

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, 9 December 2015

PRESENT:

The Mayor, Councillor David Elliott
Councillors Simmons, Backhouse, Barrington-King, Bland, Dr Basu, Bulman, Chapelard, Mrs Cobbold, Gray, Dr Hall, Hastie, Hills, Holden, Dawlings, Hamilton, Heasman, Horwood, Huggett, Jamil, Jukes, Lewis, March, Rankin, McDermott, Moore, Munn, Neve (Deputy Mayor), Noakes, Nuttall, Oakford, Ms Palmer, Patterson, Podbury, Scholes, Scott, Sloan, Mrs Soyke, Stanyer, Mrs Thomas, Tompsett, Uddin, Weatherly and Williams

IN ATTENDANCE: William Benson (Chief Executive), Wendy Newton-May (Democratic Services Team Leader) and Keith Trowell (Senior Lawyer and Deputy Monitoring Officer)

APOLOGIES FOR ABSENCE

FC34/15 Apologies were received from Councillors Hannam, Lewis-Grey, Stewart and Woodward.

DECLARATIONS OF INTEREST

FC35/15 No declarations of pecuniary or significant other interest were made.

With reference to agenda item 8, the Civic Complex, Councillor Scott mentioned that he owned a property within the site study area shown the plan on page 35 of the agenda. However, after seeking advice from the Monitoring Officer he had been informed that this did not require him to declare any form of interest.

ANNOUNCEMENTS

FC36/15 The Mayor made the following announcements:

- (1) The Mayoress was currently recovering from her operation and would be gradually returning to Mayoral duties.
- (2) On 15 October a reception was held for two gymnasts who had won a gold medal in a European Gymnastics Competition.
- (3) On 17 October the Civic Dinner at the High Rocks took place and raised over £3,000 for the Mayor's charity Ellenor.
- (4) On 21 October he and the Mayoress attended the launch of the RBL Poppy Appeal at County Hall.
- (5) On 28 October he held a reception for Walking with the Wounded in the Town Hall, followed by a Drum Head Service on Civic Way to commemorate the sinking of the HMS Hythe 100 years ago.
- (6) On 30 October he and the Mayoress were guests of Linda Page to celebrate Cranbrook in Bloom.
- (7) On 31 October he and the Mayoress attended a service in St Matthew's Church, High Brooms to commemorate the sinking of the HMS Hythe.
- (8) On 5 November he attended the launch of the 2015 range of Rolex watches at Goldsmith's jewellers on the High Street.

- (9) On 6 November he attended the Skinners' Day lunch with the Governors followed by prize giving in the Assembly Hall.
- (10) On 7 November he took part in a quiz at David Salomons, raising £1,000 for Ellenor.
- (11) The Remembrance Sunday parade took place on 8 November and was a great success.
- (12) On 17 November he attended the installation of the new vicar at St Dunstan's church.
- (13) On 18 November he attended Brian Bissell's Old Tyme Music Hall in the Opera House, where he had a walk on part. This raised a total of £4,000 for Ellenor.
- (14) On 21 November he attended the Tunbridge Wells Nourish Food Bank fund raising evening at Wood Café in the Pantiles, which raised £5,000.
- (15) On 22 November he went to the Toy Service at Southborough Methodist Church.
- (16) On 24 November he held a food and drink reception for Parish Chairmen before their scheduled meeting.
- (17) On 26 November he attended Hilden Grange Prep School toy assembly.
- (18) On 27 November he opened the Model United Nations General Assembly for years 11-13 pupils in 12 schools in Tonbridge and Tunbridge Wells.

The Mayor thanked John Smith, a previous councillor, for donating a Christmas tree to the Town Hall once again.

The Mayor concluded by saying how amazed he was at the talent there was in the borough and the generosity of those who had contributed to the Toy Appeal. He announced that the total raised so far for his charity Ellenor was £16,000.

The Mayor then invited the Leader, Councillor Jukes, to make his announcements. Councillor Jukes advised that the MKIP Annual Report had been produced and would be circulated in the Members' Newsletter.

He also stated that he would like to nominate Councillor Julia Soyke as Deputy Mayor for the municipal year 2016/17.

