

## Key Council Decisions – 2014 to 2017

### Cabinet CAB66/14 - 30 October 2014 Assembly Hall Theatre (AHT) Update

The decision at Cabinet on 30 October 2014 was:

- That approval for the use of reserves of £1,135,000 to carry out essential work to improve the Assembly Hall Theatre as part of the 2015/16 capital programme be recommended to Full Council;
- That the Deputy Chief Executive, in consultation with the Leader of the Council, the Portfolio-Holder for Finance and Governance and the Section 151 Officer, be authorised to investigate all options for the financial viability of delivering a new theatre on, or adjacent to, the civic complex, or Council owned land in Royal Tunbridge Wells;
- That the Deputy Chief Executive, in consultation with the Leader of the Council, the Portfolio Holder for Finance for Governance and the Section 151 Officer, be authorised to approve the required funds and professional expertise for this, from the development programme budget; and
- That the Deputy Chief Executive ensures that the Development Advisory Panel is engaged as appropriate during the process.

### Full Council FC41/15 – 9 December 2015 Assembly Hall Theatre Mandate and Next Steps

At the end of the feasibility work Cabinet on 3 December 2015 and Full Council on 9 December 2015 respectively agreed to move to **Stage 1**. A decision in October 2015 to progress with the office proposal had already been taken in advance of the full project being considered in December. Full Council, resolved for:

- the provision of a new theatre with a larger auditorium to accommodate a wider range of productions and therefore a greater offer to the visitor
- Provision of an office for the Council (including the civic function) and for a tenant on Mount Pleasant Avenue Car Park.
- Provision of a parking facility to support the new developments.
- A Masterplan Framework document to place the proposed developments in the context of the planning policies and place shaping ambition for the Town Centre.

### Full Council FC18/16 – 20 July 2016 Civic Complex Review of Stage 1 and Next Steps

At the end of Stage 1, Full Council on the 20 July 2016 resolved to move into **Stage 2**:

- all consultancy fees identified in the report are spent at risk and that they will be abortive costs if the buildings are not developed.
- the Council has moved into RIBA Stage 2 (concept design) for the project to progress:
  - Office
  - Theatre
  - Underground Car Park
  - Masterplan
  - Procurement of a development partner
- That the Great Hall Car Park is the preferred site for the new theatre.
- That Calverley Grounds is the preferred site for an underground car park.

- That the authority to move into RIBA Stage 3 (developed design) for the project be delegated to the Portfolio Holder for Finance and Governance, the Leader, the S151 Officer and the Director for Planning and Development.
- That authority be delegated to the Director for Planning and Development, the S151 Officer and Monitoring Officer in consultation with the Leader and Portfolio Holder for Finance and Governance, to enter into a formal agreement for lease with the prospective tenant on appropriate market terms, and that the principle of the capital commitment of doing so is recognised, and the financial risk if the commitments in the agreement to lease are not fulfilled, be recognised.
- That the Council approves the allocation of £2 million from the General Fund to the Capital and Revenue Initiatives Reserve and that this sum is vired into the Development Programme Budget.
- That the S151 Officer in consultation with the Portfolio Holder for Finance and Governance is requested to bring back a report to a future meeting with options to address the revenue implications for funding the capital cost of the project, when or before the capital request is being considered.

### **Full Council FC70/16 - 22 February 2017 Civic Development - Delivery of Stage 3**

At the end of Stage 2 Full Council on the 22 February 2017 agreed to progress into **Stage 3**:

- all consultancy fees identified in the report are spent at risk and that they will be abortive costs if the buildings are not developed.
- the Council moves into RIBA Stage 3 (developed design) for the project to progress:
  - Office
  - Theatre
  - Underground Car Park
  - Development Framework
  - Procurement of a development partner

### **Full Council FC50/17 – 6 December 2017 Civic Development Delivery**

At the end of Stage 3 Full Council on 6 December 2017 agreed to deliver the Calverley Square development:

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 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. To agree in principle to the use of TWBC's compulsory purchase powers to deliver the Civic Development programme.
  - c. to 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.