

TUNBRIDGE WELLS BOROUGH COUNCIL**CABINET****Thursday, 12 September 2019****Present: Councillor Alan McDermott (Chairman)
Councillors March (Vice-Chairman), Dawlings, Mackonochie and Scott**

Officers in Attendance: William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Stephen McGinnes (Mid Kent Services Director), Paul Taylor (Director of Change and Communities), Patricia Narebor (Head of Legal Partnership), Diane Brady (Property, Estates and Development Lead), David Candlin (Head of Economic Development and Property), Jane Fineman (Head of Finance and Procurement), Finbar Gibbons (Head of Policy and Governance), Karin Grey (Sustainability Manager), David Scully (Landscape and Biodiversity Officer), Caroline Britt (Democratic Services Officer) and Cheryl Clark (Democratic Services Officer)

Other Members in Attendance: Councillors Backhouse, Thomson and Williams

IN MEMORIAM RONEN BASU

CAB52/19 The Cabinet observed a minute silence as a mark of respect following the death of former Councillor Ronen Basu. Ronen was Borough Councillor for the Culverden Ward since May 2008, and Mayor of the Borough of Tunbridge Wells 2013-14. He was also a Cabinet member and Portfolio Holder for Sustainability.

APOLOGIES FOR ABSENCE

CAB53/19 There were no apologies.

DECLARATIONS OF INTEREST

CAB54/19 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB55/19 Councillors Hayward and Williams had registered as wishing to speak on item CAB67/19.

MINUTES OF THE MEETING DATED 01 AUGUST 2019

CAB56/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 01 August 2019 be approved as a correct record.

MINUTES OF THE MEETING DATED 15 AUGUST 2019

CAB57/19 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 15 August 2019 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB58/19 Pursuant to Cabinet Procedure Rule 28.3, Councillor Thomson had submitted the following question:

“I formally request that this Cabinet instruct the Planning Department to cancel all current and future activities relating to development in the Ward of Hawkhurst and that no development in that Ward shall be entertained until there is a fully commissioned sewerage system with the capacity to support any future development in Hawkhurst.

For information; the two sewerage systems (Heartenoak and Spring Lane) including the piping that delivers the sewage to those treatment plants are both inadequate for the village at present and are regularly overflowing raw sewage into the local environment. The most recent occurrence being at about 07:40hrs on Sunday 25th August. Video evidence can be provided.

I believe Southern Water have been aware of this problem for some considerable time.

The reply was given by Councillor McDermott as follows:

“Legislation is clear: the provision of foul drainage is a matter for the relevant infrastructure provider, in this case Southern Water.

The Council, as Local Planning Authority, liaises with Southern Water on a number of matters, where relevant – i.e. in areas where there is flooding from foul drainage systems – the Council imposes conditions which require that development not be occupied until Southern Water confirms there is sufficient capacity in the system. It is the responsibility of Southern Water to provide this capacity.

The Head of Planning, attended a meeting with Southern Water, chaired by Greg Clark MP, on Saturday 7 September regarding foul drainage at Paddock Wood.

At the end of the meeting the Head of Planning relayed the concerns you have raised about foul drainage in Hawkhurst to the Growth Manager at Southern Water. The Head of Planning will be looking to set up a similar meeting between Hawkhurst Parish Council, relevant Ward Members, TWBC Planning Services and Southern Water to seek to address this issue.

I trust this gives you confidence that whilst the legislation places the requirements firmly with Southern Water, the Council is seeking to address this matter as far as it can within the different areas of legislation.”

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB59/19 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 04 SEPTEMBER 2019

CAB60/19 Councillor McDermott stated that the Annual Audit Letter would be added to the Forward Plan for consideration at the next Finance and Governance Cabinet Advisory Board meeting on 1 October 2019, and Cabinet on 24 October 2019.

RESOLVED – That, subject to the above comments, the Forward Plan as at 04 September 2019 be noted.

NET GAIN FOR BIODIVERSITY IN THE BOROUGH

CAB61/19 David Scully, Landscape and Biodiversity Officer introduced the report set out in the agenda.