Councillor Jukes gave members the welcome news that the Council, in partnership with Kent County Council, had been successful in securing support from the Heritage Lottery Fund (HLF) for the cultural hub project. He advised that the project had received earmarked funding of £4.3 million, including a development grant of £178,000, to progress the work.

Finally Councillor Jukes informed that the Democratic Services Team Leader, Wendy Newton-May, would be leaving the Council and on behalf of the members he wished her all the best for the future.

The Mayor then invited the Cabinet members to make any announcements. Councillor March thanked the Head of Customers and Communities, Kevin Hetherington, and the Museum Manager, Jo Wiltcher, for all their hard work and efforts in putting together the bid to the HLF.

THE MINUTES OF THE PREVIOUS MEETING

FC37/15 The minutes of the meeting dated 14 October 2015 were approved as a correct record.

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC38/15 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

FC39/15 Question 1 – Councillor Williams

Does the Council have a view on Town and Country's punitive £100 fines for non-permit parking in Lakewood Drive, Sherwood, since this astonishing figure seems so rapacious that it is hard to reconcile with our choice of this Housing Association as lead housing partner?

Response from Councillor Weatherly

Thank you for your question. The Council does not have a view on this subject.

Supplementary Question from Councillor Williams

This problem would be resolved if Lakewood Drive was adopted and not a private road, so could you tell me how your discussions with Town and County are progressing?

Response from Councillor Weatherly

I don't have an answer for you here, but will respond outside of the meeting.

(NOTE: The following response was subsequently provided to Councillor Williams – "Town and County Housing Group were contacted and they advised that there was never any intention that this road be adopted, and the position has not changed.")

Question 2 – Councillor Mrs Thomas

This question was withdrawn by Councillor Mrs Thomas.

Question 3 – Councillor Stanyer

Having regard to the Hearings on the Site Allocations Local Plan Examination carried out this last week, and the Borough's commission of a Housing Needs Assessment, is there any need to bring forward land for housing within the long term land reserve that is not currently allocated?

Response from Councillor McDermott

There are six rural fringe sites set out in the 2006 Local Plan. The Council is already bringing forward three of these sites to meet the need for housing and education uses in the Site Allocations Development Plan Document (SADPD)

– Knights Wood, Hawkenbury Farm and Speldhurst Road Former Allotments. The Council is arguing as part of the examination into the SADPD that there is no need to bring forward land within the other three rural fringe sites at the present time – Culverden Down, Grange Road Allotments and North Farm Tip – and that in any case there are significant constraints to the deliverability of land within these areas. The Council is also arguing that there is no need to bring forward Green Belt land to meet current development needs or to provide replacement rural fringe for the sites that are currently allocated. Several participants at the examination argued against this position, that there is a need for the Council to bring forward Green Belt land to meet current development needs and/or as replacement rural fringe.

The Inspector will consider the arguments put forward by both sides as part of the examination and will issue a report in the New Year which will contain recommendations about the SADPD and the Green Belt sites being promoted at the examination. The Council will need to consider the Inspector's recommendations very carefully in finalising the SADPD before it is adopted. At the present moment it is therefore too early to say whether additional land is currently needed for housing.

The Council is in any case committed to producing a new Local Plan as soon as possible to meet the needs identified in its recently published Strategic Housing Market Assessment, balanced against constraints within the borough. The Council will need to consider the future of the rural fringe and Green Belt as part of this process. Members, the local community, Parish and Town Councils, landowners and developers will be fully involved in the new Local Plan.

Supplementary Question from Councillor Stanyer

I would like to make the point that at the hearings, and the recent planning inquiry for Hawkhurst, it was said that the borough had no hope of meeting the housing targets, would you have a comment about that?

Response from Councillor McDermott

I'm not sure who said that, it was probably a developer who is hoping to develop here. As far as the Council is concerned we do still have the Core Strategy which is holding much of this together and is very successful, and secondly we have the Site Allocation Plan which does hold credence. Until the Inspector comes forward and criticises the Plan, which I don't think he is going to do, we have a good case.

Question 4 – Councillor Lewis

In recent weeks the people of Tunbridge Wells have shown their generosity in collecting money and resources for those displaced by the conflict in Syria.

