

## **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, 27 September 2017

### **PRESENT:**

**The Mayor Councillor Mrs Julia Soyke (Chairman)**  
**Councillors Backhouse, Barrington-King, Dr Basu, Bland, Bulman, Chapelard, Mrs Cobbold, Dawlings, Elliott, Gray, Hamilton, Hannam, Heasman, Hill, Hills, Holden, Horwood (Vice-Chairman), Jamil, Lidstone, Mackonochie, March, 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), Mark O'Callaghan (Democratic Services Officer) and Keith Trowell (Senior Lawyer and Deputy Monitoring Officer)

### **APOLOGIES FOR ABSENCE**

FC26/17 Apologies were received from Councillors Dr Hall, Hastie, Huggett, Jukes, Lewis-Grey and McDermott.

### **DECLARATIONS OF INTEREST**

FC27/17 No declarations of disclosable pecuniary or significant other interest were made.

### **ANNOUNCEMENTS**

FC28/17 The Mayor noted that Royal Tunbridge Wells had received 12 awards in the South East in Bloom competition including winner of the Kent County award and gold award recipient and overall winner in the Large Town category. Royal Tunbridge Wells had been entered into the Britain in Bloom competition for 2018.

Councillor March, on behalf of the Leader and members of the Cabinet, congratulated the Mayor on her successful programme of events. She advised that the Council had recently hosted the second jobs and training fair which was held at the Assembly Hall Theatre on 17 September 2017. The fair attracted over 30 employers and 330 job seekers. She added that there were 645 recipients of Job Seekers Allowance in the Borough meaning an unemployment rate of 0.9 per cent.

The Chief Executive had no announcements.

### **MINUTES OF THE MEETING DATED 26 APRIL 2017**

FC29/17 The Mayor noted that the minutes dated 26 April 2017 should have been approved at the previous meeting but were omitted in error. No amendments were proposed.

**RESOLVED** – That the minutes of the meeting dated 26 April 2017 be approved as a correct record.

## MINUTES OF THE PREVIOUS MEETING DATED 26 JULY 2017

FC30/17 Councillor Williams commented that he had made a deliberate statement at minute FC20/17 which highlighted that £15 million capital had been received through land sales and that amount was approximately what was needed to fund renovations to the existing Town Hall as an alternative to the proposed new Civic Centre. He wished that this be included in the minute. The Mayor advised that the minutes were a summary and not intended to provide a verbatim record. The Chief Executive suggested that, as the minute was not incorrect, Councillor Williams' comments be noted in the subsequent minutes. Councillor Williams agreed.

No further amendments were proposed.

**RESOLVED** – That the minutes of the meeting dated 26 July 2017 be approved as a correct record.

### QUESTIONS FROM MEMBERS OF THE PUBLIC

FC31/17 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

FC32/17 The Mayor advised that there were three questions pursuant to Council Procedure Rule 10.

#### 1. Question from Councillor Bulman

“Given the overwhelmingly negative response from a recent survey undertaken in one of the wards in Tunbridge Wells concerning the current proposals for a new Civic Centre and Theatre, why does the Council persist in not allowing the residents of the Borough a proper say in the matter through a referendum, instead of relying on consultations that merely purport to provide a balanced and unbiased view?”

If the leadership is to assume that the recent survey was in some way unrepresentative of the views of the whole Borough – notwithstanding the recent 2000 strong petition and the many negative letters in the press – how is the Council going to really judge whether the citizens of the Borough are supportive of this scheme?”

#### Answer from Councillor Moore

“As councillors we must balance the needs of our local area, our residents and voters, community groups, local businesses and the Council.

Ours is an important community leadership role and one where we must respond to and investigate day-to-day concerns within our ward whilst also planning strategically for the long term good of the Borough.

As Councillor Bulman knows, at the last Full Council meeting in July all councillors debated whether to hold a Borough-wide referendum before making their final decision on the proposed civic development. Twenty five councillors voted against doing so, eight voted in favour.

Throughout the process the Council has engaged with various stakeholder groups to seek their views on the proposed development and indeed a number of changes have been made to the project to address concerns voiced by local residents.

Since becoming Portfolio Holder for Civic Development Communications I have worked with officers to ensure we hear from our diverse communities across the Borough, providing them with the facts to offer an informed opinion.

As ward councillors we should be replicating this within our wards and speaking to residents to understand and address their concerns. Through the Five Year Plan we have a mandate for this project and we should now manage it to ensure the best outcome for the Borough.”

### **Supplementary question from Councillor Bulman**

Councillor Bulman acknowledged that the Council had engaged in consultation and sought the views of many people, but felt that there had not been a proper mandate from the people. He asked why the Council was afraid of finding out what the people want.

### **Response from Councillor Moore**

Councillor Moore commented that councillors were elected in a representative democracy to represent the people and make informed decisions, taking together the views of residents and the available evidence. It was a councillor’s duty to make an informed, evidence based decision after receipt of the RIBA Stage 3 report at the December 2017 meeting.

## **2. Question from Councillor Chapelard**

“Can the Portfolio Holder give the number of days in which the legal limit for pollution was breached along the A26 for each of the last 3 years?”

### **Answer from Councillor Dr Basu**

“The two pollutants of interest are nitrogen dioxide and small particulate matter (PM10).

For small particulate matter there is an annual mean limit of 40 micro grammes. This level has not been exceeded since 2014 to the end of August 2017.

