt the Marmot review proposals in 2010 (Fair Society, Healthy Lives) as 75 per cent of other councils did? If so, what are the health outcomes related to alignment of council policy with improving health outcomes for Tunbridge Wells residents? If the Marmot review was not adopted, what health improvements have we seen for Tunbridge Wells residents in terms of life expectancy, years spent in good health and per cent of residents living in relative and absolute poverty since 2010?”

Answer from Councillor Fairweather

“Tunbridge Wells Borough Council did not formally adopt the recommendations of the Marmot Review as most recommendations related to county councils rather than district councils. Furthermore, since 2013 Kent County Council has been the lead authority for Public Health and for tackling health inequalities in Kent. The Council did produce a health inequalities action plan which embedded many of the recommendations of the Marmot Review and which complemented KCC’s ‘Mind the Gap’ Strategy.

The Council’s Five-Year Plan includes wellbeing as one of its three key priorities and the Plan included plans to promote active travel and to work with partners to improve social and health inequalities. Since the publication of the Marmot Review life expectancy has increased within the Borough.”

5. Question from Dr Shadi Rogers

“In a recent Facebook post replying to a resident on 26 December 2021, the Tunbridge Wells Conservatives account stated that affordable housing needs were being met in the Borough because 100 flats on Knights Park, Sherwood ward were being provided by a housing association for £77,000. Given this is the cost of a 25% share of a 2bed property at a market value of £308,000, does the Portfolio Holder believe this is an affordable home for low income residents on a minimum wage in the Borough?”

Answer from Councillor Fairweather

“The example you have given is in relation to a shared ownership property. Shared ownership caters for a particular element of affordable housing need. Social rented and affordable rented accommodation are different tenures that cater for other affordable housing needs. For example, social rented housing is 60 per cent of market rate. The Council is looking to significantly boost the amount of affordable housing in the Borough through its new planning policies in the Submission Local Plan which was agreed by all political parties. For major developments on greenfield sites the requirement is for 40 per cent of houses to be different types and tenures of affordable houses. For brownfield sites it is 30 per cent. The new policy requires that 60 per cent of the affordable housing should be for social rented houses, with the remainder being other tenures such as shared ownership houses. So, for a development of 100 houses on a greenfield site 60 will be for market sale, 24 will be for social rent and 16 will be for joint ownership or equivalent.”

Supplementary question from Dr Shadi Rogers

“Thank you for providing the information but do you not agree the response on the Facebook page demonstrated how out of touch the conservatives are with the need for social housing. Can you please tell me how many social housing units have been delivered over the last 5 years by this administration?”

Supplementary answer from Councillor Fairweather

“With regard to the Facebook post, although I am now a member of the site I am unable to view the post and am therefore none the wiser with regards to its contents.”

6. Question from James Tansley

“Between May 2019 and September 2021, the Council made payments to Eddie Lee for consultancy work relating to the ticketing system at the Assembly Hall Theatre. Please can the Council state Whether this contract went through the Council’s normal tendering process, who authorised it and why it was not included on the Council’s contracts register?”

Answer from Councillor Dawlings

“I can confirm that we tendered in the market twice for the service provided by Eddie Lee, first, on 11 February 2019 and secondly on 23 October 2020 (lot 7 of a wider panel tender). Eddie Lee was the only respondent on both occasions, the contract was authorised by the then Assembly Hall Theatre Director, and the register was not updated with the details of the consultant for the same reasons as we redacted the payment information. We will now be updating the register in line with of the Information Commissioner’s Office decision.”

Supplementary question from James Tansley

“Can you please keep me out of suspense would you please be able to tell me how much was paid to Mr Lee for the work carried out please.”

Supplementary answer from Councillor Dawlings

“I am sorry I am unable to advise at this moment but am able to provide you with a written response.”

7. Question from James Tansley

“In response to Freedom of Information request FO9823, the Council said that, instead of spending £97,219.73 on 20 June 2018 for external training as stated on its website (to a supplier whose name it had redacted), it had in fact spent only £300. What was the reason this expenditure was overstated by 32,307%, what steps has the Council taken to ensure that similar errors have not been made and how confident can residents be that other financial information published by the Council is accurate?”

Answer from Councillor Dawlings

“As explained in the response to the Freedom of Information request, the value of this payment was posted incorrectly due to a formula issue that was not picked up at the time the information was published. We reviewed our checking processes to eliminate these errors. The new checking processes came into effect in October 2018. The process of drawing the data out from our finance systems is a manual one, and as with any process involving manual input there is a potential for human error.”

Supplementary question from James Tansley

“Can you confirm that the data now published on the Councils website is accurate?”

