

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, 6 December 2017

PRESENT:

The Mayor Councillor Mrs Julia Soyke (Chairman)
Councillors Backhouse, Barrington-King, Dr Basu, Bland, Bulman, Chapelard, Mrs Cobbold, Dawlings, Elliott, Dr Hall, Hamilton, Hannam, Heasman, Hill, Hills, Holden, Horwood (Vice-Chairman), Huggett, Jamil, Jukes, Lewis-Grey, Lidstone, Mackonochie, March, McDermott, Moore, Munn, Neve, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Rankin, Reilly, Scholes, Simmons, Sloan, Stanyer, Stewart, Mrs Thomas, Uddin, Weatherly, Williams and Woodward

IN ATTENDANCE: William Benson (Chief Executive), Mathew Jefferys (Democratic Services and Elections Manager), Patricia Narebor (Head of Legal Partnership) and Mark O'Callaghan (Democratic Services Officer)

APOLOGIES FOR ABSENCE

FC41/17 Apologies were reported from Councillor Hastie.

DECLARATIONS OF INTEREST

FC42/17 No declarations of pecuniary or significant other interest were made.

The Mayor asked the Council's Monitoring Officer, Patricia Narebor to clarify the Council's Code of Conduct for Members and in particular in respect of declarations of interest. Mrs Narebor highlighted the guidance provided to members on the issue of predetermination.

Ms Narebor reminded members that item 10 on the agenda – Civic Development Delivery – had been a matter of significant public interest upon which councillors may have been lobbied. She advised that, although members may have previously expressed a view on the matter, it did not preclude a councillor from voting, provided that he or she considered the information and the recommendations with an open mind, and voted accordingly.

The Mayor went on to ask if any member had any declaration of interest or any other declarations to make in respect of any item on the agenda.

Councillor Munn said there was an article in a local newspaper that day which referred to him. He confirmed, however, that he would consider the information provided and the recommendations for item 10 on the agenda with an open mind.

ANNOUNCEMENTS

FC43/17 The Mayor advised members that they had a summary of her activities in October and November.

On behalf of former Mayor Councillor David Neve, the Mayor highlighted a book Councillor Neve had published which detailed his pun speeches, and which could be bought for £2.00. The Mayor advised that the proceeds would go to Councillor Neve's named charity – Beat, the UK's eating disorder charity – and that Councillor Neve could be contacted directly to purchase a copy.

Councillor Jukes stated that he wished to nominate Councillor James Scholes as Deputy Mayor for the municipal year 2018/19.

Councillor March wanted to remind councillors and members of the public that the Tunbridge Wells ice-rink was open and in its seventh year of operation. Councillor March went on to advise that, according to a recent survey undertaken by Right-Move, Tunbridge Wells was considered the fifth happiest place in the UK to live.

The Chief Executive confirmed he had no announcements.

THE MINUTES OF THE PREVIOUS MEETING

FC44/17 The minutes of the meeting held on 27 September 2017 were submitted.

RESOLVED – That the minutes of the meeting dated 27 September 2017 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC45/17 The Mayor advised that no questions from members of the public had been received under Council Procedure Rule 8.

QUESTIONS FROM MEMBERS OF THE COUNCIL

FC46/17 The Mayor advised that there were five questions pursuant to Council Procedure Rule 10.

1. Question from Councillor Chapelard

"At a recent Cabinet meeting the Leader of the Council, Councillor Jukes, said people move to Tunbridge Wells "to retire and die". Does Councillor Jukes believe this to be true and if so, where is the evidence for such a statement?"

Councillor Jukes sought clarification from Councillor Chapelard on the context within which the question was asked. Councillor Chapelard confirmed it was a statement made at a meeting of the Cabinet on 14 September and referred to the use of bicycles by residents in Tunbridge Wells.

Answer from Councillor Jukes

Councillor Jukes said that the context for this was similar to that used by Councillor Chapelard when he had said that he was sure he could support the civic centre and theatre if the Council were able to offer door-step glass recycling. As that is now an intention under the new recycling contract, Councillor Jukes said he was looking forward to Councillor Chapelard's support for the civic development scheme in the future.

Supplementary question from Councillor Chapelard

“Am I to take it then, that there is no scientific evidence to prove that people come to Tunbridge Wells to ‘retire and die’ and I can assure you that I came here to live and make a career in teaching.”

Councillor Jukes said that he had nothing to add.

2. Question from Councillor Lidstone (addressed to the Leader but responded to by Councillor Moore)

“In 2015 over 1,000 Tunbridge Wells residents were surveyed, and asked if they would be willing to pay more Council tax (for example £10 a year) to support a significant project such as a new theatre. 55% of residents were against this, and 32% in favour. Can the Leader confirm whether this information was included within any of the reports members have received relating to the Civic Development?”

Answer from Councillor Moore

“Thank you for your question Councillor Lidstone. The survey you refer to took place in 2015 – before any detailed plans for the new theatre had been worked up and before any public engagement had taken place. The survey also lacked context needed to make an informed opinion – in particular the fact that revenue grant has now been replaced by a share of Business Rate income and the fact that there is no cost-free option – staying put would require many millions of pounds to be spent on the Town Hall and theatre over the next 50 years.

It is worth noting one or two other responses in the survey – in particular the fact that 73 per cent of people who expressed an opinion thought the Council delivered value for money. Of the top 10 priorities, the civic development delivers four of them: boosting the economy, improving the appearance of the town centre, developing space for businesses and delivering a new theatre. These priorities (including the theatre) were also consulted upon earlier this year and were incorporated in the Five Year Plan which was approved by this Council in September.”

Supplementary question from Councillor Lidstone

“Thank you Councillor Moore for highlighting the overall, positive response that the survey received from residents towards the Council. Do you accept the fact that, among the list of priorities, a theatre and the arts was at the foot of a long list which included museums, the local environment and sports facilities. Do you accept that this was an indication of priorities within the Borough for residents of Tunbridge Wells who pay for the services?”

Response from Councillor Moore

“We did ask respondents to rank their priorities for the Council. Congestion, unsurprisingly, came first. But then came: sports facilities, housing sustainable development, boosting the local economy, making the town more pedestrian friendly, improving the library/museum/adult education building, developing space for business start-ups, developing community facilities and delivering a new theatre. An HLF bid for Calverley Grounds was the least popular priority. This Five Year Plan picked up on these priorities and

includes amongst them, improved sports facilities, a Local Plan, shared space, a cultural hub and community facilities and the civic project. Of the top ten priorities, as I said before, the civic development delivers four of them. Work is ongoing through the Five Year Plan to deliver the others.”

3. Question from Councillor Chapelard

“At an Overview and Scrutiny meeting, the Portfolio-holder for Planning and Transportation, Councillor McDermott, said that Tunbridge Wells Borough Council could not implement a permit parking scheme based on pollution levels. This scheme would see owners charged for permits on a sliding scaled based on their environmental impact. In effect - the more you pollute the more you pay. The reason given by Councillor McDermott was that it would be too costly for the Tunbridge Wells Borough Council to implement such a scheme. The Portfolio-holder said this would lead to an increase in staffing costs. Where is the evidence for such a statement?”