For small particulate matter there is also a 24 hour mean limit of 50 micro grammes which must not be exceeded on more than 35 days a year. In the last three full years the number of days where the mean level exceeded the limit has been less than 35 days. The actual number of days in the last three full years 2014, 2015 and 2016 was 13, 10 and 10. For the current year to the end of August 2017, the mean level has exceeded the limit on 9 days.

There is no daily legal limit for nitrogen dioxide. There is, however, an annual mean limit of 40 micro grammes. In the last three full years 2014, 2015 and 2016 the recorded value was 48 micro grammes, 44.4 and 44. For the current year to the end of August 2017, the recorded value was 42.

There is also a one hourly mean limit of 200 micro grammes. This limit has not been exceeded since 2014 to the end of August 2017.”

### **Supplementary question from Councillor Chapelard**

Councillor Chapelard asked whether the Portfolio Holder was aware of the advice of the Chief Environmental Officer for the Borough that there would need to be a reduction in traffic on the A26 of 20-35 per cent in order to bring pollution to below the legal limits. He further asked what the Portfolio Holder intended to do to achieve the reductions and what would be the implications of such actions.

### **Response from Councillor Dr Basu**

Councillor Dr Basu advised that the Air Quality Management Plan was in the process of being reviewed.

### **3. Question from Councillor Chapelard**

“At the recent meeting of the Overview & Scrutiny Committee the Portfolio Holder for Planning and Transportation said that Tunbridge Wells could not have a Park & Ride service because of a lack of dedicated bus lanes. Can the Portfolio Holder confirm this is Tunbridge Wells Borough Council’s official position?”

### **Answer from Councillor Reilly on behalf of Councillor McDermott**

“The Council’s current position on Park & Ride is set out in the Borough’s Transport Strategy which will shortly be revisited.

Feasibility work undertaken in 2013 focused on the A26 and A264 corridors and advised that for a Park & Ride scheme to be successful the following would need to happen:

1. To persuade residents to switch away from their cars a shorter Park & Ride journey time was a prerequisite along with a reduced travel cost.
2. Both a reduction in current bus journey times and a frequent bus service would be needed.
3. Road widening would be needed in order to provide dedicated bus lanes. These are needed to accelerate current bus journey times and reduce ongoing congestion. This would be more difficult to achieve in certain locations within the Borough.
4. A significant reduction in the availability of long stay parking within the town centre would be needed to incentivise using public transport – the magnitude of this was not quantified at the time of the strategic review.
5. Following on from this point a significant reduction in on-street free parking within walking distance of the town centre would also be required. This would need to be supported by the introduction of new extended resident parking zones – again the extent of this was not quantified in the study.

6. The Park & Ride scheme would need to be priced on a subsidised basis to make it commercially attractive to residents and bus companies alike.
7. Employers would need to actively support the scheme and incentivise their employees to use public transport. This would need to be underpinned by withdrawal of employer-provided free parking.

In summary, the 2013 study advised it was not feasible to introduce a Park & Ride scheme along these corridors at that time. However, Park & Ride will be reviewed again as part of the Transport Strategy update when transport and parking issues will again be considered to support the new Local Plan. There will be opportunities to input in to this review in the normal way.”

### **Supplementary question from Councillor Chapelard**

Councillor Chapelard commented that many towns and cities, including Oxford, Exeter, Winchester, Chester and Salisbury, had Park & Ride without dedicated bus lanes. He questioned the judgement of the previous review and hoped progress would be made to reduce pollution and the Council’s reliance on parking income.

### **Response from Councillor Reilly**

Councillor Reilly noted that there was no question to answer.

## **REVISED FIVE YEAR PLAN 2017-2022**

FC33/17 The Mayor advised that this item was brought forward on the agenda as later business flowed from the Five Year Plan.

Dr Robert Banks, resident of Royal Tunbridge Wells, had registered to speak.

Dr Banks questioned the need for a new Plan given the incomplete work from the previous plan. The new Plan focused on the Civic Development despite no decision to proceed having been made. The supporting documents stated that any further projects arising from the consultation on the Plan would require a robust business case but there had been no such business case set out for the projects included in the Plan. Although there had been only six responses to this consultation there had been over 115 responses to the consultation on the Civic Development but there appeared to be no recognition of those responses in this Plan. There was little in the Plan for the rural areas. The revised Plan sought to retrospectively support projects which were already underway.

Councillor Dr Basu commented that the revised Plan set out the overarching aims of the Council. The revision was desirable as some of the projects had been completed ahead of schedule and there had been significant changes in the local government landscape. The Council could be proud of its successes including Grosvenor and Hilbert Park, dualing the A21 and North Farm improvements, The House flexible business space and working with Southborough Town Council to bring forward the community centre. The revised Plan had been subject to several rounds of consultation with Members, the public and partners, details of which were set out in full at the appendices. Members had had many opportunities to contribute to

developing the Plan providing a robust and clear strategy. He moved the recommendations set out in the report.

Councillor March seconded the motion and reserved her right of reply.

Councillor Holden commented that the Plan was a manifesto for the town and included little for the rural areas; it also omitted anything of substance on the most pressing issues of overdevelopment and congestion. He disagreed with the proposals to alleviate housing demands by destroying the countryside, adding that whilst a new settlement was the least objectionable solution it should not be attributed the status of desirable. The Council should do more to resist the Government's housing targets particularly in the face of broken promises on devolution and localisation. The Council's commitments on assisting a community centre in Cranbrook did little to repair the damage caused previously and were paltry in comparison to the resources applied to the Civic Development.