Discussion included the following comments:

- The report provided an update on existing and emerging planning policies and practice with regards to biodiversity.
- Details of interim measures regarding funding biodiversity enhancements and the development of a longer term scheme to address biodiversity across the whole Borough.
- A copy of the paper would be sent to all members with a request for comments by 1 November 2019.

RESOLVED –

1. That the proposals for addressing existing and emerging policies for net gains for biodiversity across the Borough as part of development proposals be noted;
2. That Councillors be asked to provide any comments they think will be helpful in preparing future guidance in support of the emerging policy for net gain for biodiversity to the Planning Policy team (planningpolicy@Tunbridgewells.gov.uk) by 5pm on 1 November 2019.

REASON FOR DECISION:

To note an update on existing and emerging planning policies and practice with regards biodiversity and the interim measures being taken to address biodiversity on development schemes.

PERFORMANCE SUMMARY: QUARTER 1

CAB62/19 Finbar Gibbons, Head of Policy and Governance introduced the report set out in the agenda.

Discussion included the following comments:

- Report for Quarter 1 for this financial year (Apr-Jun 19) – including RAG status's for 8 projects. Details of the projects were included in the briefing pack.
- 16 service indicators were performing and 5 were underperforming. Recovery plans for those underperforming are also included in the briefing pack.
- Report had been through Finance and Governance Cabinet Advisory Board who made the following recommendations:
 - To amend the narrative on Southborough Hub
 - Commentary that is provided on the Hub projects are shared with project partners in advance of publication
 - Review of the project performance information given including timeliness, accuracy etc.
- Content with recommendations as above to be actioned prior to Quarter 2 publication

RESOLVED –

1. That the summary of priority projects performance over quarter 1 as set out at Appendix A to the report be noted;
2. That the summary of service performance over quarter 1 as set out at Appendix B to the report be noted; and
3. That the performance indicator Recovery Plans for quarter 1 as set out at Appendix C and onwards to the report be noted.

REASON FOR DECISION:

To monitor the effectiveness of the Council's actions and plans to meet all of the objectives within the Five Year Plan, highlight underperforming areas, and propose actions to remedy any underperformance to ensure the key objectives are met.

REVENUE MANAGEMENT REPORT: QUARTER 1

CAB63/19 Jane Fineman, Head of Finance and Procurement introduced the report set out in the Agenda. Key points in brief:

Discussion included the following comments:

- Actual expenditure to date was £3,442,000, £219,000 less than forecast. Forecast outturn for the year £60,000 over budget. Overspend due to projected income from cremations, death rate down by around 10%, plus opening of a new crematorium in Horam.
- Earmarked reserves are forecast to be £7.3m by the end of the year with total reserves being £16.4m.
- Capital programme is not yet fully funded, some projects may be rescheduled into future years, using income from the sale of assets. If projects are not rescheduled remaining amount will be transferred from the general fund or through borrowing.
- Charges for offence penalties, ensuring that maximum charges are applied to penalties.
- Clean unqualified statutory audit received for the tenth year running and completed to time.

RESOLVED –

1. That at Quarter 1 the net expenditure on services year to date was £3,442,000, £219,000 less than forecast, be noted;
2. That by year end the Council anticipated net expenditure of £13,549,000 on services, £60,000 over budget, be noted; and
3. That the updated charges for Offence Penalties as set out in this report be agreed.

REASON FOR DECISION:

To show the actual expenditure on services compared to the revised budget for the period ended 30 June 2019, and the forecast outturn position, highlighting significant variances from the revised annual budget.

CAPITAL MANAGEMENT REPORT: QUARTER 1

CAB64/19 Jane Fineman, Head of Finance and Procurement, introduced the report set out in the agenda.