We are now, as well, in the process of welcoming Syrian refugees to Tunbridge Wells, aided by the dedication and expertise of the officers of this Council.

Is there more practical help that can be given, by the Council and by private individuals and organisations, that would mean that we would welcome a larger number than the ten families that are earmarked to come here?

Response from Councillor Weatherly

The housing team has been very grateful for the assistance offered by the public, including support and items of furniture for the Syrian refugee families - and we're utilising these offers as much as we can.

We have pledged to take two families per year over the next 5 years - this is a similar number to many other local authorities across the country. We are also taking our first two families well before most others.

Our schools, health services and housing market are under enormous pressure, given that this is such a popular place to live. In that context, I think our offer of resettling two families a year is both generous and appropriate.

Supplementary Question from Councillor Lewis

Tunbridge Wells is a prosperous town, could we not take more families considering that Ashford are taking 250 families, and the Isle of Bute are taking a number more than we are as well?

Response from Councillor Weatherly

This is the Council's current policy.

Question 5 - Councillor Chapelard

With a possible recent sale of Tunbridge Wells' former cinema site, has Tunbridge Wells Borough Council asked the Carlyle group to refund residents for the £22,000 cost of the hoardings erected on the site in 2014?

Response from Councillor Jukes

No.

Question 6 – Councillor Chapelard

In 2011 Tunbridge Wells Borough Council appointed Sodexo as its parks and grounds maintenance contractor. If we take the whole of the 2011 specification as 100% of what Sodexo are paid to provide, to what percentage of the original 2011 specification is Sodexo currently operating at?

Response from Councillor March

As has been discussed at Overview and Scrutiny in April 2015, the performance of the contractor is monitored with the assistance of feedback from sports clubs, Friends Groups, Britain in Bloom and Green Flag judging and others, together with inspections by our staff. However, it is not possible to measure compliance every single item in the specification without a significant costly increase in staff resources.

We work in partnership with Sodexo and they have provided things that are over and above the specification such as a Head Gardener at the cemetery, sponsorship for Royal Tunbridge Wells in Bloom and the changing and mess facilities for Foresters Football Club at the Bayham pitches.

Supplementary Question from Councillor Chapelard

It is worrying to hear that the Portfolio Holder does not appear to know how much the contractor is delivering for a job we are paying them to do, What does the Portfolio Holder propose to do to find out what they are doing, and what they are not doing, for a contract that residents are paying for?

Response from Councillor March

I think in my answer I said that if we are looking through every single item in the specification it is not worth the cost because we work in partnership and Sodexo have provided things that are over and above the specification such as a Head Gardener at the cemetery, sponsorship for Royal Tunbridge Wells in Bloom and the changing and mess facilities for Foresters Football Club at the Bayham pitches.

Question 7 – Councillor Chapelard

In the summer of 2015 Tunbridge Wells Borough Council put on a series of activities in Grosvenor and Hilbert Park due to the contractor Playsafe's delay in refurbishing the children's play area. How much did this programme of activities cost Tunbridge Wells Borough Council?

Response from Councillor March

There was no direct cost to the Council of the additional play activities.

Supplementary Question from Councillor Chapelard

The money was paid for by the HLF bid, which was paid to the Council to deliver that programme. Therefore would the Portfolio Holder consider changing her answer? How much did we ask the contractor to pay towards that cost for not delivering a playground which was due to open on the 21 July, but did not open until 24 October?

Response from Councillor March

The summer activities were funded by the activities element of the HLF grant. As an HLF Project Board we have to put on activities, but these are at no direct cost to the Council. The cost of the activities element of the HLF grant was £10,000 and the completion of the children's play area was delayed by a number of factors – such as the need for unforeseen drainage work, repairs to below ground elements of existing equipment, delays in material shipments and contractor over runs. The contractor did not seek additional payments associated with the increase in the preliminary unforeseen works and therefore the Council was advised by the Quantity Surveyor that it would not be cost effective to apply penalties to the over run. Practical completion was on the 23 October, in half term, and it has been operational since then. At the Project Board meeting on 4 November the Friends Group reported that the play area had been very busy and the comments on social media had been very positive.