Councillor Hannam commented that those parishes who responded to the consultation were less than supportive. Despite repeated calls, a recycling centre in the east of the Borough had not made it into the Plan on the argument that it was a Kent County Council matter. However, it was believed that the Borough Council could do more to lobby the County Council, mandate those Members who were also members of the County Council to push for action, or help find appropriate sites. Making a recycling centre a priority in the Plan would give a strong message and impetus. He moved an amendment to add the words: That page 19 of the Plan, under the Recycling heading, include the words, "The Council will work with Kent County Council to ensure a recycling site is established in the east of the Borough to help meet the 50 per cent recycling target."

Councillor Dawlings commented that he had chaired an Overview and Scrutiny Task and Finish Group looking into waste and recycling, adding that the proposal was consistent with the outcomes of that review. He seconded the amendment.

The Mayor advised that members were now debating the amendment.

Councillor Holden supported the amendment and commented that whilst he had raised the matter with the County Council the full support of the Borough Council would carry more weight. A recycling centre in the east of the Borough would help residents recycle more and reduce traffic.

Councillor Backhouse said that he was disappointed that the County members had not had more success in providing a suitable site.

Councillor March noted that such a proposal had not been made at either of the Cabinet Advisory Board meetings or at Cabinet. She added that the word "ensure" in the proposed amendment was too strong and it was not within the gift of the Borough Council to ensure a recycling site was provided.

Councillor Elliott recalled his previous experience in waste management and commented that there had been calls for a recycling centre in the east of the Borough for 20 years. Kent County Council had a statutory responsibility for the provision of waste and recycling facilities and the County members should do more.

Councillor Hannam interjected that Councillor Holden had raised the issue of a recycling centre for the east of the Borough at the meeting of the Finance and Governance Cabinet Advisory Board. The Mayor determined that it was not a valid point of order.

Councillor Neve supported the amendment in so far that there should be a recycling centre in the east of the Borough but commented that civic amenities had been devolved to parish and town councils therefore the proposed amendment was contrary to the recent direction of policy.

Councillor Dr Basu, as the mover of the original motion, waived his right of reply on the amendment.

Councillor Chapelard requested a recorded vote.

Members voting in favour of the amendment: Councillors Bland, Bulman, Chapelard, Dawlings, Elliott, Gray, Hannam, Hill, Holden, Lidstone, Munn, Neve, Noakes, Ms Palmer, Sloan, Stewart, Uddin and Williams. (18)

Members voting against the amendment: The Mayor (Councillor Mrs Soyke), The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Barrington-King, Mrs Cobbold, Hamilton, Heasman, Hills, Mackonochie, March, Moore, Nuttall, Oakford, Podbury, Rankin, Reilly, Scholes, Stanyer, Mrs Thomas, Weatherly and Woodward. (21)

Members abstaining from voting: Councillors Dr Basu, Jamil and Simmons. (3)

#### **AMENDMENT LOST**

Debate returned to the original motion.

Councillor Moore referred to posters that had recently appeared in Calverley Grounds which showed pictures of councillors with disparaging remarks. She commented that she welcomed robust debate but bullying was not acceptable. Councillors were not professionals and there needed to be mutual respect from both sides. In respect of the Five Year Plan she commented that the Plan set out the Council's overall direction and that other strategies dealt with specific issues, for example, the Borough's housing needs were addressed in the Local Plan and all councillors could attend meetings of the Planning Policy Working Group. She added that it was appropriate to review strategic plans regularly to take account of changing circumstances. She supported the recommendations.

Councillor Williams supported the previous comments against personal attacks on councillors. He questioned whether a decision should be deferred in view of new information which had only recently become available.

Councillor Stewart could not support the Five Year Plan as it failed to address the pre-eminent issue of the unreasonable housing targets and the damage it would do to the character of the area. Also, she did not support the Civic Development. She added that the Planning Policy Working Group should meet in public so that people could appreciate the scale of the issues around housing.

Councillor Bulman supported the previous comments against personal attacks on councillors. He did not support the Five Year Plan as it sought to endorse the Civic Development retrospectively before a decision had been made and failed to address the detrimental housing targets.

Councillor Simmons commented that whilst he had no objection to most of the content of the Plan he could not vote for it in the face of the opposition to the Civic Development expressed by residents of Southborough North.

Councillor Oakford supported the Plan and added that Tunbridge Wells was at risk of stagnating without a clear plan to drive the town forward. All organisations and business regularly refreshed their plans to take account of changing situations. Housing was a challenge which needed to be addressed with central government but that did not preclude action in other areas.

Councillor Munn supported the previous comments against personal attacks on councillors and noted that the Plan only spoke in terms of “exploring the delivery” of the Civic Development.

Councillor Neve referred to comments made in the consultation responses which suggested that the current buildings were fit for purpose. He commented that based on his experience as Mayor, and having been aware of many areas behind the scenes that the public may not appreciate, the Town Hall and Theatre were in a poor state and beyond economic repair. He would support the Plan and urged members to reserve judgment on the Civic Development until the full picture was available in December 2017.

Councillor Backhouse endorsed the comments of Councillors Oakford and Munn. He added that the Plan provided a direction but was not set in stone and did not commit the Council to any course of action.

Councillor Stanyer commented that whilst it may be reasonable to be reactive to the problems with housing, the Plan was a separate issue and provided a proactive vision for the area. Projects may or may not come to fruition but the Plan set out the direction in which the Council wanted to travel.

