

## 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, 17 July 2019

### PRESENT:

**The Mayor Councillor James Scholes (Chairman)**  
**Councillors Atkins, Atwood, Backhouse, Barrington-King, Bailey, Dr Basu, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Funnell, Hamilton, Hayward, Hickey, Hill, Horwood, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Poile, Pope, Pound, Rands, Reilly, Scott, Mrs Soyke, Stanyer, Mrs Thomas, Thomson, Warne, Williams, Willis and Woodward**

**IN ATTENDANCE:** William Benson (Chief Executive), Patricia Narebor (Head of Legal Partnership) and Mark O'Callaghan (Scrutiny and Engagement Officer)

### APOLOGIES FOR ABSENCE

FC19/19 Apologies were received from Councillors Fairweather, Dr Hall, Holden, Podbury and Simmons.

### MINUTES OF THE MEETING DATED 24 APRIL 2019

FC20/19 **RESOLVED** – That the minutes of the meeting dated 24 April 2019 be approved as a correct record.

### MINUTES OF THE MEETING DATED 22 MAY 2019

FC21/19 **RESOLVED** – That the minutes of the meeting dated 22 May 2019 be approved as a correct record.

### MINUTES OF THE MEETING DATED 17 JUNE 2019

FC22/19 **RESOLVED** – That the minutes of the meeting dated 17 June 2019 be approved as a correct record.

### DECLARATIONS OF INTEREST

FC23/19 Councillor Pope declared an 'Other Significant Interest' and recused himself from motion 3 under item FC29/19 on the basis that his wife owned a flat in Grove Hill House which was adjacent to, and affected by the Compulsory Purchase Order related to, the Calverley Square development. He also noted that comments attributed to him at the previous meeting had been taken out of context.

Councillor Ms Palmer noted that she was a director of Tunbridge Wells Property Holdings Limited but that as she did not benefit financially from the office this did not constitute a beneficial interest.

### ANNOUNCEMENTS

FC24/19 The Mayor announced:

- Details of the Mayor's civic activities had been circulated separately.

The Leader announced:

- Questions raised under the standing item 'Questions from Members of the Council' that were of a factual nature could easily be raised with the relevant officer.

Councillor March announced:

- British Land had released plans to change Ely Court into a food and entertainment market due to open in late summer. This was on top of an £11m refurbishment of Royal Victoria Place.
- Elysian Residences had confirmed they would be starting work on the former cinema site by the end of the year.
- These updates and other similar developments demonstrated confidence in Tunbridge Wells.
- Applause Rural Touring, an arts and community organisation based in Southborough, had secured £525k Arts Council funding for a project called 'In Crowd'.

## **QUESTIONS FROM MEMBERS OF THE PUBLIC**

FC25/19 The Mayor advised that seven questions from members of the public had been received under Council Procedure Rule 8.

### **1. Question from Dr Robert Chris**

In relation to climate change, does the Council have any policies regarding greenhouse gas removal or adaptation?

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

The Council adopted the Kent Environment Strategy in October 2016 and through the strategy we aim to address the risks, impacts and opportunities from environmental and climate change, whilst delivering wider economic and health opportunities. To this end we have worked in partnership with Kent to develop the draft energy and low emission strategy, which is currently out for public consultation, with actions aimed to reduce our carbon emissions not just across our Borough but for our own activities.

The draft Local Plan, on which consultation will take place from September to early November 2019, proposes a strategic climate change objective and draft policies that cover a range of issues including climate change adaptation, sustainable design and construction and transport design and accessibility.

#### **Supplementary question from Dr Robert Chris**

How could carbon neutrality be achieved without greenhouse gas removal? If there was not a policy for adaptation, what did the Council consider its responsibility to be to mitigate the effects of climate change?

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

The International Panel on Climate Change (IPCC) report which I suggest you might like to read. The Government is taking full action from what the IPCC are asking – which is quite right, if we don't take this forward, and go at the rate we are going, the temperature will go up by 3 degrees. A 2 degrees

rise would cause havoc all round. The Government has got a very big plan. Kent County Council and Medway Council have joined in and are planning in great depth. Also, we have to understand that by 2031 it is anticipated that there will be 180,000 new homes and nearly 400,000 extra people, a 24 % increase from 2011 levels. Increase in local economy 170,000 jobs by 2031, a 21% increase from 2011 levels in line with forecast operation growth. If it is a clean growth – which you are aiming for, which hopefully I also think will probably take place – this will be very good for us. Basically we, as individuals and as a Council, are trying our best to do things, but it will be a huge effort by all people and that should take place which includes promoting walking, cycling and in London they have started using scooters. I suggest you read the article because the Government has got a detailed plan, not the scope of this place, if you want to know something you can ask our officers, they will be able to tell you.

## **2. Question from Robert Atwood**

Whilst the Council is to be congratulated on finally including in its risk register under the risk scenario no 10 – Calverley Square - the following risk “Lack of political support to deliver the scheme”, not having included it in its previous report only recently considered in April this year, am I right in assuming that the impact of the local elections has at last caused members and officers alike to wake up to the very real fact that there is significant public opposition to the project, and that steps will be taken immediately to mitigate that risk?

## **Answer from Councillor Dawlings**

The Risk Register is reviewed on a regular basis and changes to the risk, implications and mitigations are considered each time. The revised strategic risk register was published at the last Audit and Governance meeting on 2 July. Also published was the April refresh report on the risk registers which retained for example Calverley Square but removed a number of strategic risks with new strategic risks being identified. It was highlighted in the April refresh report that there was good engagement and flow of information to local residents. As a result the Resident Engagement risk was removed. Calverley Square was also updated accordingly recognising that the wider community and political engagement. You will also note that the CPO risk was changed to legal challenge to the CPO. The next strategic risk register will see this removed as no legal challenge to the CPO was made.