Discussion included the following comments:

- Cabinet originally approved capital expenditure of £22.681m for 2019/20. £1.244m of projects had been rescheduled from 2018/19 or added to the programme bringing the revised forecast outturn to £23,925m. £9.1m of this was forecast to be funded from reserves – approvals requested in the report bring total spend to £23.953m. Forecast outturn includes the continuation of the Calverley Square project.
- 2 projects already approved in the Capital programme needed an increase in budget to deliver - £15,000 for the Hilbert Park football pitch, and £15,000 for the Southwood play area. Funding would come from S106 income with a small amount being transferred from the Parks Revenue Budget.
- Capital programme a 4 year rolling plan, an additional £854,000 for 2021 is also included in the report. This was to add disabled facilities grants of £824,000 which are all funded from central Government and £30,000 of Housing renewal advances which were funded from the Housing Renewal Reserve.
- Holly Farm in Hawkenbury sold in May 2017 – sale proceeds received in tranches until May 2020. 2019 amount of £1.388m has been received this quarter which will be transferred to the Capital receipts reserve and used to finance some of the Borough's capital projects.

RESOLVED –

1. That the actual gross and net expenditure for the year and the sources of finance as shown in Appendices B to D to the report be noted; and
2. That the proposed variations to the 2019/20 Capital programme as set out in paragraphs 4.3 to 4.5 be approved.

REASON FOR DECISION:

Managing and forecasting capital expenditure effectively was vital in order to support all of the services provided by the Council.

TREASURY AND PRUDENTIAL INDICATOR MANAGEMENT REPORT: QUARTER 1

CAB65/19 Jane Fineman, Head of Finance and Procurement introduced the report set out in the agenda.

Discussion included the following comments:

- Projected interest from investments and bank interest for 2019/20 is forecast to be £687,000 – same as approved budget. Interest rates not expected to rise until mid 2020.
- Public Works Loans Board loan of £3m at the end of June. £1m due to be repaid in July. Interest on this borrowing this year will be £50,000.
- Property Fund – small gain of £8,000 in value since end of last financial year in addition to the 4.98% received in dividends.

RESOLVED –

1. That the 2019/2020 Treasury Management and Prudential Indicator position be noted; and
2. That the forecast interest from investment and bank interest for 2019/20 is £687,000, which is the same as the approved budget, be noted.

REASON FOR DECISION:

Ensuring effective cash flow management was vital in order to support all the services provided by the Council. The interest received from investments was an important source of income in helping to set a balanced budget.

***COUNCIL TAX REDUCTION SCHEME 2020-21**

CAB66/19 Stephen McGinnes Director of Mid Kent Services introduced the report set out in the agenda.

Discussion included the following comments:

- There was a requirement by the Council to approve the Council Tax Reduction Scheme each year with a recommendation that the current scheme remains unchanged for a further year.
- There would be a need to review and potentially amend the scheme to reflect changes in the Welfare System, particularly the introduction of Universal Credit. Further time was needed to understand the impact of those changes, model and evaluate alternative schemes.

RESOLVED – That Full Council be recommended:

1. That the current Council Tax Reduction Scheme be carried forward to 2020-21, with no changes made; and
2. That, in the absence of any proposed change, no public consultation will be undertaken.

REASON FOR DECISION:

In providing financial support to low income households the Council will support communities enjoy good health and resilience to the challenges they may encounter.

***CALVERLEY SQUARE DELIVERY RIBA STAGES 5-7**

CAB67/19 Councillor Hayward had registered to speak but subsequently sent his apologies.

Councillor Williams had registered to speak which included the following comments:

- 10 years ago Ronen Basu had shown him exceptional kindness which despite later disagreements on Calverley Square Councillor Williams had never forgotten. Accordingly he had disregarded his prepared comments on Calverley Square.
- Being a Cabinet Member was stressful, therefore annual medical checks were suggested.