Councillor Chapelard commented that a Plan should set out the issues that were vital to the future of the Borough. He referred to a statement from Kent County Council in which an effective and appealing pedestrian and cycling network was considered vital to the future of the town. He welcomed certain aspects of the Plan but was concerned by the absence of infrastructure issues addressing the major problems of congestion and pollution.

Councillor Hamilton supported the previous comments against personal attacks on councillors. She commented that it was important to have a set of aspirations and a focus on what could be achieved. Housing targets were imposed from central government and transport was the responsibility of Kent County Council. The Council should try to work with other organisations but these issues were not valid reasons to reject the Plan.

Councillor Barrington-King commented that he strongly supported efforts to provide a recycling centre in the east of the Borough and would have voted for the amendment had it not been for the use of the word “ensure”. He added that there had been many opportunities for members to contribute to the Plan which provided a roadmap from which more detailed plans could come in the future. He welcomed the pragmatic approach adopted by some members and



noted that whilst there may be elements that not all members agree with the document as a whole was robust and needed.

Councillor Reilly supported the Plan and commented that transport infrastructure was not within the remit of the Borough Council. He cited a recent example where infrastructure improvements had been achieved through lobbying of the County Council.

Councillor March commented that the Plan provided a direction based on culture which drove economic activity. The projects were general in nature and a focus on sports encouraged healthy lifestyles. She urged members to support the Plan as a general statement of principle.

Councillor Dr Basu, as the mover of the motion, replied. He welcomed the debate and noted his disappointment at the lack of action on the recycling centre given the influence some members held at Kent County Council. As a member of the KCC Local Board he was aware of the general lack of resources but would continue to press for such a facility wherever possible. The local polls conducted by certain members in respect of the Civic Development were statistically insignificant and should not carry disproportionate weight.

Councillor Williams interjected that the referendum in Sherwood ward was not yet complete.

Councillor Dr Basu continued that many of the issues raised during the debate had either been addressed in the consultation report or would be taken into account as policy was developed in the future. The Council remained responsive to changing circumstances. There were past successes that the Council could be proud of but it also needed to invest in the future. In addition to the big projects the Plan also recognised the many day-to-day services which contributed to making Tunbridge Wells a great place to live.

Councillor Chapelard requested a recorded vote.

Members voting in favour of the motion: The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Barrington-King, Dr Basu, Bland, Mrs Cobbold, Dawlings, Elliott, Hamilton, Heasman, Hill, Hills, Jamil, Mackonochie, March, Moore, Munn, Neve, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Rankin, Reilly, Scholes, Sloan, Stanyer, Mrs Thomas, Uddin, Weatherly and Woodward. (32)

Members voting against the motion: Councillor Bulman. (1)

Members abstaining from voting: The Mayor (Councillor Mrs Soyke), Councillors Chapelard, Gray, Hannam, Holden, Lidstone, Simmons, Stewart and Williams. (9)

## **RESOLVED –**

1. That the revised Five Year Plan 2017-2022, as set out at appendix A to the report, be adopted; and
2. That the contents of the equalities impact assessment and associated actions be noted.

## CIVIC DEVELOPMENT PLANNING FRAMEWORK

FC34/17 Dr Robert Banks, resident of Royal Tunbridge Wells, had registered to speak.

Dr Banks believed that the consultation on the proposed Framework was flawed as only one of the 115 responses appeared to have been taken into account. He had been advised by the Planning service that many of the responses were in relation to the Civic Development which was a separate issue to the Planning Framework, he felt this distinction may not have been appreciated by those who attended the public exhibition or completed the online consultation. The relevancy criteria for accepting comments as part of the consultation were not set out in the consultation but were used to reject non-compliant responses. The previous Five Year Plan, which had been the main manifesto on which councillors had been elected since 2014, contained no reference to the Civic Development and thus there was no mandate for the project. The Framework consultation was the first public consultation to reference the Civic Development so was confusing at best and misleading at worst. He added that the Civic Development proposals were at variance with the Borough Site Allocation Plan, adopted in 2016, which stated that “any proposals affecting the Town Hall would be expected to retain significant features such as main entrance, staircase and council chamber in situ and allow for their continued use for civic functions and other compatible uses”.

Mr Nick Pope, Chairman of Friends of Calverley Grounds and resident of Royal Tunbridge Wells, had registered to speak.

Mr Pope commented that he had submitted comments to the consultation not fully understanding the separation between the Framework and the Civic Development. He added that he had conducted his own assessment of the feedback received and provided a summary which had been distributed to all members. There were an overwhelming number of negative comments, with the only area of positivity being in relation to the Culture and Learning Hub. It had taken a considerable amount of time to consider the consultation documents and provide feedback so if the comments were not to be taken into account in the Framework document they should at least be considered separately, otherwise, he questioned the purpose of the consultation.

Councillor Reilly commented that the Framework was intended to supplement the existing planning guidance in relation to specific sites within the town centre area. If adopted, it would have the status of non-statutory guidance and would be a material consideration when determining any future planning applications. The Framework had been amended in response to relevant comments to the consultation and it was proposed that further amendments be made and a consultation be commenced giving the Framework statutory status as a Supplementary Planning Document. He moved the recommendations set out in the report.

Councillor March seconded the motion and reserved her right of reply.

Councillor Moore commented that the report had been through a robust democratic process, through several Council committees and public consultation. Whilst the number of consultation responses was higher than normal it was not statistically significant to be representative. There had been many calls for a holistic approach to town centre development. The Framework provided further guidance to bring together proposals to maximise the benefits for the town’s residents and she supported the recommendations.