Question 8 - Councillor Chapelard

During the 2014-15 season what was the total number of sports pitches bookings which were:

- a) cancelled due to unplayable facilities; and
- b) how many cancelled bookings were not subsequently re-scheduled?

Response from Councillor March

- (a) There were 3002 pitch bookings, 2639 were played and 363 were cancelled due to the weather or teams cancelling their bookings for other reasons
- (b) It is difficult to collate this information because some of the teams switched fixtures and therefore played away or played at a later date.

Supplementary Question from Councillor Chapelard

So of the 363 cancelled bookings some were never fulfilled because the leagues stipulate that if there is a backlog of games then some games must be played away. Therefore my question is that out of those Council bookings what was the loss of revenue to the Council.

Response from Councillor March

I am wondering what sort of sport Councillor Chapelard is talking about because my figures were about football (on both grass pitches and astro) and cricket, and if teams can not play, or decide to play away it is entirely up to them.

OVERVIEW AND SCRUTINY COMMITTEE REPORT: ELECTORAL REVIEW IN THE BOROUGH

FC40/15 Councillor Rankin presented a report advising members of the work of the Task and Finish Group on the issue of the implications of an electoral review for the borough. It was noted that the Task and Finish Group had looked at draft recommendations from the Local Government Boundary Commission (LGBC) following an electoral review of Kent County Council and had discussions with the Local Government Boundary Commission regarding the two ways in which an electoral review could be initiated within the borough. Councillor Rankin reminded members that an all member survey had also been circulated which looked to gauge the amount of time members spent on council duties and through engagement with constituents, and the results of those returned were considered by the Group.

The report concluded that it was not necessary for the Council to ask the LGBC to undertake a review and that, based on the predictions for the borough's electorate up to 2020, an intervention review would not be triggered. In addition, based on the responses received from the consultation exercises, the Group considered that there was not a clear evidence base for recommending either increasing or decreasing the number of councillors at this time.

Councillor Rankin then advised that the Task and Finish Group had agreed that there was an argument for the Council to reconsider its position regarding whole council elections.

The benefits of such an arrangement were set out for members' information in the report, and included achieving a savings of £195,000 over a period of eight years. It was noted that if the resolution was passed then the earliest point at which whole council elections could be implemented would be 2019.

Councillor Rankin proposed the recommendations, which were then seconded by Councillor Chapelard.

The Mayor took a vote on recommendation (1) which was agreed unanimously.

With regard to the second recommendation, Councillor Holden stated that he supported the proposal to move to whole council elections as it encouraged greater long term planning by the Council and maintained stability, in addition to the financial savings that would be achieved. He added that the system would be more democratic, as members should connect with their residents at any time not just during the election process, and it would reduce the risk of election fatigue.

Councillor Dr Hall expressed a different view. She made the point that most years there was an election of some form, which generated a cost anyway. If it remained as election by thirds, Councillor Dr Hall claimed that it was less likely there would be an election petition and this borough already had a substantial amount of stability. She also stressed the benefit of maintaining knowledge within the Elections Team if elections continued to be held by thirds, as well as having a mix of experienced and newly elected councillors.

Councillor Bulman considered that there should be a public consultation initially before the councillors debated the issue.

Councillor Jukes mentioned the Devolution Bill that would be emerging in due course and warned members that this would affect both the borough and the county. He considered that there was insufficient information at this stage to make an informed decision on whether this Council moved to whole council elections. Councillor Stanyer agreed that any decision should be delayed until the impact of devolution was known, and suggested that the proposal be turned down.

Councillor Patterson suggested that recommendation (2) in the report be amended to read " That the Council supports consultation on whole council elections, based on the work". This was seconded by Councillor Lewis.

Councillor Holden supported the amendment as suggested by Councillor Patterson. He considered that any possible impact that devolution might have on the Council was too far into the future and therefore the consultation should be based upon what exists at the present time.

In response, Councillor Oakford argued that the devolution timetable could possibly be quite short and therefore there was a danger that public expectation could be raised and the Council would not be in a position to deliver.