In terms of mitigation and responding to the motions agreed by Full Council on the 17 June 2019, the Leader has already written to and met with opposition groups who agreed that it was sensible to take no decision either way on Calverley Square until the information on the RIBA Stage 4 designs, construction cost and future of the existing Civic Complex has been received. The Leader of the Council has also invited opposition group leaders to provide their thoughts and ideas on how the Council can improve its engagement in this area.

I also understand that the Chairman of the Town Forum is seeking to set up an ‘Advisory Panel’, bringing together representatives of parish and town councils and businesses to look independently into the Calverley Square proposals, possible alternative solutions to addressing the issues associated with the Town Hall and Assembly Hall, to understand the concerns associated with the Calverley Square project and what can be done to address those concerns. We welcome this initiative and will seek to support

the Panel in its work. Given the full Council motions we would expect other parties to engage in the process as well.

### **Supplementary question from Robert Atwood**

I understand the quote from the Audit Committee's papers that there is no legal requirement for the authority formally to monitor risks, however would you not agree that it would be reckless not to do so and, having said that, can you explain why the Calverley Square Risk which is a Red Risk amongst a total of 5 Red and 5 Amber strategic Risks has actually been downgraded from a Risk score of 15 to a score of 12 in the last quarter and despite the very real risk that the project may be aborted with significant wasted costs likely to amount to at least £10m or more and far exceeding the original budget.

### **Answer from Councillor Dawlings**

I am sure I don't have to explain to Mr Atwood the processes that the Council follows to monitor their risks. Clearly there is a risk in Calverley Square and that is why we monitor it. It is Red because it is a major risk and the process will continue. I think there is a point though, one of the risks for Calverley Square was a risk concerning the Compulsory Purchase Order and that has not been challenged so that is a risk that has now gone away. I can assure you that these risks are monitored and will continue to be monitored.

### **3. Question from Sue Diales**

The Mayor advised that as the questioner was not present, a written answer would be given.

Please would you tell me why Calverley Park Gardens Resident Association has been to every JTB meeting, written untold emails, spent hundreds of hours in meetings and on the phone to county and borough councillors for 30 mph speed signs and no lorry signs and still nothing is in place? The councillors have all agreed they are needed. When will this council get its act together and listen and act FOR the residents? Will you help us?

### **Answer from Councillor McDermott**

The Council is aware of the concerns of the residents of Calverley Park Gardens and has passed these concerns on to KCC which is responsible for Highways matters.

KCC had confirmed the following:

- Two advanced directional signs were installed last week – directing traffic for the A228 and A21 via the A264 Calverley Road rather than through Calverley Park Gardens. One sign is at Carr's Corner and one is near the multi-storey car park exit on Crescent Road
- Destination markings have also been painted on the carriageway at Carr's Corner, again directing traffic heading for the A228 and A21 via the A264 Calverley Road and away from Calverley Park Gardens
- A blue advisory HGV sign was also installed at the Pembury Road end of Calverley Park Gardens in the last year

- There is still further work to do to replace a lit bollard and a replacement kerb near the bollard. No date for this work has been confirmed

In addition, TWBC Officers were currently preparing a Local Cycling & Walking Infrastructure Plan and this Plan will include proposed measures to improve walking and cycling along Calverley Park Gardens and Calverley Road into the town centre, as well as for a number of other routes around the town.

#### **4. Question from Justin Fletcher**

Could the Overview and Scrutiny Committee be instructed to examine why the Public Realm Improvement scheme in Monson Road and Mount Pleasant Road went ahead without proper and comprehensive consultation with town centre traders who form the backbone of this town?

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

The Council's Overview and Scrutiny Committee agrees its own work plan. The Council engaged with the public, businesses and local groups and the plans for the scheme were widely publicised in the local media, in LOCAL our own Council newsletter and on social media. The individual traffic restrictions were also the subject of formal consultation, the outcome of which was considered by the Joint Transportation Board.

#### **Supplementary question from Justin Fletcher**

Thank you for the blanket response and the social media and general areas where you advertise the changes you plan to make to our town. Do you not think it would have been better to actually consult with the residents who are going to be dramatically affected by the new rat run created, York Road, Dudley Road and Newton Road, and the businesses whose footfall will be dramatically affected, Monson Road, Camden Road and Mount Pleasant Road? And before you answer, I have spoken to all of the businesses and a lot of the residents, and no direct consultation was ever engaged by the Council.

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

Actually that is not true, because I know personally, people not only from our Council, Kent County Council Officers have gone and discussed matters with many, many people who have businesses on that road, and we always do. We cannot escape public consultation; we have to do it for every case.

#### **5. Question from Sue Luck**

This question is asked on behalf of traders on Monson Road and area; would you do what we all want and not implement the restricted access proposed for Monson Road and Mount Pleasant Road under the Public Realm Improvement scheme until full completion of the Amelia Scott Project?

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

Your suggestion has been considered in detail however the restrictions between 9am and 6pm are integral to the design of the scheme and the

management of subsequent traffic flows. The scheme, with its wider pavements, narrowed road width and less through traffic aims to enhance the area for pedestrians, creating more footfall.

Not introducing the restrictions will create congestion during the daytime, with buses and cars utilising the same space – and particularly with cars and buses attempting to pass other buses picking up passengers.

The reduced carriageway width of the junction at the traffic signals would also create congestion without the planned change to traffic flows. Operating the scheme without the restrictions could also lead to issues with pedestrian safety due to a higher number of vehicles using the area than planned.

Joint Transportation Board meeting in January where the traffic restrictions had been approved TWBC and KCC had committed to undertake a review of the scheme following 12 months of operation. The review will consider traffic flows, pedestrian and shopper opinion as well as views from local businesses and residents.