Supplementary answer from Councillor Dawlings

“I assume it is, but I have not had a chance to review it myself.”

8. Question from James Tansley

“The 2020/21 budget stated: “Directors/ Heads of Services and Portfolio Holders have been busy trying to identify further efficiency options to reduce the cost of their services and to increase income”. No information on any savings was provided.

The 2021/22 budget stated: “Directors/Heads of Services and Portfolio Holders have been busy trying to identify further efficiency options to reduce the cost of their services and to increase income. These discussions continue”. No information on any savings was provided.

The draft 2022/23 budget presented to Cabinet in July stated: “Directors/ Heads of Services and Portfolio Holders have been busy trying to identify further efficiency options to reduce the cost of their services and to increase income. These are still in the discussion stage”. No information on any savings was provided.

The latest version of the 2022/23 budget states: “Directors/Heads of Services and Portfolio Holders have been busy trying to identify further efficiency options” and then goes on to say, without providing any information on savings realised, that “the scope for further savings has been exhausted”.

Why has the Council failed to identify any efficiency savings in the last three years, and on what basis does it conclude the scope for further savings has been exhausted?”

Answer from Councillor Dawlings

“After ten years of austerity that has seen government Revenue Support Grant for this council reduced to zero and where demand for services and inflation has continued to increase whilst the ability to increase Council Tax has remained fixed at £5 per year it should not surprise you that further savings have become very difficult to identify.

The Council has already extracted many efficiencies, invested in digital technology, and delivers many its services through partnership working.

The Budget Update report in October also included an extensive benchmarking report which used government data to compare the unit costs of providing services by this council in comparison with its geographical and statistical neighbours. The findings were compelling in that this council was found to have the overall lowest unit cost of services per resident in the comparator group.

This is very reassuring in term of being an efficient Council but does make identifying further savings very difficult, without cutting the range or quality of services provided, this does support the view that savings opportunities have been pretty much exhausted.”

Supplementary question from James Tansley

“The National Audit Office ‘New Code of Audit Practise 2021’ financial year requires extensive reporting on efficiencies arrangement why has this council not followed up on these requirements.

Supplementary answer from Councillor Dawlings

“I took the view of benchmarking was precisely what we were doing.”

9. Question from James Tansley

“Given that, in FY 2020/21, salary scales for NHS front line staff increased on average by 2.95% (and less than 2% for those earning over £80,000), that the UK economy shrank by 6.1%, and that inflation in the year to March 2021 was 0.7%, please can you explain why the Council’s Director of Finance received a 17.6% increase in his total remuneration (to £148,972) last financial year?”

Answer from Councillor Dawlings

“Your question confuses a number of different headings such as salary and remuneration and then fails to explain that total remuneration also includes statutory employer’s pension contributions.

Information on senior salaries is clearly published in the Statement of Accounts which were open for public inspection and have been reviewed and signed off by the Audit and Governance Committee and the External Auditor. I am pleased to report that this council was one of the first in the South East to have its accounts signed off and for the twelfth year in a row has received a clean bill of health. This achievement should not be overlooked as even now most councils in this area have yet to have their 2020/21 accounts signed off.

I understand that you did contact the Finance Manager to inspect this salary but despite several dates being agreed you failed to turn up.

There are two reasons why the salary for this role increased.

First, during the past two years this council has stepped forward in supporting the community and local businesses through the pandemic by setting up food parcels, arranging vaccinations and paying over £52m to local businesses to keep them afloat. This situation required staff to continue working and forgo annual leave which quite rightly has been paid as additional salary.

Your annual interest in the Finance Director's post also resulted in a review being undertaken by the Head of Human Resources where it was identified that this post should have been receiving a market supplement that was awarded to all qualified accountants. This payment also correctly increased the salary for the post to ensure compliance with the Council's Equal Pay Policy."

Supplementary question from James Tansley

"Financial year 2021 according to Councils Coronavirus dashboard the council were only delivering half of their services and were rated worst in the country for delivering grants to small business, your Chief Exec was quoted as saying he found it appalling Tunbridge Wells also have the worst bin collection and the Amelia is running over building costs. It was only able to balance its books with money provided by central government, why is the council rewarding failure or has the council lost control where it is allowing officers to pay themselves whatever they want."

Supplementary answer from Councillor Dawlings

"I see no evidence of rewarding failure, I see huge efforts going into providing payments via grants for small business and there are huge efforts being made for the missed bin collections, I do not recognise the comments you're making.

QUESTIONS FROM MEMBERS OF THE COUNCIL

FC76/21 The Mayor advised that there were three questions from members of the Council had been received under Council Procedure Rule 10.