Councillor Rankin warned of devolution being a red herring and considered that the residents should be consulted on how they would like to see their members elected.

The Mayor then took a vote on recommendation (2) as amended.

AMENDMENT LOST

Councillor Chapelard reinforced the savings that would be achieved by moving to whole council elections. He stated that officers had been required to make significant cuts and therefore he considered that councillors should do the same.

The Mayor then took a vote on the original recommendation (2).

MOTION LOST

RESOLVED –

- (1) That the Local Government Boundary Commission for England is not asked to undertake an electoral review of Tunbridge Wells Borough at this time; and
- (2) That a move to whole council elections is not supported at this time.

Reason: The Task and Finish Group were of the opinion that it was not necessary for the Council to ask the LGBC to undertake an electoral review.

VOTE CARRIED

CIVIC COMPLEX - ASSEMBLY HALL THEATRE MANDATE NEXT STEPS

FC41/15 Councillor Jukes presented a report illustrating the Council's ambition to deliver a new and improved theatre for the town. The report outlined the objectives of the feasibility work undertaken, the main issues (including the shortlisted options) and identified the potential delivery option to enable progression to the next stage. Members were advised that a wide consultation had already taken place with the Town Forum, Civic Society and other interested parties and unanimous support had been received for the proposals.

It was noted that there was a significant period of work, including procurement, to be carried out prior to decisions that would enable the construction phases. Councillor Jukes stated that the new theatre would take approximately 24 months to construct and thereafter commission, and that the Council's replacement offices would be delivered within an 18 month period. It was noted that once the Council had relocated into its new office accommodation and the theatre was operational, then it was assumed the redevelopment within the civic site would commence.

Councillor Jukes mentioned that devolution would have an impact on how the Council worked in the future. In response, Councillor Rankin questioned whether the Council required new offices in the light of the anticipated devolution. Councillor Hastie supported this view and added that the Council should not be spending money on new offices if the future was unclear.

Councillor Williams expressed concern that the project was overly ambitious to build the offices and the theatre at the same time and address the funding gap.

Councillor Neve offered his support for this project and stated that the new offices would have lots of offer the town and the community. Councillor Munn also supported the proposal and was pleased with the funding that had been achieved. He sought reassurance that the staffing needs would be successfully managed, as well as any risks on the operation identified in the Development Plan.

Councillor Chapelard confirmed the support of the Liberal Democrats for the civic complex. Councillor Lewis also supported the development and stated that he was especially looking forward to having a new theatre.

In response to Councillors Rankin and Hastie's comments Councillor Jukes explained that the new building would be an investment for the town, regardless of whether the Council offices would be situated there.

The Mayor then took a vote on the recommendations. A recorded vote was requested.

Those in favour of the recommendations:

Councillors Backhouse, Barrington-King, Basu, Bland, Bulman, Chapelard, Mrs Cobbold, Dawlings, Elliott, Gray, Hamilton, Heasman, Hills, Holden, Horwood, Huggett, Jamil, Jukes, Lewis, March, McDermott, Moore, Munn, Neve, Noakes, Nuttall, Oakford, Ms Palmer, Patterson, Podbury, Rankin, Scholes, Scott, Simmons, Sloan, Mrs Soyke, Stanyer, Tompsett, Mrs Thomas, Uddin, Weatherly, and Williams.

Those abstaining:

Councillors Dr Hall and Hastie.

RESOLVED –

- (1) That it be agreed in principle to seek to deliver a new theatre to replace the existing Assembly Hall Theatre and commission a design for the new theatre building;
- (2) That it be agreed in principle to seek to vacate the Town Hall and relocate the Council's office accommodation and civic function to the Mount Pleasant Avenue site;
- (3) That the current funding gap and need to consider the broader financial implications be noted;
- (4) That the appropriate steps be taken to secure a development partner(s);
- (5) That it be noted that Cabinet have authorised the Director of Planning & Development, in consultation with the Leader of the Council, the Portfolio Holder for Finance for Governance and the Section 151 Officer:
 - i) to undertake the required work via the appointment of consultants to commission design and cost advice for the theatre building;
 - ii) to undertake the required work via the appointment of consultants to identify the most appropriate development option for the areas identified to include preparing an EU compliant procurement timetable and specification reflecting the preferred option and delivery mechanism to secure a development partner;
 - iii) to approve the required funds for professional expertise to progress and deliver the work identified from the Development

- Programme budget; and
- iv) to ensure that the Development Advisory Panel is engaged as appropriate during the delivery of the work.