Councillor Chapelard questioned the need for the Framework and noted that it contained some sites not owned by the Council but omitted the most critical site of the former Cinema. This was a piecemeal rather than holistic approach which sought only to legitimise the Civic Development and was a missed opportunity to address urgent issues. The Council should not disregard the comments made in the consultation.

Councillor Stewart questioned the value of the consultation process given that responses often seemed to be ignored.

Councillor Hill commented that the Labour party were not opposed to the principle of the Civic Development but reserved judgement until the financial details were known. She added that she supported a referendum before a final decision.

Councillor Williams warned against ignoring the consultation responses as doing so may give the impression of unresponsiveness; he was aware that already there was significant mistrust. He believed that the recent judicial review into the decision on a town centre planning application, being the first of its kind locally, was indicative of a general failure by the Council to listen to its constituents.

Councillor Bulman commented that the Framework only sought to legitimise the Civic Development. He questioned the arguments against the legitimacy of a referendum and noted that there were many members of the Council who won their seat with only a small proportion of the vote. The comments made in the consultation should not be dismissed on a technicality.

Councillor Backhouse noted that all consultation responses had been published in full. He added that claims that the Civic Development would result in increases in Council Tax were misleading as rises were capped by law and any increases above the cap would require a referendum which would be uneconomically expensive. He added that he would look very carefully at the financial details of the Civic Development when they were published but that he supported the principle of investing through a new town hall and theatre.

Councillor Heasman thanked Mr Pope for his summary of the consultation and noted that the total number of responses was too low to be representative. He commented that he had looked closely at the actual responses and felt that the comments were too varied to draw any consensus of opinion. He added that people were generally more likely to make the effort to object than to show support. The biggest problem was still a lack of awareness; in his experience most people – after having discussed the proposals – were in favour. He commented that the most important part of the motion being debated called for further updating of the Framework and consultation before adoption as a Supplementary Planning Document, without which there was no alternative plan for the town centre.

Councillor Simmons commented that he was conscious not to debate the merits of the Civic Development but that he would make such comments at the appropriate time. He did not oppose the Framework.

Councillor Bland sought confirmation that supporting the Framework did not pre-empt any future decision on the Civic Development. He maintained an open mind pending receipt of the RIBA Stage 3 reports.

Councillor Stanyer commented that parts of the document were weak and did not sufficiently tackle issues such as traffic but the deficiencies did not obviate the Framework as the principle was to inform decision making.

Councillor Neve supported the earlier comments of Councillors Bland and Stanyer and added that a decision on the Civic Development should be reserved until the meeting in December 2017. There were many misunderstandings and misrepresentations around the Civic Development and the RIBA Stage 3 process needed to be completed to allow an informed decision.

Councillor Rankin thanked Mr Pope for his comments on the consultation and expressed concern that there may have been confusion about its purpose. Future consultations must be made more accessible and clear. She added that many of the comments received opposing the plans advocated the alternative of renovating the current site, however, there had been no such support for the renovations the last time it was debated. From this, and other examples, it could be concluded that people were far more likely to express their opposition than their support. She supported the Framework.

Councillor March endorsed the comments of the previous few councillors and supported the Framework.

Councillor Reilly, as the mover of the motion, replied. He commented that the Five Year Plan was strategic and did not commit the Council to any of the projects. Furthermore, the Framework was not the business case for the Civic Development and a full debate would be had at a future date. He advised that the former cinema site had not been included in the area covered by the framework as the Site Allocations Local Plan 2016 had previously allocated the site in a separate 'Area of Change' and noted that the two sites were unlikely to come forward at the same time, as was the case. He explained that the process establishing the Framework had been ongoing since it was initiated in 2013. A Further Options Study, which reported in October 2015, identified 13 different options for replacing the Assembly Hall Theatre and progressing other town centre opportunities. The final option had been brought to Full Council in December 2015 where it had been supported by all councillors, bar two. He reminded members that the Framework supplemented existing policy and ensured a comprehensive approach to each site. Many of the documents which made up the existing Local Plan were in need of updating and the Framework sought to guide the form and quality of any future developments in the town centre.

Councillor Chapelard requested a recorded vote.

Members voting in favour of the motion: The Mayor (Councillor Mrs Soyke), Councillors Backhouse, Barrington-King, Bland, Mrs Cobbold, Dawlings, Elliott, Gray, Hamilton, Heasman, Hills, Holden, Jamil, Mackonochie, March, Moore, Neve, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Rankin, Reilly, Scholes, Sloan, Stanyer, Mrs Thomas, Uddin, Weatherly and Woodward. (31)

Members voting against the motion: Councillors Bulman, Chapelard, Lidstone and Williams. (4)

Members abstaining from voting: The Deputy Mayor (Councillor Horwood), Councillors Hannam, Hill, Munn, Simmons and Stewart. (6)

**RESOLVED –**

1. That the consultation responses received in respect of the draft Planning Framework be noted;
2. That the revised draft Planning Framework be adopted to inform decision making, as a material planning consideration, in regard to planning applications; and
3. That the draft Planning Framework be further updated by the inclusion of content in regard to delivery and be subject to further public consultation as a draft Supplementary Planning Document.

**CRESCENT ROAD CAR PARK EXTENSION**

FC35/17 The Mayor noted two exempt appendices as part of the report and advised that if any member wished to discuss such information they would need to do so in closed session.

Mrs Jennifer Hemming, of Calverley Park Gardens Residents' Association, had registered to speak.

