

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**CABINET**

**Thursday, 24 October 2019**

**Present: Councillor Alan McDermott (Chairman)  
Councillors March (Vice-Chairman), Dawlings, Mackonochie, Scott and Bailey**

**Officers in Attendance:** William Benson (Chief Executive), Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Nicky Carter (Head of HR, Customer Services and Culture), John Antoniadou (Estates Manager), Paul Doherr (Architectural Surveyor), Jeremy Kimmel (Audience Development Manager) and Caroline Britt (Democratic Services Officer)

**Other Members in Attendance:** Councillors Stanyer and Backhouse

**APOLOGIES**

CAB71/19 There were no apologies.

**DECLARATIONS OF INTEREST**

CAB72/19 There were no disclosable pecuniary or other significant interests declared at the meeting.

It was noted that Cllr March was on the Board of Trustees for the Charitable Trust that was being set up for the Amelia Scott.

**NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB73/19 There were no Visiting Members who had registered as wishing to speak.

**MINUTES OF THE MEETING DATED 12 SEPTEMBER 2019**

CAB74/19 Members reviewed the minutes. No amendments were proposed.

**RESOLVED** – That the minutes of the meeting dated 12 September 2019 be approved as a correct record.

**QUESTIONS FROM MEMBERS OF THE COUNCIL**

CAB75/19 There were no questions from members of the Council.

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

CAB76/19 There were no questions from members of the public.

**CONSIDERATION OF THE FORWARD PLAN AS AT 23 SEPTEMBER 2019**

CAB77/19 Members considered the plan. No amendments were proposed.

**RESOLVED** – That the Forward Plan as at 23 September 2019 be noted.

## ANNUAL AUDIT LETTER 2018/19

CAB78/19 Lee Colyer, Director of Finance, Policy and Development introduced the report that outlined the conclusions of the 2018/19 Annual Audit of Tunbridge Wells Borough Council that included the following:

- Overall the audit letter was extremely reassuring with the Council having in place good financial governance and effective forward planning culminating in a clean bill of health.
- The Council had now had 10 consecutive clean annual audit letters.
- Finance Team to be commended for their diligence, dedication and hard work.

Discussion included the following comments:

- The Council recognised all the hard work done by the Finance Team and wanted their thanks to be passed on to them.

**RESOLVED** – That the Annual Audit Letter 2018/19 be approved.

### REASON FOR DECISION:

The Audit letter confirms an unqualified audit opinion across all areas and comments on the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ending March 2019.

## BUDGET UPDATE REPORT 2020/21

CAB79/19 Lee Colyer, Director of Finance, Policy and Development introduced the report that provided an update to the budget projections for the 2020/21 budget and subsequent years. It also provided an update on the Government's Spending Round and included the following:

- 2<sup>nd</sup> report to set the budget for the next financial year.
- Government's 4 year funding settlement had come to an end and the Council was now self sufficient. The ability to fund local services was now dependent on the growth of the local economy and sharing in the proceeds of business rate growth.
- On 4 September 2019 the Government published its spending round – to only cover one year. The spending round would not include any update from the Office for Budget Responsibility or forecast.
- The main headlines included:
  - o The Business Rates Reset and the Fair funding Review would now be deferred to 2021/22.
  - o No new Business Rates Pilots.
  - o A proposal to change in the cap for Council Tax from 3% to 2% (or £5 if this was greater).
  - o The Budget update included an additional subsidy for the Assembly Hall and the Triennial pension revaluation.
  - o Information regarding the budget would be available on the Council's website and articles in the Local Magazine.

Discussion included the following comments:

- Ramifications following the decision on Calverley Square would have to be taken into account.
- A technical consultation had been published by the Government that

set out the proposed reduction from 3% to 2% (or £5 de minimis) Council Tax increase limit. In response to this consultation TWBC raised concern that the £5 de minimis set in 2015 had not been updated. The Police Authority had originally been set the same amount but had since been allowed to increase in the first instance by £12, and then by £24.

- Provisional settlement expected sometime in December.

**RESOLVED** – That Officers shall continue to work on delivering a balanced budget in line with the Budget Strategy and report back in December with proposals prior to public consultation on the draft budget.