Councillor Pound sought confirmation that the questions raised were in order and that interjections from the floor were inappropriate. The Mayor agreed.

1. Question from Councillor Pound

"On Monday 14th February, Cllr Scott posted on social media (Next Door) "AXA investing heavily in the old cinema site" and on Tuesday 15th February he said on NextDoor: "AXA investing in the cinema site" is a "positive thing".

Can you confirm that AXA has, through its subsidiary Retirement Homes Ltd. only placed an option to buy the site, subject to approval of a planning application yet to be put to the Council and that it has not yet, therefore, invested in the cinema site?"

Answer from Councillor Scott

"Valuing and Assessing options is a key part of my regulations training for UK and USA financial services authorities. Retirement homes have placed an option to buy, the contractual and financial terms where an option was placed are confidential to them, and different elements will have financial implications.

The option will create an obligation for public engagement and development and is evident in all preplanning work done to date, until preplanning is agreed and can be expensive and without knowledge of what outcome will be they will continue their investment in the process."

Supplementary question from Councillor Pound

“Would you agree that value and assessing option or preplanning or investment in the development process in the cinema site carry with it clear connotation of investment in the site which is simply untrue, and you are again misleading the public and this needs to be corrected”.

Supplementary answer from Councillor Scott

“Councillor Pound, whenever you are investing in a property you are leasing or an option on the property and identifying each of these things are related directly to the site and do not see any scope for misinterpretation.”

2. Question from Councillor Everitt

“Since the prohibition of the letting of properties with energy performance certificates F and G by private landlords from 1 April 2020, what steps has the Council taken to inform private renters of the responsibility of their landlord and equally inform private landlords of their responsibility?”

Answer from Councillor Dawlings

“We provide information on our website for both landlords and private tenants setting out Responsibilities for landlords and a guide to finding accommodation, including details of the EPC requirements.

We also participate in the West Kent Landlords’ Forum hosted, by the National Residential Landlords’ Association, where landlords are made aware of their responsibilities. The next Forum will focus on Minimum Energy Efficiency Standards.

Our Housing Option Advisors request copies of all required certificates, including the EPC when assisting someone into or offering private rental accommodation. As part of our response to any service request from a private sector tenant about property conditions we check the EPC rating. Where poor energy insulation is identified, landlords are required to carry out works to ensure improvements in the EPC rating.

Work is planned to contact landlords and letting agencies to remind them of various responsibilities, including the minimum energy efficiency standards and to highlight energy efficiency measures to help tenants reduce their energy costs.”

Supplementary question from Councillor Everitt

“Do you think in retrospect given that I have not seen this change in law featuring in local of council publications, the council has missed an opportunity to promote something that would benefit private rental residents with the cost of fuel crisis and would tie into our climate emergency policy by improving environment housing stocks within the borough”.

Supplementary answer from Councillor Dawlings

“We need to recognise what our council is and isn’t focused on and may possibly be right, but the housing department have enough to deal with”.

3. Question from Councillor Rutland

“On 4th February 2021, the Cabinet approved the grant of a 25-year lease of Bayham sports pitches to Tunbridge Wells Foresters Football Club. Minutes of this meeting also relay that the Football Foundation in association with the Kent FA prepared a report stating that the Bayham sports pitches site needed an upgrade, as the current facilities were no longer fit for purpose.

The granting of a long lease would enable Foresters Football Club to begin this upgrade project by fundraising and applying for grants.

Since then, there have been negotiations, legal processes, and the production of documentation, but the lease has not been signed. As of today (17 February) the process has taken one year and two weeks. Please can you explain why this is taking so long?”

Answer from Councillor March

“Councillor Rutland rightly points out that having a lease for Bayham Sports Pitches will enable the Foresters Football Club to vastly improve the facilities. The Council is fully supportive of this project and work on the lease has progressed albeit not as quickly as we all would have hoped due to the challenges of the pandemic and other contract related work. The Council had to give notice of the proposed disposal of the lease and this part of the process was completed in early April. Since then, Officers have been working on the extension of the sports centres and grounds maintenance contracts as well as addressing issues with the waste contract. This unprecedented workload has limited the time they have had to progress the lease with the Foresters however I am pleased to be able to report that an updated lease was emailed to the Foresters Football Club earlier this week.”

Supplementary question from Councillor Rutland

“Thank you for your reply I am aware the latest version is with Foresters, and I am very grateful. I am wondering if there is anything that can be done to expedite the process?”

Supplementary answer from Councillor March

“I can speak to our legal team and see if there is anything that can be done to speed up the process, I am unable to push any more that Foresters can push with their own legal team.”