Mrs Hemming commented that the Residents' Association had been formed to address safety issues around Calverley Park Gardens and Carrs Corner. Kent County Council had acknowledged the seriousness of the issues and were undertaking a feasibility study in the area. Difficulties for pedestrians, congestion and damage to the road infrastructure would be made worse by increased traffic using the car park. The Council's own strategies supported modal shift to sustainable travel; more car parking was contrary to that strategy. Investment should be to the benefit of all residents and businesses but further congestion would be detrimental and dangerous.

Mrs Jane Fenwick, Chair of the Transport Working Group, Royal Tunbridge Wells Town Forum, had registered to speak.

Mrs Fenwick commented that the additional car parking was not needed and any perceived need as a result of the Civic Development was premature. There was sufficient capacity in other car parks in the north of the town and adding traffic to this area would exacerbate the already congested routes. If just part of the money being spent on the extension was spent on supporting the sustainable travel modes agreed in existing transport strategies there would be a substantially lower demand for car parking and there would be greater benefit towards the Council's priority of supporting healthy lifestyles. Cyclists would have difficulty accessing the proposed cycle stands positioned on a busy thoroughfare which should be enhanced rather than diminished. Vehicle usage was changing with a greater reliance on on-demand services and the investment could prove to have been wasted in the near future.

Mr Peter Wooster, resident of Tunbridge Wells, had registered to speak.

Mr Wooster commented that key parts of the report were exempt which prevented residents from having a meaningful discussion with their councillors. The framework for procuring a contractor was not specified. Claims for the need for more parking were not consistent with statements that there was ample parking capacity made in respect of a town centre hotel planning application, which gave the impression that arguments were arranged to suit the Cabinet's agenda regardless of whether they were

contradictory. Furthermore, such claims were not quantified and in large part attributed to the loss of parking as a result of the Civic Development leading members to make premature and subjective decisions rather than decisions based on evidence. The proposed feasibility study of alternative parking sites appeared to be incomplete and members were urged to reject the proposals until this was provided. If members were minded to approve the proposals they should, at least, ensure the electric bicycle stands were expedited and there be more than just lip-service to reducing pollution such as provision of more electric vehicle charging points.

Mr Ben van Grutten, resident of Tunbridge Wells, had registered to speak.

Mr van Grutten commented that if the Civic Development went ahead then the additional parking proposed to accommodate the displaced vehicles would not be in the right place. Whilst personal attacks on councillors were unacceptable they were, nevertheless, a symptom of disenfranchisement. The frustration must be significant as such protests were unprecedented in Tunbridge Wells. The proposed extension to the car park was premature at best and a suspicious elector may believe that it was a stealth tactic to further the likelihood of the Civic Development being approved. The extension was not needed, key information such as the impact of season tickets on the pay-back period was missing and there was a lack of joined up thinking in respect of sustainable transport methods and environmental factors. There being no new electric vehicle charging points and only limited new bicycle stands together with proposed changes to waste collection services gave a poor message to residents. There was growing mistrust and frustration at a perceived lack of transparency.

Councillor Reilly noted that the report had been supported by Cabinet on 14 September 2017. He moved the recommendations set out in the report.

Councillor March seconded the motion and reserved her right of reply.

Councillor Neve expressed concern with some of the language of the report. He was not satisfied that the extension would be needed unless the Civic Development was approved and moved an amendment to the effect that a decision be deferred until after the Civic Development decision on 6 December 2017. The Chief Executive, having consulted the Deputy Monitoring Officer, advised that a valid amendment could only add or omit words and must not have the effect of negating the motion. He added that if members were so minded they should vote against the motion. Councillor Neve sought guidance on the correct procedure that would facilitate delaying a decision.

Councillor Bulman suggested that adding the word "deferred" to each of the recommendations would have the desired effect. The Deputy Monitoring Officer clarified that an amendment may a) refer the matter to a relevant body or person; b) to leave out words; c) to leave out words and add others; or d) to add words, provided that the effect does not negate the motion. The recommendations in the report had been moved and adding "deferred" would have the effect of negating the motion, therefore the motion could not be amended in that way.

Councillor Bulman asked whether the matter could be referred to the next meeting of the Full Council. The Chief Executive advised that a procedural motion under Council Procedure Rule 13.10.5 could be moved to adjourn a debate.

Councillor Bulman moved that the debate be adjourned.

Councillor Neve seconded the motion.

The Chief Executive, having consulted the Deputy Monitoring Officer, advised that had there been significant debate on the original motion the procedure rules allow that the Mayor may refuse the adjournment, however, as the original motion had not been debated the procedural motion would be voted upon without further debate.

Councillor Neve requested a recorded vote.

Members voting in favour of the motion: Councillors Bulman, Chapelard, Hill, Hills, Lidstone, Munn, Neve, Noakes, Ms Palmer, Rankin, Scholes, Simmons, Sloan, Stewart and Williams. (15)

Members voting against the motion: The Mayor (Councillor Mrs Soyke), The Deputy Mayor (Councillor Horwood), Councillors Backhouse, Bland, Mrs Cobbold, Dawlings, Elliott, Hamilton, Hannam, Heasman, Holden, March, Moore, Nuttall, Oakford, Reilly, Stanyer, Uddin and Weatherly. (19)

Members abstaining from voting: Councillors Barrington-King, Gray, Mackonochie, Podbury, Mrs Thomas and Woodward. (6)

#### **MOTION LOST**

Councillor Neve expressed his dissatisfaction.

Councillor Chapelard sought leave to move to refer the matter to the Overview and Scrutiny Committee as an appropriate body in accordance with Council Procedure Rule 12.4. The Chief Executive, having consulted with the Deputy Monitoring Officer, advised that the Overview and Scrutiny Committee would not be a valid appropriate body as the locus for this matter was Full Council.