Answer from Councillor McDermott

“Thank you for the question. I went back and saw the minutes for the Overview and Scrutiny meeting for August, and in fact the question you asked and the answer I gave are slightly different from your question. I shall read what you asked and what I replied at the time – Councillor Chapelard asked that the Council consider charging for parking permits based on the emissions of vehicles and pollution levels. Councillor Chapelard added that the scheme would be manageable as the DVLA form provided for parking permits included the CO2 emission levels of vehicles. Councillor McDermott advised that the resources needed for a scheme of this type, particularly in terms of staffing, would be prohibitive and the principle of the charge possibly open to challenge – a lot of the words missed out in both parts. I will give you a short answer. The Council has no plans to amend the charges for the residents’ parking permits scheme. We will continue to monitor the scheme and ways to reduce pollution.”

Supplementary question from Councillor Chapelard

“Councillor McDermott, you are right - when a resident applies to Tunbridge Wells Borough Council, they have to submit a form as proof of vehicle ownership. This form is issued by the DVLA and this DVLA form is called a V5C . On the V5C form, issued by the DVLA, the emissions of the vehicle and the ownership of the vehicle are on the same side of A4. It is the same form for both pieces of information. How can processing the same form increase the costs of a potential scheme that would benefit residents by encouraging people to pollute less.”

Response from Councillor McDermott

“As I said at the time, the costs would be prohibitive because we’d have to employ staff purely to find out what size the car is. Secondly, we may find that we would get taken to court as we are doing things we are not allowed to do as a borough council.”

4. Question from Councillor Lidstone

“As a member of the JTB, I appreciate that this is a matter for Kent County Council, but the recent proposals to axe vital bus services will affect the lives

of many vulnerable people across Tunbridge Wells Borough. Can I ask the Portfolio-holder to confirm that he will make our disapproval known to Kent County Council?"

Answer from Councillor McDermott

"I am concerned about Kent County Council's proposed reductions in services on routes in the Borough, and I know that many of our vulnerable residents are worried. The Council will review the proposals carefully and will consult with parishes and others to ensure that local concerns are understood. A full response to the consultation will be prepared by Tunbridge Wells Borough Council before the deadline of 27 March 2018 and returned to KCC. I would urge others to respond also."

5. Question from Councillor Lidstone

"On 24 November, the owner of Childrensalon wrote about a meeting held between Tunbridge Wells Borough Council and two local businesses, following her petition 'No to Fines for Begging'. Her message states "The Council will not be handing out on-the-spot fines" but will be "spearheading a donation scheme 'Give Real Change not Loose Change'. Please can the Portfolio-holder confirm whether this is a change in the Council's policy?"

Answer from Councillor Weatherly

"If Councillor Lidstone has read the Cabinet minutes where we discussed Public Spaces Protection Orders (PSPOs), he would have realised that we were clear that PSPOs were not intended to punish homelessness or rough sleeping. I attend the rough sleepers meetings that happen every three weeks and weekly during the winter and I am very well informed. I am beyond impressed and extraordinarily proud of the work done by our Council officers and partners in the voluntary sector, to support our rough sleepers and manage the issues affecting our residents. When we had our meeting with the local businesses who had started the petition, they were also appreciative of this support and the support of our residents, and were keen to help. As part of the discretionary approach we intend to employ, should the PSPO for begging be approved, penalty notices will not be handed out on the spot. In all instances, authorised officers will refer to the Community Safety Unit and the Council's Housing team. Fines will be issued retrospectively in those instances where non-engagement and anti-social behaviour is a factor."

Supplementary question from Councillor Lidstone

"I would love to attend a Cabinet meeting but as they take place at 10.30am on a week day, and I have a job, I am precluded from attending. I am also a member of the Communities Cabinet Advisory Board which is how I am familiar with this proposed scheme and I would like, as a member of the Communities Cabinet Advisory Board, to be aware of proposed changes to the Council's policy – preferably through the Council and not through a petition. Can I just ask for confirmation that, contrary to what was proposed in the Communities Cabinet Advisory Board meeting, there will be no possibility of on-the-spot fines and can you also confirm this claim that the Council would be spearheading a donations scheme 'Give real change and not loose change'?"

Response from Councillor Weatherly

“I think really I’ve answered most of that. But I would point out that I did say that you would have read the Cabinet minutes and not that you attended Cabinet. And yes, we are definitely going to be spearheading the scheme, that I’m very much behind and that our officers will be taking forward. Thank you for bringing that to our attention this evening.”

NOTICE OF USE OF URGENCY PROCEDURES

FC47/17 The Chief Executive, William Benson, advised members that the purpose of the item was to note the use of the Call-in and Urgency procedures in accordance with the Council’s procedure rules. Mr Benson said both procedures were in respect of Cabinet decision CAB69/17, namely: Royal Victoria Place Update on 3 October 2017.

Mr Benson advised that the item was for reference only and it was the process whereby the call-in procedure was waived with the prior agreement of the Chairman of Overview and Scrutiny Committee if the matter was so urgent that any delay in implementing the decision would seriously prejudice the Council’s or the public’s interests. Mr Benson went on to explain that the details of the decision and the reasons why both procedures were used were available to all members at the time. The procedures also required that their use be reported to the next available Council meeting.

The Mayor advised that, as a procedural matter, the item was not open for discussion and that members were asked to note the use of the procedure rules.

RESOLVED – That the use of the Call-in and Urgency Procedure Rules, in accordance with the Council’s Procedure Rules, be noted.

COUNCIL TAX REDUCTION SCHEME 2018/19

FC48/17 The Mayor advised that she was aware that the report has been subject to considerable consultation, both a public consultation and internally via the Finance and Governance Cabinet Advisory Board and the Cabinet.

Councillor Reilly introduced item and moved the recommendations. Councillor Reilly provided the background to the item and highlighted the following points:

Council Tax Reduction (CTR) was introduced by the Department for Communities and Local Government (DCLG) in April 2013 as a replacement for the Council Tax Benefit (CTB) scheme administered on behalf of the Department for Work and Pensions (DWP).

The introduction of CTR included a number of key elements:

(i) The duty to create a local scheme for working age applicants was placed with billing authorities; (ii) Funding was initially reduced by the equivalent of 10% from the levels paid through benefit subsidy to authorities under the previous CTB scheme; and (iii) Persons of pension age, although allowed to apply for CTR, would be ‘protected’ from any reduction in support through regulations prescribed by central government.

Councillor Reilly added that, since its introduction in April 2013, the Council's local scheme had been 'refreshed' annually and further changes introduced to ensure that the scheme remained affordable whilst providing support for those most in need.

He said that, each year, the scheme needed approval by Full Council before 31 January.

Councillor Reilly reported that, across Kent, a common 'platform' approach was adopted for the design of local schemes, with the new schemes broadly replicating the former CTB scheme but with a basic reduction in entitlement for working age claimants. In Tunbridge Wells, working age claimants had to pay at least 20% of the Council Tax liability.

Councillor Reilly said that Universal Credit (UC) introduced fundamental changes to how the welfare system operated and replaced a number of existing benefits including income support, job seekers' allowance, employment support allowance, working tax credits, child tax credits and housing benefit.

He advised that Council Tax Reduction was administered as a local discount, putting it outside the welfare system and scope of UC.

Councillor Reilly said that the gradual roll out of UC meant limited impact locally to date but that would change in November 2018 when the new system would be applied to all new claimants of the benefits. The transfer of existing claimants onto the new system would be managed over a longer timeframe with full migration to Universal Credit not expected for all claimants until 2022 at the earliest.