#### **6. Question from Dr Robert Chris**

How is the spending to date of more than £10 million on Calverley Square project justified in terms of the National Audit Office Value for Money effectiveness criterion? Please note that a reference to past clean VfM certificates from the external auditors will not suffice as an answer to this question since these reports do not cover all the expenditure. The answer should proceed from the NAO's definition of effectiveness and identify the ways in which the Chief Financial Officer considers this expenditure to fall within that definition.

#### **Answer from Councillor Scott**

The Value for money of the Calverley Square project has been independently evaluated by a number of third parties including the Council's external auditors - not just through annual audit letters but also through a nine-month investigation in response to an objection submitted by Dr Chris, CIPFA (the Chartered Institute of Public Finance and Accountancy) and the High Court. Most recently the issue was considered by an independent planning inspector at the CPO public inquiry and he concluded that: "the economic benefits of the scheme are significant and weigh in favour of the conclusion as to whether or not there is a compelling case in favour of the compulsory purchase order."

#### **Supplementary question from Dr Robert Chris**

My question was explicitly to do with the effectiveness criterion. Councillor Scott hasn't made any reference to that, the various supposed endorsements he referred to again do not actually do what he says they did. I would just like to ask him if he could explain to the Council now what exactly the National Audit Office effectiveness criterion says, what it means.

#### **Answer from Councillor Scott**

I think that your request is far better actually by looking at the actual detailed paperwork which I am more than happy to organise to have sent to you.

## **7. Question from Dr Robert Chris**

This question concerns the properties acquired since 2018 as part of the Council's income generating investment portfolio:

- a) How many properties has the Council bought since 2018 as part of its income generating investment portfolio and how much in total has been spent on them?
- b) Given the wide range of properties in the borough available to buy to rent, please describe the research undertaken to establish that the flats in Grove Hill House were more attractive investment properties than others available on the market. Please confirm whether this research is in the public domain or is exempt and available for review by Councillors.
- c) Please list the benefits that the Council enjoys by letting these properties on 22 year leases to its wholly-owned company, Tunbridge Wells Property Holdings Ltd, which then rents them to tenants?

## **Answer from Councillor Scott**

- a) The Investment Portfolio has been in place since around 2012 and is part of our wider strategy to diversify the Council's income streams. The Council has acquired 8 properties for investment purposes since 2018. Apartments 10,18,13, 23 Grove Hill House, 3-7 Camden Road, 45-53 Calverley Road, 5 Calverley Road and 6 Grosvenor Road. These properties represent a total investment of £2.69 Million.
- b) All properties that have been purchased have been purchased in accordance with the Constitution. Under that process officers of the Council prepare appropriate reports that Councillors decide upon. All the purchases made were approved by the Council. Officers in the Estates Team are constantly looking at the market place to identify any suitable investments that may become available. Independent valuations are obtained as part of this process.
- c) The Company provides assured shorthold tenancies, allowing flexibility for tenants and better management for the Council that will meet local demand for privately let housing. These benefits will also apply to the Council's existing property portfolio and Officers would be able to review which properties may be appropriate to lease to a company. By managing the properties through a separate legal entity, to minimise the risks associated with management of the dwellings, especially where the property letting is outsourced and the use of a company will help to ensure transparency of the costs of operation to the shareholder.

## **QUESTIONS FROM MEMBERS OF THE COUNCIL**

FC26/19 The Mayor advised that eight questions from Members of the Council had been received under Council Procedure Rule 10.

### **1. Question from Councillor Hill**

The Overview and Scrutiny Reduction of Single Use Plastic Working Group made the recommendation to install water fountains in key areas of the Town.

Can you say if any drinking water fountains have been installed or are planned to be installed?

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

From discussions with British Land about their £11 million refurbishment of RVP and Elysian's development of the cinema site both are considering installing water fountains.

Royal Tunbridge Wells Together Business Improvement District is also exploring options for water fountains in the town centre. Discussions have started with the water company about providing assistance with this.

We are working with the Friends of Dunorlan to find a location for a water bottle filling station in the park and we have plans bottle filling stations in The Grove and St John's Park.

### **Supplementary question from Councillor Hill**

In Britain we get through £8b single use plastic bottles of water each year with only a fraction being recycled. Could we look at doing what many towns are doing, and put one in the centre of our town, now would perhaps be the time to put one in front of the Amelia Scott Cultural Hub for the students who could fill their water bottles up with that?

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

Yes, we can certainly do that. But also, I am sure you are aware of, Government is already on the way to resolving this issue. They are going to do this charge for these bottles, and are trying to find a better way of doing it and how this charge will be repaid. So that will be more effective, than putting plastic bottles here and there.

### **2. Question from Councillor Warne was withdrawn**

### **3. Question from Councillor Rands**

In the early July, TWBC announced that survey work was being carried out in Calverley Grounds; however it was unclear why they were there. Could the Cabinet explain what the purpose of this survey was?

### **Answer from Councillor Scott**

The Council is completing 'RIBA Stage 4' of Calverley Square. As part of this the Council is undertaking scheduled archaeological investigation in compliance with the planning conditions. This work carried out on the 4 July was non-intrusive geophysical investigation. You may be familiar with this from Time Team. The survey work included a gradiometer (a cart which was pulled/pushed across the area) scanning the area non-intrusively. In addition a GPR (Ground Penetrating Radar) survey was also undertaken.

The Geophysical Survey undertaken was to try to locate a well shown on the 1st edition Ordnance Survey map. Preliminary results from the Ground Penetrating Radar Survey show that the well has been located within the approximate position of the well shown on the mapping, however further processing and a report will be produced in due course. The detailed gradiometer survey attempted across the remainder of the site was less successful due to the number of services within the site.



#### **4. Question from Councillor Lidstone**

To date, how many residents have subscribed to the Council's new opt-in garden waste service?