Debate returned to the original motion.

Councillor Bulman commented that the process reaffirmed the cynicism of the public as members were being asked to take a decision predicated on a decision which had not yet been made. Whether the extension was needed or not was itself debatable but, in any case, the timing was wrong.

Councillor Stanyer commented that the matter was not dependant on the Civic Development. The fact of people traveling into town in cars was unlikely to change in the near future and the additional car parking was needed now. There were significant developments in town which would increase the demand on car parking and it was prudent to build the extension simultaneously with the maintenance work.

Councillor Bland noted that there had been considerable debate at the Planning and Transportation Cabinet Advisory Board meeting where the expansion of on-street parking restrictions had been established as the main driver behind the proposals. 1,000 on-street parking spaces would be displaced, most of which would be to the car parks. The additional parking spaces were needed regardless of the Civic Development.

Councillor Hamilton endorsed the comments of Councillors Stanyer and Bland. She added that the justification for the extension was increased demand from the extension of on-street parking restrictions as agreed in the Parking Strategy with the aim to help alleviate congestion. It was cost effective to undertake the extension at the same time as the essential maintenance.

Councillor Barrington-King commented that, in view of his position as Chairman of the Joint Transportation Board and the ongoing work with residents' groups around Carrs Corner, he would be abstaining on the vote.

Councillor Moore mentioned that she had been working with residents to reduce speed and HGVs using inappropriate routes around Carrs Corner but that those issues need not be conflated with the extension of the car park. Crescent Road car park was popular so was the right place for expansion. There had been no investment in car parking for 25 years and businesses were calling out for more spaces. The timing made sense to fit in with the essential maintenance. The Council had been proactive in encouraging walking and cycling, bidding for funding wherever possible.

Councillor Lidstone commented that the Portfolio Holder for Planning and Transportation had linked the car park extension to the Civic Development at a meeting of the Town Forum. He questioned the likelihood of those who had previously parked on-street for free now choosing to pay for car park permits. He felt that people would be prepared to walk further to avoid the charges. Contrary to the Council's usual good standard of reports the present report contained a number of unsubstantiated claims and assumptions. There was a changing culture of car ownership which would mean cars would not be parked in town centres all day by the time the extension was paid-off, therefore, the business case was not robust.

Councillor Heasman sought to clarify that the sufficient parking mentioned earlier in respect of the town centre hotel was specifically referring to overnight parking. During the day capacity was limited. He added that recent claims for a changing culture of car ownership were based on short-term variations and a well intentioned wish for less polluting vehicles. However, more could be achieved through developing cleaner vehicles than replacing all the infrastructure for electric vehicles which would require doubling the electric grid size and many more power stations. In any case, more car parking was needed now regardless of the Civic Development. By way of example he noted that Cavlerley House would soon be converted to residential and on-street parking permits were already over capacity.

Councillor Hannam commented that he would not support the proposals if they were linked to the Civic Development but agreed there was a need for car parking in the town. He added that transport links to the rural areas meant that car travel was the only practical option.

Councillor Scholes confirmed that the Portfolio Holder for Planning and Transportation had linked the proposed extension to the Civic Development. He added that recent experience would suggest that the car park was under-used so may not generate the projected revenue.

Councillor March interjected that specific figures, referred to within the exempt papers, should not be discussed in open session.



Councillor Hill commented that it was unfortunate that the Council was building car parks rather than social housing and that the state of public transport meant that car parking was necessary. She reluctantly supported the proposals.

In response to a query from Councillor Woodward the Mayor advised that members of the public should not be conversing with members during the debate.

In response to a query from Councillor Podbury the Chief Executive reminded members of the Planning Committee that they were able to contribute to the debate in line with previously issued advice.

Councillor Sloan commented that residential streets near the town centre were overcrowded and it was the intention to extend parking restrictions which was likely to have the effect of moving most of the vehicles to the town centre car parks. The timing was unfortunate and association with the Civic Development was inevitable; he would abstain from the vote.

Councillor Rankin noted that the report stated one of the reasons for the extension was to facilitate future development. It was, therefore, difficult not to associate this with the Civic Development. People visiting the extended Royal Victoria Place were likely to use the Royal Victoria Place and Meadow Road car parks where there was plenty of capacity. She added that she was disappointed that the opportunity to improve the visual aspect was not being taken which had long been an aspiration at a site opposite Grade 2 listed buildings. She would be abstaining on the vote.

Councillor Chapelard implored members to make an evidence based decision. He noted that the report made several unsubstantiated claims including that there was a need to provide additional spaces but provided no evidence of such a need; that the refurbishment work would go out to tender but provided no indication of the cost to demolish the current structure and rebuild; that the extension would support the economic development of the town but failed to quantify the benefit; that the proposals supported the Council's healthy Borough priority but there was no cost / benefit analysis and the 26 new cycle stands were unlikely to offset the increased pollution and congestion. He added that the project may be funded from reserves but questioned whether this was wise considering the impending Civic Development. The report mentioned a need arising from future developments but gave no specific examples, yet the Portfolio Holder for Planning and Transportation had linked the extension to the Civic Development on several occasions. The expected investigation and feasibility studies into alternative sites had not been completed so there was no evidence that Crescent Road was the most appropriate site. The Council's own figures showed that there was spare capacity in other town centre car parks so there was no need to spend on an extension.