Councillor Reilly advised members that, following consideration of a range of options (reported to Cabinet on 3 August 2017) the conclusion was that the best option would be to have a scheme that was easily understood by customers as well as providing stability around the Council Tax to be paid, supporting budgeting. Councillor Reilly outlined the following options included in the public consultation:

- Option 1 – apply a fixed income period to avoid multiple changes.
- Option 2 – apply a tolerance to avoid multiple changes.
- Option 3 – not applying any changes received from the DWP

Councillor Reilly said the preferred option was option 1 and by adopting this option, the changes would mean the system would be easily understood by those affected, provide stability around the Council Tax to be paid, and support customers with budgeting, whilst enabling work and resources to be effectively planned and managed. He reminded Full Council that the Finance and Governance Cabinet Advisory Board had been consulted on the issue on 14 November 2017 and supported the recommendation in the report. He also asked members to note that the Cabinet had considered the matter on 16 November 2017 and resolved to recommend the report to Full Council.

Councillor Barrington-King seconded the recommendations.

Councillor Holden commented that, although the scheme was being promoted as being easy to understand, his impression, based on an eighty page supplement and detail such as the high number of disregarded income

categories, would make it difficult to understand for those who were expected to use it.

Councillor Williams commented that he had had reservations when the scheme was originally introduced and these had now become genuine concerns. Councillor Williams referred to the example of the treatment of savings over £6000 and level of interest calculated, which he considered to be unfair and prohibited people from being able to build a savings safety-net. Councillor Williams considered that in a period of austerity, targeting the poor could just about be defensible and if the context nationally meant broader cuts in order to reduce borrowing and the national debt, with cuts in specific areas, this could also possibly be defensible in the national interest. He said, however, that in Tunbridge Wells the context was radically different and theatre going was more popular with higher earners, and as a result the poor and vulnerable were being taxed and made poorer, whilst well-off theatre goers were being subsidised. Councillor Williams said that, as a 'one-nation' conservative, and the representative of a disadvantaged ward, he had not entered politics to make this type of decision. Councillor Williams noted that, disappointingly, key stakeholders such as the Child Poverty Action Group and the Citizens' Advice Bureau had not been consulted with. Councillor Williams advised that, accordingly, he would be abstaining from the vote.

Councillor Heasman considered the point of the report was to alleviate the impact of Universal Credit. He reminded members that earnings reported by HMRC could vary by a few pence every month and the volume of letters generated by councils advising of the changes was confusing for customers. Councillor Heasman said the scheme would avoid this and would only generate a review if there was a significant change in earnings. He said the scheme was of benefit to customers as it would avoid the confusion.

Councillor Munn agreed with the comments made by Councillor Williams, as he also has historic reservations about Universal Credit since its introduction in 2013. However, he recognised that the scheme was intended to deal with one problematic element. Councillor Munn wished to thank Council staff for how they had managed the consultation.

Councillor Barrington-King felt an appropriate response had been provided and the public preference was for option 1. Councillor Barrington-King referred to the final sentence of the preferred option in the report which stated that 'by fixing the assessment period this will avoid multiple changes, be less confusing, avoid the constant recalculation of council tax instalment and aid administration'. Councillor Barrington-King supported comments made by Councillors Heasman and Munn along with an element of common-sense. Councillor Barrington-King referred to page 24 of the report which detailed the support being provided and said the Council was providing the best scheme it could at the time. Councillor Barrington-King commended the preferred option to Full Council.

Councillor Reilly fully concurred with Councillor Barrington-King's comments and added that the online survey was directed to 1866 council tax reduction claimants, with 186 responses received.

The Mayor advised that the three recommendations would be taken en bloc.

Councillor Williams abstained from the vote.

RESOLVED –

1. That the outcome of the public consultation in respect of the Council Tax Reduction Scheme 2018/19 be noted;
2. That the potential impact of the proposed changes on Universal Credit claimants be noted; and
3. That amendments to the Council Tax Reduction Scheme to incorporate changes summarised in paragraph 3.4 be approved.

MOTION TO SUSPEND AND REPLACE COUNCIL PROCEDURE RULE 19.2.1

FC49/17 The Chief Executive, William Benson, advised members that, given the significance of the decision in item 10 on the agenda – Civic Development Delivery – it was proposed to increase the amount of time allocated for public speakers on the item - an increase from 12 minutes to 24 minutes, and that the number of speakers allowed would be doubled from four to eight. Mr Benson advised that, additionally, to ensure a balance of views being presented to the meeting, four spaces would be reserved for supporters and four spaces for objectors – similar to the arrangements for Planning Committee meetings. Mr Benson said this would be achieved by passing the motion set out in the agenda.

The Mayor confirmed that she had sought and received the support for the motion from the Leaders of all the political groups ahead of the meeting. The Mayor therefore considered that the proposal would meet with the agreement of members and moved the motion set out at item 9 in the agenda.

Councillor Horwood seconded the motion.

RESOLVED – That, during the consideration of item 10 on the agenda (Civic Development Delivery), Council Procedure Rule 19.2.1 be suspended and replaced as follows: “The total time limit allocated to members of the public for speaking on an item on the agenda is 12 minutes for supporters of the proposals plus 12 minutes for objectors of the proposals.”

CIVIC DEVELOPMENT DELIVERY

FC50/17 Four members of the public had requested to speak in support: Tanya Gerrard-White, Dave Saunders, Richard Burrell and James Partridge.

Ms Gerrard-White, HR and Talent Development Director for Markerstudy Group, said that the Markerstudy Group fully endorsed the plans for the Civic Centre project. She said that 20 per cent of their 1,000 staff employed in and around the town, went to other places such as London and Brighton to socialise. She felt that to attract and retain future generations there needed to be this investment in the town, so that it could keep pace with the changing times and bring life and vision and keep the town as a vibrant place to be. She said this new development would create a “legacy” for future generations.

Mr Dave Saunders said that he was strongly in favour of the proposed development going ahead. He commented that what had attracted him and his family to move to Tunbridge Wells 13 years ago was that it had a real vibrancy but he felt in the intervening years this had fallen away. Mr Saunders

felt that if we viewed this development through our children's eyes and how they would benefit from it then it would be clear that it would be a very good decision to go ahead.

Mr Richard Burrell commented that he had lived in Tunbridge Wells for 25 years and felt that the proposed development was a really exciting opportunity not to be missed.

Mr Burrell said that he loved classic buildings but also loved very exciting modern buildings and he thought that the proposed development was an exciting modern building which would put Tunbridge Wells back on the map.

Mr James Partridge realised that approving the proposed development was a difficult decision to make and was complicated by many factors but hoped the possible benefits of the development to the present and future businesses in the town were considered.

Mr Partridge argued that businesses provided jobs and they need to recruit and retain people and that the town played a key role in that, as a place where people wanted to live, work and play. A new theatre would re-enforce the town's place as a cultural centre for the region and it was vital to the future of the town as a place to live in and do business in that it invested in its future.

Three members of the public had requested to speak against:

Dr Robert Banks, Mr Jim Kedge and Mr Ben van Grutten.

Dr Robert Banks believed that the Council had no mandate for the project; he said that Borough residents had never been formally asked if they wanted a theatre and if they did, then what kind. He added that residents had only been told what had been decided and that the Council had assumed that the silent majority were in favour.

Dr Banks said the financial costs were 20% of the net revenue budget. The financial risk of taking out a £77million loan and selling off valuable assets would commit the Borough to an annual debt of £2.8million for 50 years. He said that the cost savings identified to do this included a 90% reduction in the communities grant.

Dr Banks said to members that they would need to think carefully and justify their decisions because if they thought this was wrong then the silent majority would not stay silent for too long.

Mr Jim Kedge said that he could imagine a time in 2019 that Hoopers would close because of the proposed development which would see the theatre using its car park for vehicle access of theatre lorries.