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

As of 6pm today we have received 9,156 subscriptions for the new service. With the introductory offer closing in two weeks recent demand has been exceptionally strong with 481 subscriptions alone being taken up yesterday.

It might be helpful to use this opportunity to remind residents that the £10 off offer closes on 2 August so I'm sure that councillors will be encouraging their residents who want the service to take advantage of this.

##### **Supplementary question from Councillor Lidstone**

The Council target of 15,000 members of the public to sign up to the scheme, are you confident that you will reach that target?

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

Yes, actually it is not 15,000; I don't know where you got that figure from. It is around 13,000 subscriptions we are working for, which is approximately 30%. And yes, I am pretty confident that we will get it.

#### **5. Question from Councillor Chapelard**

Please could you provide: a) the total subsidy; and b) the total attendance figures for the Assembly Hall Theatre for the last 5 years ending 2018/19?

##### **Answer from Councillor March**

Year	Total Attendance	Subsidy (£)
2018/19	130,661	479,276
2017/18	146,515	346,463
2016/17	126,337	180,422
2015/16	167,878	398,304
2014/15	124,611	230,930

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

Given that Councillors were repeatedly told in the lead up to the Calverley Square development that the subsidy for the Assembly Hall was around £250,000, how does a portfolio holder account for the differences and variations from £180,000 to £479,000 in the subsidy?

##### **Answer from Councillor March**

The Assembly Hall Theatre has less than 1000 seats, but during the years 2018/19 the theatre has been able to report some good results alongside the increased subsidy and the new community work it has been delivering. So we are starting to see a different programme and the theatre's place in the community is being reinforced through the creative learning projects we are delivering. Unfortunately fixed costs like cleaning and maintenance and business rates have increased and it's becoming increasingly difficult to attract popular shows at commercially viable rates, which has impacted attendance and subsidy in 2018/19.

So Councillor Chapelard might also be interested to know that the 2018 box office figures recently released by the Society of London Theatre and UK Shows, show that generally while there were strong ticket sales across the country with income, average ticket price and number of performances are all up but the income dipped in smaller theatres. So the UK Theatre and Society of London Theatre (SOLT) have released data for ticket sales across their member venues in 2018. This is the first time data has been jointly released for the West End and the rest of the UK. Revealing the resilience of the UK's theatre industry, the data shows strong audience and ticket sales figures from SOLT and UK Theatre members including several new records. The figures reveal a combined audience of over 34m and ticket revenue of nearly £1.28bn, from a total of nearly 63,000 performances over the course of the year in the West End and across the UK.

London's West End theatres drew in audiences totalling over 15.5m last year, resulting in box office revenue of over £765m, both record figures and generating over £127m in VAT for the Treasury. This year saw an increase in the number of performances to nearly 19,000, up 2.8% from 2017. Hit shows including Hamilton had an impact on overall ticket sales in a very strong year for musicals, while plays experience a dip in audiences and revenue. Audiences for theatres across the rest of the country topped 18.8m, with box office of over £509m. Theatres reported a slight increase in attendances and also number of performances, up by 0.2%, as well as a rise in income and average ticket price. This was largely due to increased yield at the biggest presenting houses, but smaller producing theatres saw the largest dip in attendance. We are one of the smaller ones.

Ours is a smaller producing theatre, we saw the largest dip in attendance and revenue, so falling back in line with previous years after an unusually strong 2017. So high quality musicals, in larger, that's 1,200 and above presenting houses support our argument that if Tunbridge Wells is to continue to have a viable theatre this needs to be of a suitable size and quality.

## **6. Question from Councillor Pound**

Can the Council explain the public engagement and consultation process it has undertaken prior to moving recreational facilities into the Gallery Space in the TN2 Community Centre?

### **Answer from Councillor Mackonochie**

The museum, library and adult education buildings in Royal Tunbridge Wells are being vacated to allow work to begin on creating the new cultural and learning Hub.

As a consequence Kent County Council (KCC) will relocate the many adult education classes it currently runs in the Monson Road building to other locations during the works. To that end they approached TWBC to use the Sherwood TN2 Gallery space and kitchen area as an alternative venue and under the Cultural and Learning Hub collaborative agreement we have agreed to help them. KCC will need to start preparing the space and we expect them to require access from the end of July 2019. KCC as providers of Adult Education are responsible for consultation with their users.

### **Supplementary Question from Councillor Pound**

Can you confirm therefore that this Council has no policy that requires public engagement, consultation, officer and/or member responses to the many projects that are impacting our communities as has been confirmed quite clearly by some of the questions this evening?

### **Answer from Councillor Mackonochie**

Could you just clarify, was that all of the projects. I will have to look into all the projects, and I will respond to you duly.

### **7. Question from Councillor Pope**

What is the Council doing to look after the welfare of residents of Broadwater and nearby who will be impacted financially and health wise by the closure of the Rowan Tree GP Surgery?

### **Answer from Councillor Mackonochie**

The future of services at the Rowan Tree surgery is subject to a consultation with patients. The consultation will help inform the decision making of the NHS West Kent Clinical Commissioning Board when they consider the proposal from the Clanricarde Medical Group to amalgamate services to their premises in St John's Road. The two local ward councillors have been lobbying for the surgery to remain open and have been encouraging patients to make their views known via the consultation which closes on 7 August. As Portfolio holder I will be raising this issue with the CCG prior to their Primary Care Commission meeting where the proposal will be considered.

### **Supplementary question from Councillor Pope**

If they do decide to close the surgery, how will the Borough Council be impacted by the closure of it and will it put additional strain on the services provided by the Borough Council?

### **Answer from Councillor Mackonochie**

I think that as this is a CCG decision it would be very hard at this stage to say exactly what that would be, but it would be the CCG making that decision, we don't do that. We can only lobby and I will, as I said, raise the issue with them.

