

Summons and Agenda



Town Hall
Royal Tunbridge Wells

Wednesday 26 April 2023.

To the Members of the Tunbridge Wells Borough Council

I request your attendance at a meeting of the Tunbridge Wells Borough Council to be held at the Town Hall - Town Hall, on Wednesday, 26 April 2023, at 6.30 pm, when the following business is proposed to be transacted.

- 1 **Apologies for absence** (Page 4)
To receive any apologies for absence.
- 2 **Declarations of Interest** (Page 5)
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.
- 3 **Acquisition of Lease** (Pages 6 - 10)
- 4 **Urgent Business** (Page 11)
To consider any other items which the Mayor decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
- 5 **Common Seal of the Council** (Page 12)
To authorise the Common Seal of the Council to 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.
- 6 **Date of next meeting** (Page 13)
To note that the date of the next meeting is Wednesday 24 May 2023.

Exempt Items

EXEMPT ITEM(S)

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they may involve the likely disclosure of exempt information as defined in Part I, Schedule 12A of the Act, by virtue of the particular paragraph(s) shown on the agenda and on the attached report(s).

7 **Acquisition of Lease Exempt Report and Appendices (Agenda Item 3)** (Pages 15 - 156)

Exempt by virtue of paragraph 3 of the Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person (including the authority holding that information)..

William Benson
Chief Executive

Democratic Services Team

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ROYAL TUNBRIDGE WELLS
Kent TN1 1RS



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Attending meetings

Meetings are held in the town hall and are webcast live online.

Members of the public may attend to watch/listen in person or online live via our website. A recording of the meeting will also be available shortly after the end of the meeting.

All meetings and agenda are open to the public except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

Seating for the public will be allocated on a first-come-first-serve basis and cannot be guaranteed.

Speaking at Meetings

Members of the public are encouraged to participate and those wishing to comment on an agenda item will need to register with Democratic Services in advance.

Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item and speakers have up to 3 minutes each.

Places are allocated on a first-come-first-served basis except that if there are several speakers from the same group they may be asked to nominate someone to represent their collective view.

Once registered, speakers will need to attend the meeting in person. Comments should be in the form of a statement giving your opinion on the matter. Members of the committee may not answer questions or get into a debate with you.

Registrations may be sent by email to committee@tunbridgewells.gov.uk at any time during the registration period.

Full details are available on our website www.tunbridgewells.gov.uk/meetings or from Democratic Services at committee@tunbridgewells.gov.uk or call 01892 554413.

If you require this information in another format please contact us, call 01892 526121 or email committee@tunbridgewells.gov.uk

Apologies for Absence

For Full Council on Wednesday 26 April 2023

Procedural Item

To receive any apologies for absence.

Declarations of Interest

For Full Council on Wednesday 26 April 2023

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.



Acquisition of Lease*

For Full Council on Wednesday 26 April 2023

Summary

Lead Members: Cllr Chris Hall, Cabinet Member for Finance and Performance and Cllr Justine Rutland, Cabinet Member for Tunbridge Wells Town and Local Areas

Lead Director: Lee Colyer, Director of Finance, Policy and Development

Head of Service: David Candlin, Head of Economic Development and Property

Report Author: Lee Colyer, Director of Finance, Policy and Development

Classification: Non-exempt

Wards Affected: All

Approval Timetable	Date
Management Board	3 April 2023
Portfolio Holder	3 April 2023
Finance and Governance CAB	11 April 2023
Cabinet	20 April 2023
Council	26 April 2023

Recommendations

Officer recommendations as supported by the Cabinet Members:

1. That Full Council agree the recommendations set out within the Exempt Report.

1. Introduction and Background

1.1 This report seeks approval for the Council to acquire the Lease of a property.

2. Consideration

2.1 Details are contained within the exempt report.

Option 1: Not Acquire the Lease

2.2 The Council could do nothing and allow the sale of the lease to another party.

Option 2: TWBC to acquire the Lease

2.3 Alternatively, the Council could seek to acquire the Lease.

3. Preferred Option

3.1 The preferred option is that the Council takes this opportunity to acquire the Lease, to protect the Council's interest and to give the Council greater control and influence over the future direction of the town centre.

4. Consultation on Options

4.1 The Finance and Governance Cabinet Advisory Board will be consulted.

Recommendation from Cabinet Advisory Board

4.2 The Finance and Governance Cabinet Advisory Board were consulted on 11 April 2023 and agreed that the recommendations set out in the report be supported.

5. Implementation

5.1 The decision can be implemented after approval by Full Council.

6. Appendices and Background Documents

Appendices

- None.

Background Papers:

- None.



7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

Section 120 of the Local Government Act 1972 gives local authorities the power to acquire property for any of their functions, or for the benefit, improvement or development of their area.

The Council also has a general power of competence under section 1 of the Localism Act 2011 to do anything that an individual can do provided that it is not prohibited by other legislation.

Acting on the recommendation is within the Council's powers as set out in the above statutory provisions.

Claudette Valmond, Head of Legal Partnership

B. Finance and Other Resources

The financial resources are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

C. Staffing

The staffing resources are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

D. Risk Management

Risk Management is set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

E. Environment and Sustainability

Environmental and Sustainability matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

F. Community Safety

Community Safety matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

G. Equalities

Equalities matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

H. Data Protection

Data Protection matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

I. Health and Safety

Health and Safety matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

J. Health and Wellbeing

Health and Wellbeing matters are set out within the exempt report.

Lee Colyer, Director of Finance, Policy and Development

Urgent Business

For Full Council on Wednesday 26 April 2023

Procedural Item

To consider any other items which the Mayor decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

Common Seal of the Council

For Full Council on Wednesday 26 April 2023

Procedural Item

To authorise the Common Seal of the Council to 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.

Date of Next Meeting

For Full Council on Wednesday 26 April 2023

Procedural Item

To note that the next scheduled meeting is Wednesday 24 May 2023 .

Exempt Items

For Full Council on Wednesday 26 April 2023

Procedural Item

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following items of business on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the Act, by virtue of the particular paragraphs shown on the agenda and on the attached reports.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972 (as amended).

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