Councillor Huggett raised a point of order that this meeting was constantly being interrupted by members of the public and asked for this to be addressed.

The Mayor agreed and gave due warning that if there were any more disturbances she would ask all members of the public to leave the room.

Mr Ben van Grutten commented that the Council was wrong in its workings out about the size of the lorries needing access to the theatre via Hoopers car park. He also said the theatre would not be flexible for other uses and that the hours of the curfew for lorries via Hoopers were inaccurate.

Mr van Grutten commented that the Council would be using the sledge hammer of a CPO against Hoopers. He said the Council would be responsible for the department store's future and the many staff who work there and it would also have to spend millions on a legal battle with Hoopers to secure the use of its car park.

Mr van Grutten advised members that the right way to vote was no. He said that there was no place for abstentions.

Councillor McDermott called for a point of order. He said that it was intimidating to have to deal with the disturbances caused by some members of the public seated in the Gallery, who should be removed if this continued.

The Mayor said that there was one more speaker and then she would make a decision.

Mr Adrian Berendt - Chairman of The Royal Tunbridge Wells Town Forum

Mr Berendt commented that the Town Forum was not against this project and that it had given feedback and suggestions to the Council for some time.

He said that the Town Forum recognised the problems with the existing civic complex and understood the considerable benefits that the proposal could bring to the Borough. However, there were concerns regarding car parking and the level of harm to Calverley Grounds and the impact of movements of spoil from the site.

He said the proposed development was not flawless or without risk but neither was it a disaster. He felt that it could bring many benefits if it were implemented well but reminded members that there were pitfalls which could and should be avoided.

Councillor Jukes introduced the report and stated that some of the comments heard for and against were quite relevant but that he unsurprisingly took issue with some of the comments against.

Councillor Jukes said that there was a need to replace a worn out and out of date set of buildings with something new for the future. He said the Town Hall was three times bigger than what was actually needed for the Council's staff. Councillor Jukes felt that, in the long term if nothing was done about The Assembly Hall, it would close sometime within the next decade because many producers of shows were saying that they were unable to bring their shows to the venue in its current state.

Councillor Jukes felt that the architects of the proposed new development had come up with a superb package that had been modified on many occasions to suit the comments that had been made by various groups.

Councillor Jukes said the proposed new building would have two floors of lettable office space and everyone agreed that there was a desperate lack of office space in the town. He continued that not only was office space being

lost to permitted development but the people that work in those offices were also being lost to shops in the town. Addressing the issue of potentially losing Hooper's as a result of the proposed new development, Councillor Jukes questioned whether they would really reject the significant additional customers that this scheme could bring.

Councillor Jukes explained that some of the objections received had said that there was not enough parking in the town and to address this the proposed development included an unobtrusive underground car park. He added that there would also be an extension to the current Crescent Road car park that would also create additional car parking space.

Councillor Jukes said that the proposed new theatre would also bring in economic benefits to the town. The Marlowe Theatre in Canterbury had originally estimated that they would bring in around £18 million benefit to the town but they had doubled that to around £36million. Councillor Jukes said that he would like to see Marlowe's success replicated in Tunbridge Wells.

Councillor Jukes summed up by saying that he was passionate about doing something for the youth of the town and that the proposed development was not about the people that have had the use of the theatre over the last sixty years but for this and future generations.

Councillor Jukes reminded all members that with this proposed development they had the opportunity of a lifetime and he urged them to take it.

Councillor McDermott seconded the motion and reserved his right to speak.

Councillor Heasman began the debate by voicing his support for the motion. He said that there was no way that he would vote for this project if he thought it would destroy Calverley Grounds. He commented that the Council needed to start thinking about the future and not be frightened of it.

Councillor Sloan thanked all the residents for their views and comments both for and against the project and added that these had been helpful in shaping the project and had been carefully considered by councillors in arriving at their own judgements. He thought that the proposed development had been one of the most thoroughly researched and carefully prepared projects that he had seen.

Councillor Sloan said that everyone agreed that there would be an economic benefit to the town, however difficult that was to estimate, but to put a value on the cultural benefits was even more difficult but no doubt they were there. He felt that the project would bring enormous benefits to the town which would be shared across the whole Borough. He felt that the time was right to commit to the proposal to avoid the town decaying and he agreed with businesses that the town needed a vibrant cultural centre.

Councillor Bulman said that he wished to move a motion that the debate be deferred (in accordance with Council Procedure Rule 13.10). The Mayor advised that she would hear more debate before taking a vote.

Councillor Backhouse supported the proposals and said the Council needed to grasp the opportunity and go ahead with the project.

Councillor Dr Hall said that the costs had risen exponentially since the project had been first mooted and she feared that the whole truth was not being told about the full costs. She said there would be an unacceptable burden of debt to the Council and that to pay for the project there would have to be cuts to discretionary services or even extra charges for statutory services and that voluntary groups would have their grants cut.

Councillor Jamil said he fully supported the proposed development and felt that it would be a shining jewel in the town that would attract more visitors.

Councillor Stewart thanked the objectors to the proposed development and said that she had been listening to them. She felt that it was outrageous to divert money from community groups to fund a new theatre. She argued that Tunbridge Wells had an ageing population because people move to the area for the schools but when the children grow up they move to live in other places. The reason they leave is not because the town lacks a new theatre.

Councillor Reilly as Portfolio-holder for Finance and Governance wanted to bring the debate back to specifics and the business case which he ran through. He said that the business case demonstrated that the objectives of delivering a purpose built theatre and modern efficient office accommodation could be met both materially and financially.

Councillor Reilly said a new theatre would be the catalyst for growth in the town where the principal beneficiary would not be the Council as the funder of the project but those who live and work and visit the Borough. In addition, it would free up the civic complex for appropriate redevelopment and repurposing and help heal the fundamental splits in Tunbridge Wells between the two separate centres of Royal Victoria Place and The Pantiles.

Councillor Holden felt that he could not give his support to the proposed development in terms of the commercial prospects and what he considered to be a questionable business case.

Councillor Holden felt that this was another example of the concentration of the Borough Council on the town of Tunbridge Wells, a big project that had been put forward at a cost to the rural areas and at a cost to other services that the Council provides.

Councillor Holden argued that the new theatre was not necessary, it would be extremely expensive and would not benefit all the people he represented and he asked whether it would be in the interest of people who might have used services which otherwise would have been funded but not now. Councillor Holden also raised the issue of extra charges such as for green waste collection being introduced to pay for the proposed development.

Councillor Holden said he was concerned people in the rest of the Borough were not getting a fair deal but that he would abstain from the vote rather than voting against it because he had been promised by the Leader, Councillor Jukes that he would look at a better deal for people in other parts of the Borough.

Councillor Neve said that, judging by the responses he had received from residents, the silent majority were in favour of the proposed development. Councillor Neve was concerned that Tunbridge Wells could become another dormitory town. He thought the proposed development was trying to move the

town forward and stop a further slide into degeneration. He said a lack of investment by previous administrations had left the Town Hall and the Assembly Hall Theatre in dire need of repair and that with the proposed development there was the perfect opportunity to bring Tunbridge Wells into the 21st century rather than condemn it to just being another smaller player in the county of Kent .

Councillor Neve said that he would listen to the rest of the debate before voting accordingly .

Councillor Weatherly spoke on behalf of residents that she said did not have a voice; residents that wanted a new theatre on their doorstep as making a trip to the West End to see a show was beyond their financial means or physical ability or difficult to access due to a disability. A new theatre in Tunbridge Wells that attracted the top West End touring shows would allow these residents the opportunity of going to the theatre again.