### **8. Question from Councillor Pope**

What impact has the drab exterior of the Assembly Hall Theatre and lack of an open box office inside the entrance had on ticket sales and the subsidy of the theatre?

### **Answer from Councillor March**

There has been no specific research commissioned to understand the link between the fascia of the building and relocation of box office services and their impact on attendance and subsidy.

The box office service was relocated in January 2017, and in the 2017/18 financial year attendance was higher than the previous year. Online bookings

increased from 53% to 80 per cent. In the same period box office revenues increased from £1.74 million (16/17) to £2.01 million (17/18). This suggests that there was no negative impact, but this is not the basis of any direct research.

The change in delivery of the box office service enabled the creation of the Creative Learning department which has since February 2017 engaged with over 8000 participants (not included in attendance figures), working on projects such as free Youth Theatres in Sherwood and Cranbrook, a dementia and isolation project for the elderly, a variety of schools and arts based projects to mention a few.

### **Supplementary question from Councillor Pope**

Most retailers and other businesses understand the need for changing their displays regularly to attract customers, and showcase their latest products. Why isn't the Council promoting the shows at the Assembly Hall Theatre Canopy where all passing motorists and pedestrians can see the current and upcoming shows? A few years ago the Council was happy to spend £25,000 on hoardings around the cinema site to promote the rest of the Borough.

### **Answer from Councillor March**

If I might just correct you there, actually the hoardings were £22,000, and they have been there for quite a long time, and also they have advertised a lot of what is going on throughout the Borough. The canopy you mentioned, no flower beds or planters can be placed immediately outside the Theatre as this poses an evacuation and general risk, hanging baskets are ordinarily present to the left and right of the canopy, one has recently been taken away for repair. Anything larger than a couple of hanging baskets are likely to require listed buildings consent and such works are likely to incur significant expense. The canopy was risk assessed and it was decided that the risks are too great for decoration on top of it and the manual operation of the lettering, so any future works would be subject to both listed building consent and health and safety. But you know, I am sure if elected members were minded to mobilise themselves and fundraise for the work, the Theatre team would embrace the contribution and see what they could actually do.

## **AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT 2018/19**

FC27/19 Councillor Barrington-King moved, and Councillor Reilly seconded, the recommendation set out in the report.

The debate on the motion included the following points:

- The final decision maker, as noted in the report, had changed from Cabinet to Full Council.
- The Committee formed an integral part of the Council in delivering services by acting on behalf of residents, holding councillors and staff to account regarding the important decisions and providing an essential check on corporate governance.
- The Committee was independent and had direct access to the Council's direct Auditor.
- In the forthcoming year, the Committee would:
  - aim to be constructive and critical, taking the views of the public when the Council take important decisions;

- help monitor external and internal audit activity;
  - review and comment on the effectiveness of the Council's regulatory framework and facilitate the approval of the Council's annual statement of accounts; and
  - Create a strong organisational culture to support the work and add value to policy decisions with the aim of an efficient delivery of public services.
- To support this work, and especially for new members, a new programme of Continuous Professional Development had been introduced that aimed to help new members perform their role effectively, regardless of party and contribute to the effectiveness of this Committee.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Audit and Governance Committee Annual Report 2018/19 be noted.

### **OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT 2018/19**

FC28/19 Councillor Dawlings moved, and Councillor Woodward seconded, the recommendation set out in the report.

The debate on the motion included the following points:

- The Committee was a back-bench challenge to the executive.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Overview and Scrutiny Committee Annual Report 2018/19 be noted.

### **MOTIONS ON NOTICE**

FC29/19 The Mayor advised that in a change to the agenda papers, an alternative cross-party motion had been put forward to replace Motion 1 and Motion 2. The meeting consented to the change by affirmation.

The Mayor further advised that in taking this forward, and to allow the six members of the public who had registered to speak on the two previous motions, it was necessary to pass a motion to suspend and replace the procedural rules on speaking to extend the time.

Councillor Scholes moved, and Councillor March seconded, the motion: "That during the consideration of the alternative motion at item 11 on the agenda, Council Procedure Rule 19.2.1 be suspended and replaced as follows: The total time limit allocated to members of the public for speaking on an item on the agenda is 18 minutes."

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That during the consideration of the alternative motion at item 11 on the agenda, Council Procedure Rule 19.2.1 be suspended and replaced as follows: The total time limit allocated to members of the public for speaking on an item on the agenda is 18 minutes.

### **Alternative Motion (combined Motion 1 and Motion 2)**

Councillor March moved, and Councillor Everitt seconded the motion: “Tunbridge Wells Borough Council recognises the overwhelming weight of scientific evidence pointing to man-made climate change and the harmful impacts this is having on natural habitats and ecosystems, biodiversity and our lives in general. It notes the early work undertaken to date by the Council including efforts to promote active travel, increase recycling and the reduction of plastic usage in the Town Hall but understands it needs to do more. It recognises that it has a responsibility to take a firm lead on reducing the council’s and the wider borough’s carbon emissions and in furtherance of this responsibility agrees to:

- Declare its recognition of global climate and biodiversity emergencies;
- Set up a climate cross party task force to start a dedicated report within the fiscal year with actions that it needs to take to address this emergency including how the wider community including businesses, organisations and individuals can be encouraged to make their own contributions to meeting a goal to make the Borough carbon neutral by 2030. This report will include a plan to conduct a green audit of all council services to ensure that weight is given to the environmental and sustainability impact as well as cost and which will inform the next iteration of the Council’s five year plan;
- Ensure that forthcoming plans and strategies (including the Local Plan and the next iteration of the Five-Year Plan) set out ways in which the Council can make its contribution to reduce carbon emissions, the degradation of the environment and combating climate change by agreeing an ambition to make the Council’s operations carbon neutral by 2030;
- Lobby central government to provide additional resources and to grant the necessary freedoms to deliver the above.
- Take steps with partners to proactively include young people in the process, ensuring that they have a voice in shaping the future by setting up a Citizen’s Assembly as a way of also involving residents and businesses in the process as Climate change will have implications for generations to come.”