Lee Colyer, Director of Finance, Policy and Development and David Candlin, Head of Economics, Development and Property introduced the report set out in the agenda which included the following comments:

- Cabinet was asked to note the addendum published on 11 September 2019 that included the recommendations from the Finance and Governance Cabinet Advisory Board meeting held on 5 September 2019 , including a response to the key points raised at that meeting.
- Planning permission has been secured for Calverley Square. CPO has also been secured for the site. Full copy of the Inspectors Report is included in the Appendices.
- Equality and Impact Duty has been updated by the Council.
- The report includes an outline of the other options available including associated costs and the conclusions as to why they do not deliver the strategic objectives of the Council.
- Updated scheme design and development – progress with site assembly, CPO as confirmed by an independent inspector in full with no modifications – full report included.
- Social economic and environmental benefits including the main points raised by the Inspector.
- Cost Summary and Contingency measures.
- Summary of the Project Programme, including key aspects to timetable changes and delivery of consents.
- Civic Complex Feasibility study is detailed in the 2nd report. 6 options were considered of which 4 Options were reviewed with a further 2 development and tested – full details are included in the report.
- Third main report was the Calverley Square financials which provided an update of the project financials approved by Council in December 2017.
- 2 independent reviews detailed in the report – Public Interest Report undertaken by the external auditor and published in February 2019 and the Inspectors report following the Public Enquiry.
- Costings Report including external factors that are impacting on construction costs, revised scheme costs, revenue streams, asset projections, economic benefits and affordability are also detailed.
- Conclusion – Increase in capital cost and economic benefits, annual cost unchanged and is affordable.

Discussion included the following comments:

- Work to date should be commended.
- A number of cooperative groups had informed discussions and work to date.
- Support also received from Theatre producers and the potential of a new theatre going forward.
- In recognition of serious concerns the following additional recommendation was proposed for Full Council: “That, given the importance of culture and leisure to the town’s economy and social, environmental and economic wellbeing, and in recognition of the planned growth to the Borough’s population, this Council endorses the principle that it wishes to provide a theatre that meets the needs of residents, visitors and producers”.

- Cross party group that has now met on numerous occasions, and the subsequent outcome of those discussions:
 - Support for a theatre in Tunbridge Wells. Accepted that various other locations were considered but realistically only 2 options were viable – existing site, or the site of the Great Hall carpark.
 - Acceptable to build offices on the site of Mount Pleasant car park is sensible and acceptable that the Council might look to occupy other less expensive offices, leaving only the public facing offices in the town centre.
 - Less acceptable as to the need for the underground car park and associated construction costs.
 - Accepted that Great Hall and Mount Pleasant car parks are valuable assets which should be maximised to fund the refurbishment of existing buildings – group would be agreeable to consideration of the building of a block of flats on the existing car park site as a means of generating income for the Council.
 - Not fully accepted the cost of developing a theatre on the existing site would be more expensive than on a new site – development on existing site also has building constraints and likely to be less appealing to producers.
 - Great interest in considering alternative uses of Civic complex and concern of it becoming another site similar to the current cinema site.
- Unfortunate that Cross Party Group has little time to consider alternatives and generate the cross party support – cost of delay too significant.

RESOLVED – That Full Council be recommended:

1. That, given the importance of culture and leisure to the town's economy and social environmental and economic wellbeing, and in recognition of the planned growth to the Borough's population, this Council endorses the principle that it wishes to provide a theatre that meets the needs of residents, visitors and producers;
2. That Full Council endorse that the project designed to RIBA Stage 4 (Technical Design) (in accordance with Full Council, Decision FC50/17 on 6 December 2017 and all relevant Cabinet and delegated decisions) be approved for funding and delivery;
3. Full Council approve:
 - a. an additional gross budget of £18m for the delivery of the Calverley Square scheme and delegates to the s151 Officer in consultation with the Portfolio Holder for Finance and Governance to determine the sources of funding to deliver the scheme;
 - b. the use of the Calverley Square Reserve to ensure the successful delivery of the Calverley Square scheme and delegates to the s151 Officer in consultation with the Portfolio Holder for Finance and Governance the management of receipts and payments from the reserve; and
 - c. the Council entering into the second stage of the Design and Build contract with Mace to progress the development to completion and delegate all related necessary steps to the

Head of Economic Development and Property, S151 Officer and Monitoring Officer, in consultation with the Portfolio Holder for Property, Major Projects and Strategic Engagement and Portfolio Holder for Finance and Governance;