Councillor March interjected that figures must not be discussed in public session. The Chief Executive advised that any figures mentioned in the exempt papers must not be discussed irrespective of whether it was believed that the information was in the public domain.

Councillor Chapelard continued and noted that the A264 past the entrance to Crescent Road car park was the narrowest A-road in Kent and he questioned

the sense in adding congestion to the area. If members were minded to defer the matter until after the Civic Development question and pending further evidence they should vote against the motion.

Councillor Woodward expressed concern at the connection with the Civic Development, particularly as the report had been written by the Civic Development Manager, and would have liked that the matter be considered once the Civic Development had been decided.

Councillor March commented that Tunbridge Wells needed to present itself as an attractive place for businesses and there was already demand for further staff season tickets to enable existing businesses to remain in the town. Whilst a move to more sustainable transport was encouraged, cars were still necessary in many cases. The Crescent Road car park was undergoing essential maintenance so this was the right time to consider the extension. She added that Councillor McDermott was not present to clarify but may have been imprecise in what he said; the additional parking was necessary regardless of the Civic Development. Meadow Road car park had limited access and was not suitable for the larger vehicles; there was also demand for up to half the car park being given over to season ticket holders. The additional bicycle spaces and potential for electric bicycle stands should be welcomed.

Councillor Lidstone interjected that the projected cost of the proposed extension had been quoted in the public papers for the enabling decision made in February 2017.

Councillor Reilly, as the mover of the motion, replied. He commented that the refurbishment work had already been agreed and if the Council was so minded the extension would be carried out in tandem. This was also an opportunity to improve a much maligned grot-spot, gain some benefit from an otherwise economically inactive area and enhance the value of existing assets. The extension would relieve the immediate need to provide for displaced vehicles. The matter had been widely discussed at two of the Cabinet Advisory Boards where little objection was voiced. Vibrant towns needed an abundance of parking to support shoppers, local workers, commuters and residents. According to Department of Transport figures car ownership was actually increasing as public transport reduced. The rate of car ownership in South East England had significantly increased to 56.1 per cent. More sustainable alternatives to the car were likely to be far into the future and needed to be prevalent before car parking was reduced. Cycling was encouraged and more bicycle stands would be provided both at Crescent Road car park and elsewhere. Town centre car parks provided 2,866 car spaces, of which 1,188 were dedicated to season ticket holders. An average 832 of the remainder were occupied by long-stay parkers, which left just 846 for short-stay visitor parking. Once Union House car park closed the numbers would be reduced. A request for 100 season tickets had been received from a business needing the spaces to be able to remain in the town, further such availability would be key in attracting new businesses to the town. Unemployment was very low in the Borough meaning many employees had to travel in from outside. The extension would also provide wider spaces for larger vehicles without the need to provide other infrastructure.

Councillor Chapelard requested a recorded vote.

Members voting in favour of the motion: Councillors Backhouse, Bland, Mrs Cobbold, Dawlings, Elliott, Hamilton, Hannam, Heasman, Hill, Hills, Holden, Mackonochie, March, Moore, Munn, Noakes, Nuttall, Oakford, Ms Palmer, Podbury, Reilly, Stanyer, Mrs Thomas, Uddin and Weatherly. (25)

Members voting against the motion: Councillors Bulman, Chapelard, Lidstone and Scholes. (4)

Members abstaining from voting: The Mayor (Councillor Mrs Soyke), The Deputy Mayor (Councillor Horwood), Councillors Barrington-King, Gray, Sloan, Rankin and Woodward. (7)

**RESOLVED –**

1. That the Crescent Road Car Park extension project, designed to RIBA Stage 3 (Developed Design) in accordance with Cabinet Decision CAB157/16 on 9 February 2017, be approved;
2. That funds be made available to procure and deliver the project up to a capital cost detailed in Exempt Appendix A plus VAT; and
3. That authority to procure, deliver and complete the project be delegated to the Head of Economic Development and Property in consultation with the Leader, the Portfolio Holder for Finance and Governance, the Director of Finance, Policy and Development (S.151 Officer) and the Monitoring Officer.

**APPOINTMENT OF MONITORING OFFICER**

FC36/17 Councillor Reilly moved the recommendations set out in the report.

Councillor Weatherly seconded the motion.

There being no comments, the Mayor sought the affirmation of the meeting.

**RESOLVED –**

1. That Patricia Narebor be appointed as the Monitoring Officer for the Council with effect from 28 September 2017;
2. That it be noted that Patricia Narebor was appointed as the Head of Mid Kent Legal Partnership on 1 September 2017; and
3. That the Head of Legal Partnership be authorised to exercise the delegated functions and responsibilities relating to the Head of Legal Partnership as set out in the Council's Constitution.

**APPROVAL OF TIMETABLE OF MEETINGS 2018/2019**

FC37/17 Councillor March moved the recommendations set out in the report.

Councillor Reilly seconded the motion.

There being no comments, the Mayor sought the affirmation of the meeting.

**RESOLVED –** That the Timetable of Meetings for 2018/19, as at Appendix A to the report, be agreed.

**URGENT BUSINESS**

FC38/17 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**

FC39/17 **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**

FC40/17 It was noted that the next meeting of the Full Council would take place on Wednesday 6 December 2017 at 6.30pm.

**NOTES:**

Councillor Dr Basu left during FC34/17 prior to the vote.  
Councillor Jamil left at the start of FC35/17 prior to the procedural motion.  
Councillors Neve, Simmons, Stewart and Williams left during FC35/17 prior to the final vote.  
The meeting concluded at 9.50 pm.