BUDGET 2022/23 AND MEDIUM TERM FINANCIAL STRATEGY UPDATE

FC77/21 The Mayor exercised his discretion under Council Procedures Rule 13.4.4 to allow leaders of each political party more than 10 minutes to speak.

Councillor Dawlings moved, and Councillor Scott seconded, the recommendations set out in the report.

Debate included:

- The pandemic had caused significant pressure on the council. However, it was felt with good financial management the Council had delivered well.

- The Council was only able to collect two per cent of the generated £85m in revenue from Council Tax, which equated to £8m and the balance was shared between Kent County Council, Kent Fire and Rescue, Kent Police and Crime Commissioner and Parish and Town Councils.
- For Business Rates, the Council only retained four per cent and the balance was paid to the government.
- £21m of the revenue generated from fees and charges set by the government did not cover all costs.
- £5m had been generated from new Business Rates which was credited into the Council's reserves.
- Kent was part of a pilot scheme where it retained 100 per cent of the Business Rates growth, this had now been reduced to 50 per cent in 2021.
- Lockdowns effected the Council's revenue stream, where a shortfall of £1m was forecast in Q1 per month, which was reduced to £500k in Q2.
- The government encouraged councils not to withdraw services and all shortfalls would be covered by government.
- Councils were to cover the first five per cent of losses and the government would cover 75 per cent of the remainder.
- Due to government funding, reserves and payments received, the Council did not have to draw on its reserves.
- Deficit was previously thought to be £1.5m however due to careful management, this was reduced to <£960k.
- The Council administered payments of over £54m in grants to local businesses this process was administered in house which reduced processing costs.
- An increase in New Homes Bonus had resulted in the Council receiving >£1m.
- 87 per cent of residents were in support of Councils approach.
- The Council had taken action to address surplus office space in the Town Hall. A co-working partnership had been agreed which would offer the Council a revenue stream.
- New office changes would bring new business to the town along with increased footfall.
- Other property assets would be reviewed.
- Car Park spaces would be reviewed, and consideration would be given to new revenue generation schemes or alternative use.
- Investment had been made in housing and rough sleeper projects along with hardship funds being made available. 80 per cent Council Tax Relief was available for those in need.
- £20.6m has been invested in the town to bring two listed buildings back into good repair, the Amelia Scott (including Library) along with Adult Education had been jointly funded by £9.5m from partners Kent County Council, National Lottery Heritage Fund and the government's Let's Get Building fund.
- The Council's deficit position came from a lack of planning and strategic direction.
- There have been too many years of overreach and underfunding. Failure to grow had been the basis of deficit, not covid, covid just exposed the problem.
- Central government had for too long asked Councils not to make changes which had failed to be honest in what they can deliver.

- Operations need to be right sized or outsourced, too much money spent on salaries.
- Council needed to digitise its services and embrace the digital revolution.
- Council asset base was significant, the Town Hall was ideally situated to leverage revenue gap.
- Current asset base would require significant investment of £50m to maintain two sports centres, the source of which was unclear.
- Housing and business growth would help but will take time and front-loaded costs.
- There was a failure to do simple things such as raise car parking charges as an income stream.
- The budget was dependent on central government throwing money in the form of grants to help deficit rather than long-term planning.
- In 2001 there was £54m in reserves, and monies were still being received from development sites in Hawkenbury.
- Reserves had dwindled over the years.
- The Medium-Term Strategy was not good enough and the Council would continue to struggle.
- Change was needed.
- There was no Five Year Plan and development of a new one was too slow.
- Thanks were expressed for the hard work by officers which had gone into the compilation of the reports.
- 6 out of the 8 large projects been delivered to date.
- This administration wasted >£10.8m, on a project that was over budget, did not have the public or its fellow member's support.
- There were repeated calls for a reduction in Council Tax to help those households living below the nation average.
- This administration had done little to support its social and affordable housing policy.
- Not enough was being done to address climate change and the concerns of residents in the borough.
- Tunbridge Wells had been voted the lowest council in Kent for its climate action, the Council lacked ambitions and had insufficient goals to reduce carbon emissions.
- Pressure should be placed on Council contractors to pay their staff the national living wage of £9.50p/h.
- Residents were demanding reliable bin collections, a clean environment and more affordable social housing. The Budget failed to address all these issues.
- Increase parking charges would not be well received with residents.

The Mayor took a recorded vote on the motion in accordance with Council Procedure Rule 15.7.