4. That the Head of Legal Services be authorised to complete all legal formalities as are necessary and incidental to the recommendations in this Report and to the decisions referred to in paragraph 1 of this Report and to negotiate, execute and complete all necessary agreements and deeds arising from or ancillary or incidental to the delivery of the Calverley Square scheme;
5. Full Council declare the Civic Complex (Town Hall, Assembly Hall Theatre, 9-10 Calverley Terrace and associated car park) surplus and delegate to the Head of Economic Development and Property and S151 Officer, in consultation with the Portfolio Holder for Property, Major Projects and Strategic Engagement and Portfolio Holder for Finance and Governance to:
 - a. Undertake the internal procedural steps required to enable the Civic Complex to be treated as surplus to requirement at the appropriate time;
 - b. Further investigate and refine a placeshaping proposal for the disposal and redevelopment of the Civic Complex bringing a report(s) on the final approach and valuation for decision/s at Cabinet prior to completion of the approved Calverley Square development; and
 - c. Enter into formal discussions with the Police and Crime Commissioner for the acquisition of or partnership arrangements to enable the Police Station to be brought forward as part of the Civic Complex;
6. That Full Council delegate authority to the Head of Economic Development and Property, and S151 Officer, in consultation with the Portfolio Holder for Property, Major Projects and Strategic Engagement and the Portfolio Holder for Finance and Governance (on behalf of the Council as land owner) to:
 - a. resolve that the Council's interests in the land within the development site and such minor areas of ancillary land adjoining or adjacent to the development site be appropriated for planning purposes under Section 122 of the Local Government Act 1972 and such other relevant legislation and to delegate the making of all necessary preparation to effect such appropriation; and
 - b. develop a detailed fundraising strategy and action plan for Calverley Square bringing forward a report/s for decision/s at Cabinet;
7. In approving the scheme that the Development Advisory Panel will be engaged on a formal schedule of dates during the delivery of the work; and
8. That Full Council note:
 - a. 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; and
 - b. The Equality Impact Assessment.

REASON FOR DECISION:

To progress one of the Council's priority project in line with the strategic aim to grow our role as the cultural centre of the Kent & Sussex High Weald, so that by 2024 the borough of Tunbridge Wells is nationally recognised for its vibrant cultural provision.

DRAFT KENT AND MEDWAY ENERGY AND LOW EMISSIONS STRATEGY - COUNCILS CONSULTATION RESPONSE

CAB68/19 Karin Grey, Sustainability Manager, introduced the report set out in the agenda.

Discussion included the following comments:

- High level strategy document led by Kent County Council but produced in partnership with all Kent Local Authorities, Medway Unitary and external agencies including the NHS and Fire and Rescue Services.
- Energy and Low Emission Strategy – sub strategy of the Kent Environment Strategy – the purpose of which is to deliver clean growth, reduce carbon emissions and improve air quality. Action plan setting out specific will be developed as part of the yearly implementation plan for the Kent Environment strategy.
- Recommendations include that the energy and low emissions strategy be more ambitious and sets a target to aim for carbon neutrality by 2030.
- Recommendation to Cabinet that consultation response is agreed and approval is given to submit this Council's response as part of the Kent and Medway Low Emissions Strategy Consultation process which closes on 23rd September 2019.

RESOLVED – That the Council's consultation response to the draft Kent & Medway Energy and Low Emissions Strategy set out in Appendix C to the report be agreed and submitted to Kent County Council.

REASON FOR DECISION:

To assist an evidence-based pathway to deliver clean growth and specifically strategies and actions to eliminate poor air quality, reduce fuel poverty, improve energy efficiency and deliver an affordable, clean and secure energy supply for Kent and Medway.

URGENT BUSINESS

CAB69/19 There was no urgent business.

DATE OF NEXT MEETING

CAB70/19 The next meeting would be held on Thursday 24 October 2019 commencing at 10:30am in Committee Room A at the Town Hall, Tunbridge Wells.

NOTES:

The meeting concluded at 11.05 am.

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