The following points were made in moving the motion:

- Tackling poor air quality to lower emissions had multiple benefits.
- Promoting active travel (walking and cycling) helped reduce congestion.
- Sign up to the Kent and Medway Lower Emissions Strategy that included a task to lobby Government to promote a change in behaviour by residents.
- There were a number of strategies and initiatives that the Borough could be involved to help achieve a carbon neutral status by 2030, including:
  - the Government’s Roads to Zero Strategy that includes a commitment for 50 per cent of new cars sales to have ultra low emissions;
  - the Carbon Literacy Project that helps promote awareness;
  - a Cross Party Task Force that will invite experts to help with the Committees aims; and
  - the Citizens Assembly that will target young people.
- There were only 11 years to achieve the objectives.

Dr Robert Chris had registered to speak, which included the following comments:

- Motion supported, welcomed the report that included an Audit of emissions across the Borough – essential precursor to seeing climate change targets and outlining the actions that can be sensibly achieved.
- Carbon Neutral – not possible to eliminate all emissions therefore suggest this statement is removed.
- Understanding the difference between climate change and environmental degradation – Improvements to the environment (walking, cycling, recycling etc.) help improve environment degradation and increase biodiversity, but no impact on reducing climate change. To consider these together would undermine both sets of objectives.
- Promotion of the reduction of emissions by local businesses and residents. Suggest greater reductions could be achieved in the wider community.
- Council needs to be realistic as to what it can achieve. Cannot compete at the national level.
- Task Force with a sensible remit and the necessary expertise to assess and report back in 6 months. Believe much of the information is already available. Report in 2 stages – 1<sup>st</sup>, report on the nature of the Borough's carbon emissions and ways to reduce them, 2<sup>nd</sup> stage, follow this with a consultation, public engagement with a way forward with support of the community.

Mr James Tansley had registered to speak, which included the following comments:

- Construction work at Calverley Square would show a considerable increase in emissions and the Council's carbon footprint.
- The continuation of the scheme would mean the Council could not abide by the terms of the motion. As such, the motion was good news and the termination of the Civic Complex would tackle the global climate and biodiversity emergencies and save tax payers money.

Dr Charlie Gardner had registered to speak, which included the following comments:

- United Nations body, the Intergovernmental Panel on Climate Change states that global heating should be limited to 1.5 degrees above pre industrial levels. Current projections using best available science states we were heading for 3.4 to 4.9 degrees of heating by the end of this century. The upper end of this range widely considered that organised human society would be impossible.
- Only way to keep global heating below or limit to 1.5 degrees is to achieve zero carbon emissions as soon as possible.
- Technology, skill set and public support all available now to achieve targets by 2030. Other nations moving quicker than UK to achieve a zero carbon economy.

Mr John Hurst had registered to speak, which included the following comments:

- Support the motion, and as a member of the Green Party offer their support and assistance as needed.

- Encourage the Task Force and Citizens Assembly working party is set up as quickly as possible as only when they start will details of the work needed emerge.

Ms Marieke de Jonge had registered to speak, which included the following comments:

- Support the motion.
- Agreeing to the motion will be seen as very positive in the community.
- Creating a cross party task force pivotal to creating support and firm dedication to setting out a strategy and action plans to reducing carbon emissions. And whilst becoming carbon neutral might be unachievable, setting a robust and ambitious target to give the motion a sense of urgency.
- Welcomed the Green Audit to identify the base line for progress in the reduction of carbon emissions.
- Friends of the Earth has set up a citizens advisory group and would be very happy to be included as part of the Citizens Assembly.

Miss Lily Winter had registered to speak, which included the following comments:

- Support the motion
- Would welcome the introduction of charging points throughout the Borough to encourage the use of more electric vehicles.
- Encourage the reduction of plastic by using more paper or reusable bags, including encouraging producers to use less packaging.
- Encourage the introduction of facilities that allows for the use of reusable water bottles.
- Encourage the use of solar panels and wind farms as a source of reusable energy.

The debate on the motion included the following points:

- Plans for new housing across the Borough between now and 2036 would be a challenge to persuade developers to go carbon neutral.
- Can count on the support of the Liberal Democrat Group. Recognise the importance of this issue at both national and local level. Would prefer the use of commitment rather than ambition around the term carbon neutrality but accept it in the broad intent of the motion. Council has direct control of the Borough's emissions and much more within the Borough's indirect control – clear message that there is a need to get own house in order. Various other initiatives that would help in this respect including:
  - Keen to carry on the discussion about linking vehicle emissions to the cost of residential parking permits – polluters pay more;
  - Introduce a clean air zone. A26 has illegal levels of air pollution;
  - Look at where the pension pot is being invested – investing in the extractors industry whilst at the same time spending public money on reducing carbon emissions;
  - Looking at national policies that can be implemented at the local level, including fuel duty, infrastructure investment and targeting polluters to pay; and