**REASON FOR DECISION:**

To enable Directors and Heads of Service to continue the service planning process and to help develop proposals with their respective Portfolio Holder(s) for savings, changes to service delivery and optimise income.

**ROYAL VICTORIA PLACE TUNBRIDGE WELLS UPDATE**

CAB80/19 John Antoniadou, Estate Manager, introduced the report that set out details for the refurbishment works to the Royal Victoria Place Shopping Centre that included the following:

- British Land to undertake the refurbishment works and to note the summary specification and programme for the proposed works
- To note and confirm the Council's obligation to contribute towards the cost of the those works under the terms of the long leasehold interest.
- To note the proposed estimated total cost and the proportion of those costs that would be the responsibility of the Council.
- The proposed refurbishment works did not require planning permission and would be undertaken outside normal opening hours.
- The Council had identified work that it deemed outside the remit and as such it was revised with significant savings.
- Mechanisms were in place to ensure effective monitoring took place throughout the refurbishment process.
- In the longer term there was a proposal for the redevelopment of the site.

Discussion included the following comments:

- Congratulations to the team for identifying the maintenance items that resulted in a reduction in costs to the Council.
- This was a good news story. The first element, Ely Court was due to open shortly.
- Beneficial to shopping and leisure for both residents and visitors to Tunbridge Wells.

**RESOLVED** –

1. That the contractual obligation on the council as the freeholder of the long leasehold interest between the Council and British Land consent to the proposed mall refresh refurbishment works and to contribute to the full cost of such works as provided for under the terms of the lease be noted; and
2. That the Head of Economic Development and Property in

consultation with the Monitoring Officer, the Director of Finance, Policy and Development, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Property, Major Projects and Strategic Engagement be delegated authority to:

- a. Complete of all necessary negotiations, legal documentation and legal formalities and to appoint external solicitors to deal with such matters as considered appropriate; and
- b. Make all proven and necessary payments to ensure compliance with the lease obligations in relation to the identified Type 1 Qualifying Refurbishment works.

**REASON FOR DECISION:**

To allow the refurbishment works at Royal Victoria Place Shopping Centre to be taken forward.

**MINOR MAINTENANCE AND RESPONSIVE REPAIRS TERM CONTRACTS 2020**

CAB81/19 Paul Doherr, Architectural Surveyor introduced the report to approve the appointment of contractors to undertake minor maintenance and responsive repairs on behalf of the Council that included the following:

- To appoint contractors for a period of up to 7 years (an initial term of 5 years with a provision for 2 annual extensions) starting on 1 January 2020.
- To delegate authority to accept tenders and enter into contracts for the delivery of maintenance work and responsive repairs.
- New contracts to be awarded at the beginning of November 2019.
- Contracts for tender were done via the Kent Business Portal in accordance with the European Procurement Directives
- Contract would be divided into 5 lots.
- The appointment of contractors would allow the Council to provide the exact service required and that would offer best value.

Discussion included the following comments:

- Team to be thanked for their work.
- Recognition that work would change as needs changed over the period of the contract.

**RESOLVED –**

1. That the appointment of contractors to carry out minor maintenance and responsive repairs, as recommended in Exempt Appendix A to the report, be approved; and
2. That the Director of Finance, Policy and Development in consultation with the Monitoring Officer, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Property, Major Projects and Strategic Engagement be delegated authority to accept the contractors in Exempt Appendix A to the Report as recommended, complete negotiations and legal formalities, complete the procurement process and enter into contracts for the delivery of the minor maintenance and responsive repairs.

**REASON FOR DECISION:**

To allow the Council to appoint new contracts that replace the existing contracts which will end on 31 December 2019. And for the new 5 year contracts to start on 1 January 2020.

**THE AMELIA AT THE AMELIA SCOTT UPDATE**

CAB82/19 Paul Taylor, Director of Change and Communities introduced the report that gave an update on the progress of the scheme that included the following:

- The report provided an update on the scheme and set out the financial construction costs.
- A difficult market but the team had worked hard to reduce the costs whilst still protecting the quality of the offer.
- The proposal was to now enter into a contract with Wilmott Dixon with a start on site aimed for early January 2020.