Reasons for recommendations: It is considered that a development agreement should be structured combining delivery of the civic site redevelopment with one or potentially both public buildings. The Council would have to pay a development management fee to a development partner to co-ordinate these projects but it would then mean that during the procurement it could test how much risk the market is willing to bear and to also push for blended returns across both development and contracting components. These should be lower than the aggregate of the two (or three) components in isolation. Provisions would need to be carefully drafted dealing with overage, and procurement process (as well as tender acceptance) for the public building(s). Adopting this approach will require the Council to undertake work to develop the offer and test the market more coherently.

VOTE CARRIED

COUNCIL TAX REDUCTION SCHEME

FC42/15 Councillor Barrington-King introduced the report which provided details of the Local Council Tax Reduction to be applied during 2016/2017. He explained that the scheme provided a mechanism to reduce the council tax liability for low income households, through a means tested process which varied the level of award dependent on income and household composition.

Councillor Munn expressed his dis-satisfaction with the scheme. He considered that those groups most disadvantaged would be the vulnerable people in the borough. He mentioned that Food Banks had increased since last year.

In response Councillor Horwood argued that this scheme provided a mechanism to reduce the council tax liability for low income households, through a means tested process which varied the level of award dependent on income and household composition.

Councillor Barrington-King explained that no change was proposed to be made to the scheme, which had been in operation during 2014/15. The scheme adopted was endorsed by Kent County Council and the other major preceptors, with the same model adopted throughout Kent, with some local variations. By adopting the "County" scheme the Council received £125,000 per annum towards the cost of administration from the major preceptors. Councillor Barrington-King added that there would be a range of welfare reform changes implemented during 2016 which would reduce the income available to many low income households and therefore there would be a Kent-wide review of the scheme during 2016/17 for this reason.

The Mayor then took a vote on the recommendations.

RESOLVED –

- 1) That the Council Tax Reduction Scheme be maintained from 1 April 2016 at its current level;

- 2) That the Director of Finance and Corporate Services be given delegated authority to make such technical changes as are necessary to maintain the effective operation of the scheme; and
- 3) That the Council contributes towards the planned county wide review of the scheme and alternative schemes to be implemented for 2017/18 and requests a further report on progress of the review in March 2016.

REASONS FOR DECISIONS:

The Council has to decide on the level of funding to be made available to support low income households meet their council tax liabilities, whilst balancing the wider interest of council tax payers within the Borough.

VOTE CARRIED

REVISED STATEMENT OF PRINCIPLES FOR GAMBLING ACT 2005 POLICY

FC43/15 Councillor Backhouse, Chairman of the Licensing Committee, presented a report explaining that the Council's current Statement of Principles for the Gambling Act 2005 expired in January 2016. He advised members that the proposed policy had been approved by the Licensing Committee at its meeting on 1 December and was materially the same as the existing policy.

Councillor Backhouse informed members that the policy would need to be updated and reconsidered to take account of the recently published Gambling Commission's 5th edition of guidance, which came out too late for it to be properly considered as part of the review of the Council's existing policy.

Councillor Backhouse then proposed the recommendation, which was then seconded by Councillor Sloan.

RESOLVED –

- (1) That the interim amendments to the Council's current Statement of Principles for the Gambling Act 2005 Policy be approved; and
- (2) That a further consultation be undertaken on the Commission's 5th edition final Guidance issued to licensing Authorities in the New Year.

REASONS FOR DECISION:

This would enable the Authority to continue to have a 'fit for purpose' policy in place until a more detailed review is considered.

VOTE UNANIMOUSLY CARRIED

COMMON SEAL OF THE COUNCIL

FC44/15 **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.

FC45/15 DATE OF NEXT MEETING - 24 FEBRUARY 2016

NOTE: The meeting concluded at 8.10 pm.