Councillor Williams referred to a number of amendments to the recommendations that he was proposing. He asked that that he be allowed to propose each amendment separately, as follows:

Recommendation 2.h - Market, negotiate and conclude the lettings for office occupiers **“at a price per square foot, no less than £27.50”**.

The amendment was seconded by Councillor Stewart. The Mayor put the amendment to the vote. Councillor Williams requested a recorded vote.

Members voting in favour of the amendment to the motion: Councillors Dr Basu, Chapelard, Dr Hall, Hill, Jukes, Lidstone, Munn, Neve, Stewart and Williams. (10)

Members voting against the amendment to the motion: The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Barrington-King, Mrs Cobbold, Dawlings, Elliot, Hamilton, Heasman, Jamil, Lewis-Grey, Mackonochie, March, Moore, Nuttall, Oakford, Rankin, Reilly, Uddin and Weatherly. (19)

Members abstaining from voting: The Mayor (Councillor Mrs Soyke), Councillors Bland, Bulman, Hannam, Hills, Holden, Huggett, McDermott, Noakes, Ms Palmer, Podbury, Scholes, Sloan, Simmons, Stanyer, Mrs Thomas and Woodward (17).

The amendment fell and the substantive motion was returned to.

Recommendation 2.k Prepare the identified area of land (Civic Complex) including but not restricted to the Town Hall, Assembly Hall Theatre, 9-10 Calverley Terrace and Crescent Road properties for disposal and redevelopment, bringing a report/s on the approach and valuation for decision/s at Cabinet **“and Full Council”** prior to completion of the approved Civic Development;

Recommendation 3.b - Delegate authorisation to the Head of Economic Development and Section 151 Officer in consultation with the Leader and the Portfolio Holder for Finance and Governance the making of all necessary preparation to make one or more Compulsory Purchase Orders to deliver the Civic Development project subject to the final decision to make CPOs being agreed by Cabinet **“and Full Council”** at a later date.

Councillor Williams said that his suggested amendments to 2.k and 3.b were not intended to minimise the impact of the Cabinet but to provide public review, allow Full Council with an opportunity to discuss the separate issues and deal with negative perceptions of the democratic process .

Councillor Bulman seconded the amendment.

Councillor Stewart supported the amendment as the GVA report had identified a particular risk at the next stage, which included the procurement process, and as such should have the input of Full Council rather than being delegated solely to the Cabinet and officers.

Councillor March asked for clarification on the process by which the recommendations being referred to went to the Cabinet. The Chief Executive, William Benson, confirmed that the recommendations would be considered by the relevant Cabinet Advisory Board prior to being considered by the Cabinet. Councillor March said that, as this was the case, members and members of the public would have an opportunity to make their opinions heard. Councillor March confirmed that, as a result, she was against the amended motion.

Councillor Moore reminded members that all the recommendations in the report had been through the Cabinet process which included consideration by the Cabinet Advisory Boards. She highlighted the wide-ranging debate and range of views that took place at the three Cabinet Advisory Boards, including the final decisions, which were that there were no suggested amendments to the recommendations. Councillor Moore also highlighted the number of members of the public who spoke at those meetings.

Councillor Holden said he took a very serious view of compulsory purchase orders as a 'state' means of confiscating of property and he supported the amendments to the recommendation.

Councillor Woodward said he also supported the amendments as it was a serious matter and not every Council member got to vote when decisions were looked at by the Cabinet Advisory Boards.

Councillor Neve felt the issue was one of public accountability and the recommendations being considered should allow all members to listen to and speak on the issues.

The Monitoring Officer, Patricia Narebor, advised members that there were functions which were within the remit of Full Council and functions that were solely within the remit of the Executive (the Cabinet). Ms Narebor referred in particular to the power to initiate compulsory purchase orders.

Councillor Bulman said he was confused as his understanding was that all matters should come back to Full Council as the Cabinet Advisory Boards, by their nature, were only advisory and their recommendations could be ignored by the Cabinet. He felt that each Council member should have the right to vote independently on the matters being discussed.

Councillor Hamilton said there was a danger of complicating the decision-making process and protracting the ability for decisions to be made. Councillor Hamilton felt the Cabinet Advisory Boards provided a more correct process by which the public could comment on Council decisions.

Councillor Munn said that, at one of the Cabinet Advisory Boards, the questions by a member had been curtailed. Councillor Munn felt that, if the ability of members to ask questions and debate issues at the Advisory Boards was being restricted, it was right for these decisions to be brought to Full Council.

Councillor Backhouse was concerned that the point of the Cabinet Advisory Boards would be lost if they were not able to consider important decisions. He also expressed concern that, as Full Council only met on five or six occasions a year, delays of up to two months would occur.

Mr Benson confirmed that, although some functions had to be made by the Cabinet rather than Full Council, the amended motion was valid as there would be an opportunity for the formal decision to be made by the Cabinet having listened to the views of Full Council.

Councillor Chapelard asked where the final decision would be made – the Cabinet or Full Council. Ms Narebor said compulsory purchase orders had two stages – the making of the order and confirmation of the order (which was subject to confirmation by the Secretary of State). Ms Narebor said that, when the order was made, it would come to both the Cabinet and Full Council and if the amended motion were accepted, the decision would be made by Full Council.

Councillor Woodward asked for clarification on which of the two amended motions Ms Narebor's advice applied to and whether this excluded the proposed amendment to recommendation 2.k. Ms Narebor confirmed the advice applied to both amended motions.

Councillor Oakford asked for clarification on exactly who would make the final decision and whether the Cabinet had the authority to overturn the decision of Full Council. Ms Narebor said that the decision would be recommended by the Cabinet to Full Council, where the final decision would be made.

Councillor Jukes considered that Councillor Williams was being selective with the recommendations he was looking to amend. Councillor Williams referred to recommendation 3.a which said that '.....as required through negotiation or Compulsory Purchase Orders if required....'. Councillor Jukes said that negotiations had already started, some of which had begun the previous June. Councillor Jukes reiterated the Compulsory Purchase Order process, confirming that any decision could be overturned by the Secretary of State.

The Mayor put the amendments to the vote and Councillor Williams requested a recorded vote.

Members voting in favour of the amendments to the motions: Councillors Bulman, Chapelard, Mrs Cobbold, Dr Hall, Hannam, Hill, Hills, Holden, Lewis-Grey, Lidstone, Mackonochie, Munn, Neve, Nuttall, Podbury, Rankin, Scholes, Simmons, Stanyer, Stewart, Williams and Woodward. (22)

Members voting against the amendments to the motions: The Mayor (Councillor Mrs Soyke), The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Dr Basu, Bland, Dawlings, Elliot, Hamilton, Heasman, Huggett, Jamil, Jukes, March, McDermott, Moore, Noakes, Oakford, Ms Palmer, Reilly, Sloan, Mrs Thomas, Uddin and Weatherly. (23)

Members abstaining from voting: Councillor Barrington-King. (1)

The amendments fell and the substantive motion was returned to.

Councillor Williams had three further amended motions which he wished to propose. Mr Benson requested that Councillor Williams read out his three remaining amendments to motions and allow the members to consider the impact on the recommendations in the report. Councillor Williams referred to recommendation 3.d and said that he needed Councillor Reilly's advice. Councillor Williams asked that a monetary figure be suggested on the level of compulsory purchase, with which the Council was comfortable. The Mayor advised Councillor Williams that the procedural rules did not allow for a question and answer session. Councillor Williams expressed concern that there was no financial discipline included and said that without guidance on what might be required for a Compulsory Purchase Order for Hoopers, he would reluctantly suggest a figure of £500,000. Mr Benson advised that the financial thresholds for the development were included in recommendation 6 in the report. Councillor Williams noted Mr Benson's response and said that, as a result, he did not need to propose the amendment.