Discussion included the following comments:

- The project was given a good sounding at the last Communities and Economic Development Cabinet Advisory Board.
- Recognition that the project had the support of Kent CC, TWBC, Arts Council England and the National Heritage Lottery Fund and that all were working together to deliver the scheme.

**RESOLVED –**

1. That the project had been progressed in accordance with the decisions made by Cabinet in December 2018 and that those decisions would continue to be enacted through the delivery be noted;
2. That the update on the progress of the scheme, including finalised construction costs, be noted;
3. That the Gateway building be declared surplus to the Council's operational requirements and any capital receipt be earmarked to underwrite the external fundraising;
4. That an addition of £400,000 to the Council's Capital Programme to deliver the scheme and to underwrite to underwrite £400,000 NHLF funding be approved and the s151 Officer, in consultation with the Portfolio Holder for Finance and Governance, be delegated authority to determine the sources of funding to deliver the scheme;
5. That the Head of Economic Development and Property and the Head of HR Customer Service and Culture in consultation with the Director of Change and Communities, the s151 Officer, the Monitoring Officer, the Portfolio Holder for Culture, Leisure and Economic Development and the Portfolio Holder for Finance and Governance be delegated authority to enter into contract with Willmott Dixon and other necessary suppliers and to complete all negotiations necessary and enter into all necessary legal agreement in order to deliver the Amelia at the Amelia Scott project; and

6. That the contract sum and increased project budget set out in Exempt Appendix A and B to the report be agreed.

**REASON FOR DECISION:**

To allow the Council to enter into a contract with Willmott Dixon to deliver the scheme. And that the expected 18 month work programme work would start in January 2020.

**PUBLIC ART GUIDANCE, FOR ADOPTION**

CAB83/19 Jeremy Kimmel, Audience Development Manager introduced the report to seek approval for the Public Art Guidance to be adopted as an official guidance document that included the following:

- The aim of the Guidance was to help define what was meant by Public Art and what would be expected from developers in terms of Public Art commitments with S106 contributions.
- A six week public consultation had taken place.
- Confident that the Guidance sets out an ambitious but realistic expectations of contributions towards Public Art.

Discussion included the following comments:

- Perception that Public Art was confined to statues and paintings etc. But it was a much more. Additional funding would allow the message to go out to a much wider audience.
- Each case would be looked at individually based on the requirements of the development taking place.
- It would cover the entirety of the Borough and would respond to the needs of the Community – The guidance was not intended to be prescriptive.
- S106 contributions would be in addition and would not be diverted from other good causes.
- Taking art out to the rural communities would be of great benefit and was welcomed.

**RESOLVED** – That the Public Art Guidance as set out at Appendix A to the Report be adopted.

**REASON FOR DECISION:**

To issue guidance that would allow TWBC to obtain funding for Public Art programming from upcoming major developments.

**URGENT BUSINESS**

CAB84/19 There was no urgent business.

**DATE OF NEXT MEETING**

CAB85/19 The next meeting would be held on Thursday 21 November 2019 commencing at 12:00pm in Committee Room A at the Town Hall, Tunbridge Wells.

**LAND ASSET STRATEGY SITE DISPOSAL**

CAB86/19 John Antoniadou, Estate Manager, introduced the report as set out in the exempt report that included the following:

- Disposal of the property was in accordance with the Asset Management Plan.
- The property was surplus to requirement.
- Outline planning consent was obtained that would enable the Council to dispose of the site for best consideration.

**RESOLVED –**

1. That the disposal of 1 land asset strategy site as identified in the Exempt Report be agreed; and
2. That the Head of Economic Development and Property in consultation with the Director of Finance, Policy and Development, the Monitoring Officer, the Portfolio Holder for Finance and Governance and the Portfolio Holder for Property, Major Projects and Strategic Engagement be delegated authority to complete all necessary negotiations, legal processes and legal documentation to complete the disposal.

**REASON FOR DECISION:**

To ensure best use of the Council's assets in accordance with the adopted Asset Management Plan.

**NOTES:**

The meeting concluded at 11.15 am.

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