- Borough in a strong position to lobby Central Government through local MP.
- Need robust and achievable targets that can be measured through the 5-year Plan. Currently slightly behind what some other councils are doing – Stroud declaring themselves carbon neutral on 2015, with plans to have area wide carbon neutrality by 2030. Nottingham City Council to be carbon neutral by 2028.
- Labour group of Councillors support the motion. All have a responsibility to affect change – climate change having a detrimental effect on plant and animal life with the knock on effect of having an impact on future food supplies. Bromley aims to be carbon neutral by 2029, Tonbridge and Malling by 2030. Aspire to make Tunbridge Wells Borough Council a green borough and carbon neutral also by 2030.
- Around 40,000 deaths were attributed to outdoor air pollution in the UK. Urge the Council to develop action plans on air quality. Kent County Council and District Councils already working together on air quality through the Kent and Medway Air Quality Partnership.
- In 2011 the council was asked to support a carbon neutral target and achieved a 6% reduction in 2009/10 with a further 11% expected the following year.
- The Council should look to lobby to ensure that developers use materials that carbon capture rather than carbon release.
- The Council should lead by example and look at own carbon footprint and within the same timeframe look to reduce to zero.
- Hawkhurst NDP specifically states that resources have to be reserved.
- County-wide aim was to reduce emissions by 34 per cent by 2020 and by 60 per cent by 2030 from 2005 baseline. Latest data suggested that emissions had already been reduced by 36 per cent which has largely been achieved by UK wide decarbonisation of the National Electricity Grid and the closure of small energy intensive industrial plants in Kent. However little progress has been made in the transport sector. Emissions for Buses and HGV's have seen very little reduction; in fact there has been a rise in 2016, the highest since 2007.
- Danger of climate change and the rapid increase in temperatures across the world – threat to 8 per cent of wildlife, de-icing of Greenland and Antarctica and rising sea levels. See Report as a call for action, action plan needs to be ambitious. Council to recognise that it needs financial support and relevant expertise to take this forward. Some of the answers are an easy fix, e.g. planting more trees – making the planting of them mandatory to developers working on new housing estates.
- Important for the Council to aim for carbon neutrality – Stroud District Council was a good example. House building an issue and likely to raise Council's carbon footprint, so important to have measures included in the Local Plan and the 5 Year Plan to help address this and still keep to the target of 2030.
- Crisis needed to be addressed from international body level right down to individual level. Borough had a responsibility to take action, and this Motion started the action.
- Cross Party initiative and informed by local groups and residents. The concept of the Green Audit, a need to confirm scale of

contribution, identify the easy fixes and plan for those beyond the Borough's current ability.

- Motion also included ground work for a Citizens Assembly – which was crucial for resident engagement.

Councillor March requested a recorded vote on the motion.

Members who voted in favour of the motion: Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Dr Basu, Bland, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Funnell, Hamilton, Hayward, Hickey, Hill, Horwood, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Pope, Poile, Pound, Rands, Reilly, Scholes, Scott, Mrs Soyke, Stanyer, Mrs Thomas, Thomson, Warne, Williams, Willis and Woodward. (42)

Members who voted against the motion: None.

Members who abstained from voting: Councillor Bruneau. (1)

**RESOLVED** – Tunbridge Wells Borough Council recognises the overwhelming weight of scientific evidence pointing to man-made climate change and the harmful impacts this is having on natural habitats and ecosystems, biodiversity and our lives in general. It notes the early work undertaken to date by the Council including efforts to promote active travel, increase recycling and the reduction of plastic usage in the Town Hall but understands it needs to do more. It recognises that it has a responsibility to take a firm lead on reducing the council's and the wider borough's carbon emissions and in furtherance of this responsibility agrees to:

- Declare its recognition of global climate and biodiversity emergencies;
- Set up a climate cross party task force to start a dedicated report within the fiscal year with actions that it needs to take to address this emergency including how the wider community including businesses, organisations and individuals can be encouraged to make their own contributions to meeting a goal to make the Borough carbon neutral by 2030. This report will include a plan to conduct a green audit of all council services to ensure that weight is given to the environmental and sustainability impact as well as cost and which will inform the next iteration of the Council's five year plan;
- Ensure that forthcoming plans and strategies (including the Local Plan and the next iteration of the Five-Year Plan) set out ways in which the Council can make its contribution to reduce carbon emissions, the degradation of the environment and combating climate change by agreeing an ambition to make the Council's operations carbon neutral by 2030;
- Lobby central government to provide additional resources and to grant the necessary freedoms to deliver the above.
- Take steps with partners to proactively include young people in the process, ensuring that they have a voice in shaping the future by setting up a Citizen's Assembly as a way of also involving residents and businesses in the process as Climate change will have implications for generations to come."

Councillor Hayward raised a point of order regarding an amendment to a motion considered at a previous meeting. The Mayor, on advice of the Monitoring Officer, ruled that it was not a valid point of order.

### **Motion 3**

Councillor Hayward moved, and Councillor Atwood seconded, the motion: “Cabinet be requested to terminate the Calverley Square project with immediate effect and will not enter into any further commitments other than to manage an orderly termination of this project.”

The following points were made in moving the motion:

- RIBA Stage 4 reports had been received but were irrelevant as RIBA Stages were not concerned with the benefits of the project.
- The project had been value engineered.
- Earlier consultation could have saved significant wastage but a decision to proceed should not be based on sunk costs.
- Calverley Square was not the only way to invest in the economy.
- Top touring shows demanded guaranteed incomes which reduced the income for the theatre operators and there was an overreliance on certain shows.
- SELEP had refused funding for the project on the grounds of flaws in the plan.
- Plans were in train to consider alternatives.

Dr Robert Chris had registered to speak which included the following comments:

- Overwhelming objection to the scheme from the Borough. There would need to be only very compelling arguments for keeping the scheme going under such opposition, including:
  - The need to show no alternative proposal for dealing with the issues that Calverley Square is designed to address;
  - Calverley Square promoted as a building project and did not look at the policy outcomes that it was to deliver until a later date;
  - Policy outcomes are not the buildings but the benefits that new infrastructure is designed to bring in; and
  - Now have the opportunity to ask what the town wants to create for future generations and how that would fit in with the Borough as a whole.
- Scheme should now be terminated.