Councillor Williams referred to recommendation 6.a and proposed the following amended motion as he wished to see control of potential escalating costs built in:

The Civic Development Project Financials Supplementary Report and approve the gross capital budget of **"no greater than"** £85 million plus a further £1 million for professional fees for the Development Programme Budget to be funded by a capital receipt of £9 million and borrowing of £77 million.

Mr Benson advised that approval of a capital budget of £85 million would mean the figure stated would be the extent of Full Council's approval. Councillor Williams said he was reassured with the advice provided by the Chief Executive and as a result Councillor Williams did not proceed with the amendment.

Recommendation 6b – Councillor Williams proposed that the recommendation be removed in its entirety.

Councillor Williams said that the £2.3 million cost reductions referred to on several occasions, had caused upset locally. He said that this issue would impact particularly on disadvantaged households in areas like Sherwood, Showfields and Paddock Wood. Councillor Williams said that the impact would also be felt by those households supported by IMAGO, a regional organisation which helped vulnerable children and young people. He said cuts would also potentially be felt by advisory centres in Tunbridge Wells town and Paddock Wood.

Councillor Bulman seconded the amendment.

Councillor Neve commented that he did not consider the scheme to be viable as the Council was unable to service the £2.3 million debt.

Councillor March believed that Councillor Williams was in fact referring to community grants which were not being reviewed until 2019, when there would be gradual reductions. Councillor March said that, additionally, the

Tunbridge Wells Lottery had been introduced and in November 2017, £50,000 was provided to community groups from the lottery. Councillor March advised that local community groups were able to join up to the Tunbridge Wells Lottery and request funding. Councillor March further added that there were other means of funding community groups such as Section 106 funding.

Councillor Moore reminded members that the Director of Finance, Policy and Development had been asked by the Council to identify ways of servicing the debt and a number - such as the deleting of a director's post, the future deleting of a project executive's post and the accounting adjustment to the pension reserve contributions (ending in 2022) - had already been realised. Councillor Moore said there were a number of other creative solutions, such as a reduction in councillor numbers and all-out elections, to achieve the necessary savings for the debt, which was not yet due to be paid for several years.

The Mayor put the amendment to the vote and Councillor Williams requested a recorded vote.

Members voting in favour of the amendment to the motion: Councillors Bulman, Chapelard, Dr Hall, Hannam, Hills, Stewart and Williams. (7)

Members voting against the amendment to the motion: The Mayor (Councillor Mrs Soyke), The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Barrington-King, Dr Basu, Bland, Mrs Cobbold, Dawlings, Elliot, Hamilton, Heasman, Huggett, Jamil, Jukes, Lewis-Grey, Mackonochie, March, McDermott, Moore, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Rankin, Reilly, Scholes, Sloan, Mrs Thomas, Uddin, Weatherly and Woodward. (32)

Members abstaining from the vote: Councillors Hill, Holden, Lidstone, Munn, Neve, Simmons and Stanyer. (7)

The amendment fell and the substantive motion was returned to.

Councillor Woodward said that he was in a difficult position regarding the proposals. He said he was in favour of the business case and that doing nothing was not an option, that maintaining the current facilities would be costly in the long-term, and that the proposed new civic centre would be a successful achievement. He added that the scheme also delivered towards the Council's vision of Tunbridge Wells as a visitor destination. However, Councillor Woodward was troubled by the financial case in one respect which was the cut-back in the level of community and other grants, and a matter of principle for him. Councillor Woodward did not feel it was right to use community grants cut-backs to offset the funding of the scheme. He said that, as a 'one nation' conservative, he needed to give an 'ear' to the disadvantaged in the Borough. Councillor Woodward added that the comments on the receipt of Section 106 funding in Showfields by Councillor March, referred to capital spend and it was operational funding that community groups needed. Councillor Woodward said that, as a result, he was unable to support the proposal and would be abstaining from the vote.

Councillor Lidstone said that, although he was a relative newcomer to the area he loved the Borough and the theatre, and the decision he was being asked to make would be the hardest he would face as a councillor. Councillor Lidstone was aware of the Council's aims and the risk the Borough faced of

stagnation and turning into a dormitory town if no action were taken. He said he was also aware of the reduction in government funding and the need for the Council to make its assets work. He added that the scheme had many merits, with the theatre boosting the night-time economy and being well-located near a rail network, and the ability to create jobs. Councillor Lidstone felt confident the Council would be able to attract private or public funding, to reduce the overall cost of the scheme, which had not been factored in to the overall calculations.

Councillor Lidstone said he was aware of the commercial pressures on decisions for repurposing the existing site and appeal in the market for residential use, which Councillor Lidstone did not think would help the Council's aim of joining up the top and bottom of the town, with a risk of an increase in pressure on the town's infrastructure and an increase in traffic on Mount Pleasant and Grove Hill Road. Councillor Lidstone said that, in the absence of a referendum, he had noted the 2015 residents' survey provided the most conclusive evidence of what the Borough's residents wanted. He said the responses showed the overall satisfaction of residents in the Borough. He added, however, that the survey showed that residents did not want to fund a significant project such as a new theatre and as a result he was minded to vote against the proposals.

Councillor Simmons said that in an ideal world there would be little opposition to the provision of a new theatre and probably only slightly more opposition to the provision of new offices. Councillor Simmons said, however, that it was not an ideal world and there were a number of factors to consider, such as the £77 million overall cost of the project, the servicing of a £2.3 million debt each year through savings, the projected but not secured savings of £700,000 from the letting of a new household waste and recycling contract, if they were successful, and the prospect of devolution and its impact on the existing governance structure locally. Councillor Simmons said he accepted the Cabinet's commitment to not increase council tax, but he did not feel this could be guaranteed over a 50 year period. Councillor Simmons went on to refer to his own poll on the issue which he undertook in his ward. Councillor Simmons wished to respond to criticisms of the poll. He said the response rate of 13 percent (of the population) was a commercially and industry accepted response rate. He also said that that he was only speaking for his ward and that he did not think his poll had been undertaken too early, and this was demonstrated by his speaking to residents in the last two weeks and to residents in his ward who had not responded to his original survey. Councillor Simmons advised that, of 184 residents spoken to, only 45 supported the scheme. Councillor Simmons said he had no doubt that, on the whole, his residents did not support the proposals.

Councillor Hill said she welcomed the intense and impassioned debate around such an important issue. Councillor Hill approved of the theatre's design which was in the right location, would enhance the town and boost the economy. She added, however that services should not be cut to fund a scheme that came at a high price. Councillor Hill said the package deal members were being asked to vote on, including new offices and an underground car park which would damage Calverley Grounds, was much less desirable. Councillor Hill said residents faced many day-to-day issues such as job security, increased living costs, mortgage affordability and other bills, and the impact of increasing traffic in the town, and they would ask the Council to organise its priorities. Councillor Hill expressed concern at the almost guaranteed rise in the cost of the scheme and the impact on grants to

a number of charities which would be cut. Councillor Hill said this would be just the start of such cuts and the Council could not agree to a proposal that demanded savings now and into the future when local pressing needs, such as the housing shortage, improvements to public transport and infrastructure were more important. As a result, Councillor Hill said she could not support the proposals.