Members who voted for the motion: Councillors Allen, Atwood, Backhouse, Barrington-King, Bland, Dawlings, Fairweather, Goodship, Dr Hall, Hamilton, Holden, March, McDermott, Ms Palmer, Roberts, Scholes, Scott, Simmons, White and Woodward. (20)

Members who voted against the motion: Councillors Britcher-Allan, Everitt, Hill, Lewis and Pound. (5)

Members who abstained from voting: Councillors Atkins, Bailey, Chapelard, Ellis, Fitzsimmons, C. Hall, Hayward, Hickey, Knight, Lidstone, Morton, Patterson, Poile, Pope, Rands, Rutland, Sankey, Warne, Willis and Wormington. (20)

RESOLVED –

1. That the changes to the base budget along with the assumptions and approach set out throughout the report be noted;
2. That the responses to the budget consultation be noted;
3. That the rolling forward of the capital programme including additional gross funding of £2,140,500 for new schemes listed within the report be approved;
4. That the 2022/23 Pay Policy Statement set out at Appendix E to the report be approved;
5. That an increase in the Basic Amount of Council Tax of £5.00 for 2022/23 for a Band D property be approved.

COUNCIL TAX 2022/23

FC78/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a recorded vote on the motion in accordance with Council Procedure Rule 15.7.

Members who voted for the motion: Councillors Allen, Atkins, Atwood, Backhouse, Bailey, Barrington-King, Bland, Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Goodship, C. Hall, Dr Hall, Hamilton, Hayward, Hickey, Hill, Holden, Knight, Lewis, Lidstone, March, McDermott, Morton, Ms Palmer, Patterson, Poile, Pope, Pound, Rands, Roberts, Rutland, Sankey, Scholes, Scott, Simmons, Warne, White, Woodward and Wormington. (44)

Members who voted against the motion: None

Members who abstained from voting: Councillor Willis. (1)

RESOLVED – That the Council Tax for 2022/23 as set out at Appendix A to the report be approved.

ASSET MANAGEMENT PLAN 2022-23

FC79/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Asset Management Plan 2022/23, as set out at Appendix A to the report, be adopted.

TREASURY MANAGEMENT POLICY AND STRATEGY 2022/23

FC80/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Treasury Management Policy and Strategy 2022/23, as set out at Appendix A to the report, be adopted

CAPITAL STRATEGY 2022/23

FC81/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Capital Strategy 2022/23, as set out at Appendix A to the report, be adopted.

CHANGES TO APPOINTMENT TO COMMITTEES (FEBRUARY 2022)

FC82/21 Councillor Dawlings moved, and Councillor Scott seconded, the recommendations set out in the report.

Debate included:

- There was a lack of female councillors sitting in leadership positions within the committee groups.
- It was noted and agreed remedial action would be taken.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That the allocation of seats to Committees (political balance), as set out at paragraph 3.7 of the report, be approved; and
2. That the appointments to Committees, nominated by Group Leaders, including the Chairmanships and Vice-Chairmanships of the Committees as set out at Appendix A to the report, be approved.

MOTION ON NOTICE FROM COUNCILLOR SANKEY

FC83/21 Councillor Sankey moved, and Councillor Pope seconded, the motion set out in the associated notice.

Debate included:

- To address future development plans and approach developers for Meanwhile Use It was felt this was more effective way of preventing land just sitting idle awaiting development.
- Concern was expressed around private development and how this motion would relate.

- Concern was expressed on the effectiveness of the policy and how it would be applied.

Councillor Pope requested a recorded vote.

Members who voted for the motion: Councillors Allen, Atkins, Atwood, Barrington-King, Bland, Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Goodship, C. Hall, Hamilton, Hayward, Hickey, Hill, Knight, Lewis, Lidstone, Ms Palmer, Patterson, Poile, Pope, Pound, Rands, Rutland, Sankey, Scholes, Scott, Simmons, Warne, Willis, White, Woodward and Wormington. (37)

Members who voted against the motion: None

Members who abstained from voting: Councillors Backhouse, Bailey, Dr Hall, Holden, March, McDermott, Morton, Roberts. (8)

RESOLVED – That this Council considers the preparation of a robust “Meanwhile Use” planning policy for major developments in the Local Plan and Royal Tunbridge Wells Town Centre Plan. This consideration will occur through the Planning Policy Working Group and Royal Town Centre Plan Working Group and through formal engagement and consultation with businesses, residents and statutory consultees.

COMMON SEAL OF THE COUNCIL

FC84/21 **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.

URGENT BUSINESS

FC85/21 There was no urgent business.

DATE OF NEXT MEETING

FC86/21 The next scheduled meeting was Wednesday 27 April 2022.

NOTES:

The meeting concluded at 10.20 pm.