The Mayor advised that the meeting had run for nearly four hours and as a result a vote would be needed under Council Procedure Rule 4.2 for the meeting to continue to the vote.

RESOLVED – That the meeting continue to the vote.

Councillor Stanyer agreed that the decision being made was one of the most important the Council faced and said the nub of the proposal was to move the Council from being debt free to one that was heavily indebted, on the premise that the existing facility was not fit for purpose and it was a suitable point in time, at which to borrow at a low interest rate. Councillor Stanyer, however, did not believe the existing facilities, which were listed, were unfit for use. He said he wanted to see the existing group of buildings preserved and restored and he referred to other authorities where this option had been chosen and where existing civic centre buildings had been updated, in some cases to include facilities for local community groups. He went on to say that the Council's proposals would not provide a significant increase in the seating capacity of the theatre and would damage an historic town centre park. Councillor Stanyer expressed concern at the business case projections for the proposed new theatre and said if they were not achieved, there was a genuine possibility that costs would spiral. Councillor Stanyer wanted to see the less extravagant sum of £20 million used to remodel the existing complex and for it to embrace a full range of cultural and community facilities. Councillor Stanyer wished to see the Council focus on a much broader cultural offer and said he would not be supporting the proposals..

Councillor March commented that art and culture had always been important in shaping communities. She said the Assembly Hall Theatre had been at the heart of the community for 80 years but £1.5 million had already been spent trying to keep it open and it was no longer fit for purpose. She added that as a progressive town, Tunbridge Wells should be offering a balanced cultural and entertainment offer and that the Council's Five Year Plan had a range of projects which included a new theatre, a cultural and learning hub, community hubs and sports and recreation facilities. She added that this type of offer provided an anchor for residents and informed choices for people and business when they looked to locate. Councillor March said there were a number of factors that attracted people when deciding where to live and work, and place-shaping was an important consideration. She went on to say that Tunbridge Wells was being recognised as an inclusive cultural, progressive borough and needed to be constantly updating its offer. Councillor March added that ultimately, it was recognised that people wanted to visit places that offered a range of experiences. She further added that there was a strong economic rationale in providing a new theatre, that would be open seven days a week, but that also there was an inherent social and cultural benefit that would bring communities to life and a new, accessible, inclusive facility was needed in Tunbridge Wells. Councillor March urged members to support the proposals.

Councillor Moore said she encouraged residents to participate in the democratic process and welcomed debate on the civic development proposals, but cautioned against campaigns of fear, speculation, anger and hate. She commented that the proposals were about allowing the Borough to thrive and grow, and she asked members to note the high quality of the consultants involved in the project, including world class expertise. Councillor Moore said the project was of the right type, at the right time and in the right place. Councillor Moore added that the Council's ambition was for Tunbridge Wells to be the cultural centre of West Kent and the project was part of this ambition. She referred to the three options to be considered and advised that the refurbishment option was the most expensive and the most costly for the tax payer. Councillor Moore said the project would enhance Calverley Grounds and in particular, the entrance. Councillor Moore asked members to note that a number of significant theatre companies had been consulted and they were all keen to include Tunbridge Wells in their touring schedules. She added that there was an opportunity to create a cultural cluster in Tunbridge Wells that would benefit the local economy and cultural offer and boost employment opportunities. Councillor Moore advised members that support for the proposals had been received from a number of areas including a Kent County Council Cabinet member and the Trinity Theatre.

Councillor Basu commented that the sustainability element of the scheme had been undertaken through Building Research Establishment Environmental Assessment Method (BREEAM) with a target rating for the proposed offices of 74.08 and for the theatre of 78.03 at the end of stage 3. Councillor Basu reiterated previous comments regarding the financial element and the high costs of refurbishing the existing facilities. Councillor Basu highlighted the importance of the project and said there were a large number of residents who supported the proposals.

Councillor Mrs Cobbold said that as a life-time resident of Tunbridge Wells she remembered the caution expressed at the proposals for the existing civic complex, but that she had grown up in the Borough knowing that the debt at that time had been paid. Councillor Mrs Cobbold was keen to see a new theatre built as a facility that could be enjoyed by all residents and visitors to the Borough, and that new offices were also necessary.

Councillor Rankin said she had been communicated with by many residents in her ward on the proposals, which was encouraging. She agreed that there was a need for more office space and an increased cultural offer. Councillor Rankin said that, as well as thinking about residents and voters now, the views of local businesses needed to be considered and the voice of those with mobility and access issues taken into account. Councillor Rankin also reminded members that they were making a decision for future generations. Councillor Rankin felt there were still elements of the scheme that needed further work, but that she would be supporting the proposals.

Councillor Bulman commented that he was not going to further the amendment he proposed.

Councillor Bulman said that the proposed development was a huge step into the unknown where actually there were far more unknowns than there were knowns. He said that he been overwhelmed by the number of people who had written to him who were vehemently opposed to this proposed development.

Councillor Bulman said that he was appalled that the proposed development had not been put in front of residents to see whether they actually wanted it. He felt that leadership was frightened of going to a referendum because they knew what the result would be.

Councillor Bulman commented that the whole business premise of the theatre was based on a four-fold increase in attendance and questioned how realistic that might be. He added that the proposed development was going to disrupt Calverley Grounds and blight the area for years to come. Councillor Bulman also questioned what would happen to the civic site and wondered whether it would be another ABC Cinema site.

Councillor Hamilton thanked residents that had taken the trouble to write in. Councillor Hamilton explained why she had not undertaken a referendum of her residents; she said that for councillors there had been 26 public Council meetings, 15 member briefings, 10 Development Advisory Panel meetings, nine Overview and Scrutiny Committee meetings, eight Cabinet Advisory Board meetings, five Cabinet meetings, four Full Council meetings, two independent audits and a fact-finding trip to Canterbury. She did not think she could have represented that in any meaningful referendum to her residents.

Councillor Hamilton felt the Council should have the courage to move with the times.

Councillor Uddin said that he was clear in his mind that this was the right project to do. He said there were challenges to do with financials but there were also huge opportunities for the longer term. He felt the timing was right for this project and urged members to back it.

Councillor Scholes felt that this was by far the most difficult problem the Council had to vote on, and he had personally found it extremely difficult. He added that this decision shaped Tunbridge Wells for the future and that the public that have contacted him were not in favour of the project. He thought in some respects that this was a superb project but that costs had become supremely high. He was doubtful that the servicing of the debt could be met and felt that there was a degree to which the Council was putting itself in a financial straight-jacket.

Councillor Chapelard commented that there was a lot to like about this project and was pleased that the Council had finally established some vision for the town.

Councillor Chapelard's concerns were that the whole project had been planned back to front; that a site was chosen then a theatre squeezed onto that site without asking the question does Tunbridge Wells actually need a new theatre. Councillor Chapelard argued that what was being proposed lacked flexibility. He added that, currently, the Assembly Hall could host shows, exhibitions and conferences because the seating could be removed. However, in the proposed new theatre there was no such flexibility built in.

Councillor Chapelard asked why other options had not been considered such as: (a) moving Council staff to the North Farm depot; (b) having an events venue that could incorporate a conference centre. The Town Hall could then become a hotel accommodating conference delegates; (c) scrapping the car park entirely thus cutting down pollution and congestion and encouraging people to use sustainable transport.

Councillor Chapelard questioned whether the proposed civic development was the best solution for Tunbridge Wells. He stated that during this process no other options had been considered and that the choice now was false.

Councillor McDermott commented that he had lived in Tunbridge Wells for 40 years and he felt this was the most exciting for the Borough, with many projects happening all at once this would get Tunbridge Wells back into the mainstream of visitor destinations. Councillor McDermott re-iterated that the proposed development was a legacy for future generations.

Finally, Councillor Jukes, as mover of the motion, summed up. He said that the proposed development would be a monument for our children, grandchildren and great grandchildren for them to use and enjoy.

Councillor Jukes paid tribute to the staff, design and management team that had worked on the project for the last three years and also expressed his gratitude to his Cabinet colleagues .

The Mayor took a recorded vote.

Members voting in favour of the motion: The Mayor (Councillor Mrs Soyke), The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Barrington-King, Dr Basu, Bland, Mrs Cobbold, Dawlings, Elliott, Hamilton, Heasman, Huggett, Jamil, Jukes, Lewis-Grey, Mackonochie, March, McDermott, Moore, Neve, Noakes, Nuttall, Oakford, Ms Palmer, Rankin, Reilly, Sloan, Mrs Thomas, Uddin and Weatherly. (30)

Members voting against the motion: Councillors Bulman, Chapelard, Dr Hall, Hannam, Hill, Hills, Lidstone, Munn, Scholes, Simmons, Stanyer, Stewart and Williams. (13)

Members abstaining from voting: Councillors Holden, Podbury, and Woodward. (3)

RESOLVED –

1. That Full Council endorse the project designed to RIBA Stage 3 (Developed Design) in accordance with Full Council Decision FC70/16 on 22 February 2017 and it be approved for funding and delivery.
2. Delegate authority to the Head of Economic Development and Property, and S151 Officer, in consultation with the Leader and the Portfolio Holder for Finance and Governance (on behalf of the Council as land owner) to:
 - a. Declare land within the development site surplus to requirements to enable the land to be included within the Civic Development;
 - b. Agree in principle to the use of TWBC's compulsory purchase powers to deliver the Civic Development programme;
 - c. Resolve that the Council's interests in the land within the Development Site be appropriated for planning purposes under Section 122 of the Local Government Act 1972 and such relevant legislation and to delegate the making of all necessary preparation to effect such appropriation;

- d. Progress formal submission of a planning application to the Local Planning Authority for the Civic Development as described in this report;
 - e. Submit details to discharge the conditions of all planning matters and conditions and statutory requirements;
 - f. Progress stopping up orders as required to enable the development;
 - g. Progress with the Parking Services Manager the relocation of taxi waiting area and relocation of the disabled parking bay on Mount Pleasant Road;
 - h. Market, negotiate and conclude the lettings for office occupiers;
 - i. Utilise appropriate OJEU-compliant frameworks or route to appoint the necessary professional consultancy team to support the Council in delivering the Civic Development;
 - j. Utilise appropriate OJEU-compliant frameworks or route to invite competitive tenders for the development and accept a tender within the costs given in this report and oversee the development to completion;
 - k. Prepare the identified area of land (Civic Complex) including but not restricted to the Town Hall, Assembly Hall Theatre, 9-10 Calverley Terrace and Crescent Road properties for disposal and redevelopment, bringing a report/s on the approach and valuation for decision/s at Cabinet prior to completion of the approved Civic Development;
 - l. Allocate funding to specific aspects within the Civic Development;
 - m. Authorise the progress of any preparatory work required prior to the making of a Compulsory Purchase Order, as necessary to progress the Civic Development.
3. Delegate authority to Cabinet to:
- a. Progress the acquisition of the required third party property assets, rights of access and any other rights as required through negotiation or Compulsory Purchase Orders if required to enable the delivery of the project;
 - b. Delegate authorisation to the Head of Economic Development and Section 151 Officer in consultation with the Leader and the Portfolio Holder for Finance and Governance the making of all necessary preparation to make one or more Compulsory Purchase Orders to deliver the Civic Development project subject to the final decision to make CPOs being agreed by Cabinet at a later date;
 - c. Delegate authorisation to the Head of Economic Development and Property, and Section 151 Officer in consultation with the Leader and the Portfolio Holder for Finance and Governance, to acquire the necessary third party interests;
 - d. Delegate to the Head of Economic Development and Property, and S151 Officer, in consultation with the Leader and the Portfolio Holder for Finance and Governance to take all necessary steps to secure and deliver out the confirmation of the CPO including the use of powers in the Town and Country Planning Act 1990 (as part of the CPO exercise) to secure the removal of any apparatus of statutory undertakers or communication code operators from the development site and grant alternative rights to facilitate the development;

- e. Grant approval to the Head of Economic Development and Property, and S151 Officer, in consultation with the Leader and the Portfolio Holder for Finance and Governance to publish and serve all appropriate notices of confirmation of the Order and to make one or more general vesting declarations or serve notices to treat and notices of entry (as appropriate) in respect of the land within the compulsory purchase order.
4. That authorisation be given to the Head of Economic Development and Property and S151 Officer, in consultation with the Leader and the Portfolio Holder for Finance and Governance, to take all necessary steps to secure the acquisition of all third party interests and rights over the development site and the removal of all occupants from the land under Section 203 of the Housing and Planning Act 2016; to pay such compensation as is agreed between the parties or determined by the Upper Tribunal (Lands Chamber). This authorisation includes the publication and advertisement of the Order, participation in a Public Inquiry (if required); taking all necessary steps to acquire relevant interests; and such other steps as deemed appropriate to facilitate the development, redevelopment or improvement of the Order land or to facilitate the Council's participation in a potential Public Inquiry.
5. Delegate to the Head of Economic Development and Property in consultation with the Leader and the Portfolio Holder for Finance and Governance to undertake such steps as are necessary and incidental to the recommendations in this Report and enter into such legal agreements as deemed appropriate, to facilitate the progress and completion of the development subject to obtaining any Cabinet approval that may be required.
6. That Full Council endorse:
 - a. The Civic Development Project Financials Supplementary Report and approve the gross capital budget of £85 million plus a further £1 million for professional fees for the Development Programme Budget to be funded by a capital receipt of £9 million and borrowing of £77 million;
 - b. The schedule £2.3 million of cost reductions to the base revenue budget as a basis from which to fund the net cost of repaying the above borrowing;
 - c. the amendment of the Treasury Management Policy and Strategy to increase the authorised limit for external debt and the operational boundary for external debt by £77 million;
 - d. The CIPFA review of the Civic Development Project;
 - e. The Mid Kent Audit review of the Civic Development Project;
 - f. The Business Plan prepared for the proposed new theatre;
 - g. The Consolidated Business Case;
 - h. The development of a Calverley Grounds Management Plan.
7. That Full Council note that all consultancy fees identified in the report are spent at risk and that they will be abortive costs if the buildings are not developed;
8. That the Civic Development be identified as a separate strategic risk in the Council's Strategic Risk Register and that it is overseen (alongside other risks) by the Audit and Governance Committee;

9. That the Development Advisory Panel is engaged as appropriate during the delivery of the work and that an outline programme of engagement is developed with wider Council members, stakeholders, community groups, businesses and residents.

URGENT BUSINESS

- FC51/17 The Mayor confirmed there was no urgent business to consider within the provisions of Council Meetings Procedure 2.1.12.

COMMON SEAL OF THE COUNCIL

- FC52/17 **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.

DATE OF NEXT MEETING: WEDNESDAY 21 FEBRUARY 2018 AT 6.30 PM

- FC53/17 It was noted that the next meeting of the Full Council would take place on Wednesday 21 February 2018 at 6.30pm.

NOTE: The meeting concluded at 11.30 pm.