Mr Robert Atwood had registered to speak which included the following comments:

- 17 June 2019 an amended motion was passed by the council to suspend the work on Calverley Square project with a call for cross party talks in direct response to the continuing public criticism of the project. To date no meaningful meetings have been held between Cabinet and representatives from opposition parties, and little has been achieved in setting up discussions with other relevant stakeholder groups. An unacceptable position.
- Suggest that the motion was seen as a delaying tactic. Minutes of the Audit Committee meetings suggest the Council believed the project was subject to misconception by the public (minutes dated 27 November 2018).

- Talks had been offered to discuss the analysis of the project and possible alternatives – but this step has long since passed. Now time to draw scheme to a close, to admit the deficiencies and to concentrate instead on the existing Civic buildings.
- To finally remove the Calverley Square project from the agenda.

Mr Jim Kedge had registered to speak which included the following comments:

- Chairman of the friends of Calverley Grounds and speaking on their behalf and on behalf of the Defenders of Calverley Grounds to support the motion to abandon the Calverley Square Development and avoid the harm the Council are planning to inflict on the Grade 2 registered Park and Garden.
- Inspector appointed to adjudicate on the CPO supported the Council's proposals. But remit could not include reconsideration of the planning permission that was approved by the Council's own planning officers.
- Consequences of the decision include:
  - the destruction of 67 trees releasing their stored carbon back into the atmosphere;
  - environment around Calverley Grounds would be seriously degraded and replaced by tall buildings that will dominate the grounds;
  - the Theatre would overshadow the south west quadrant, with the offices partly in the grounds themselves resulting in a permanent loss of green open space; and
  - the car park would form a steep bank.
- Environmental degradation contrary to Council policy.

Mr Brian Bissell had registered to speak which included the following comments:

- A long term resident that had seen the evolution of this project and the vision of the project, including generating income.
- No alternative options have been brought before the Council until now – suggest that careful consideration be given before agreeing the motion to kill the project in its entirety.

Debate on the motion included the following points:

- Wording of the motion passed on 17 June increased during the debate from 30 words to 46 words. A response to clarifications had not been received.
- Members had had a number of useful discussions with Councillor Scott who had been available and transparent.
- A joint statement was emerging that Labour Group not able to sign up to as it did not allow for political issues to be raised with the public about the Calverley Square project. Believe it was a political decision not an economic, social or environmental decision.
- Cultural Strategy and Economic Development Strategy should be separated.

Councillor Scott moved, and Councillor McDermott seconded, an amendment to add and remove words so that the motion reads: "That the Cabinet be requested to stop all new expenditure on the Calverley Square Project with immediate effect and to not enter into further commitments other than with the involvement of all political parties and other relevant stakeholder groups to manage an orderly consideration of all alternative proposals."

The following points were made in moving the amendment:

- RIBA stage 4 reports had not yet been received.
- The intention was to find a collaborative way of moving forward and looking at the various options – statement referred to was a draft statement intended for discussion to hopefully agree a collaborative conclusion. Taking one option off the table is not a good way forward, need to look at all the options in the round. Want to improve engagement and put together a meaningful framework to consider alternatives in a fair and balanced way.
- Waiting for a report on the current offices including what alternatives options might be available and how they might be financed.
- Would like members of the opposition to engage with this with the aim of finding a collaborative way forward.

Councillor Pound raised a point of order relating to whether an amendment could be moved that was the same as a motion that had already been passed by Council. The Mayor, on the advice of the Monitoring Officer, ruled that, in reference to Council Procedural Rule 14.2, a member cannot move a motion in similar terms to one that has been rejected at a meeting of the council within a 6 month period unless signed by 10 members – which this was duly signed. This is an amendment which wasn't rejected so was acceptable both as a motion to be moved and an amendment to be moved.

Debate on the amendment included the following points:

- The Council was keen to purchase the police station. However, the District Valuer had valued it at around £500,000, this was well above but it was being sold for £2m. Not able to purchase a property over the value given by the District Valuer. Bringing the police station into the equation was a red herring.
- Those wanting to stop the project should vote against the amendment.
- The Council had maintained that the public enquiry had engaged widely with businesses and stakeholders. No public consultation was done to explore views and consider alternatives, to consider the merits of a 1200 seater Theatre, including whether the existing theatre should remain open until the new one was delivered, to consider the redevelopment of existing Civic Centre Complex and whether only Council own land should be considered. An opportunity missed that would have allowed for public consideration of these issues and would not now be in a position proposing the cessation of the scheme as it currently stands.
- The Borough included many qualified people that would have been able to contribute in a meaningful way.
- Incorrect figures from GVAG were still appearing on the website and in Conservative Party literature.
- Concerns relating to the possible collapse of the Woodford Equity Income Fund affecting Council Pension Fund. These risks had not been accounted for.
- Experts had not considered the wider political dynamics of the Borough, how proposal fits with future housing needs, climate change and pollution obligations, changes in demographics (both rural and urban). Not asked if there were better ways of delivering the Council's goals, suggest there is more at stake.

- Theatre would fail to deliver – lacking in space to accommodate requirements needed for a fully functioning theatre.
- Need for transparency in order to achieve the Council's aims and to be able to work with the community – integral to being successful and ensuring the right decisions were made.
- The Woodford Equity Fund was a matter for Kent County Council and not a matter for the Borough.
- Carbon footprint on the Assembly Theatre and Town Hall would be 3 times greater than for the new theatre.
- £2.5m cost for the Public Works Loan Board interest would come out of Commercial rent, and nothing to do with a cut in services.
- 67 trees due to be cut down will be replaced with 72 specimen trees.
- With regards to the Theatre, musicals bring in the highest revenue; seating for over 1,000 also brings in higher revenue. Existing theatre cannot generate the revenue as there isn't sufficient space. Need to decide whether the theatre is wanted – consideration of the cultural regeneration and what it brings to the Borough.
- There had been a lack of consideration of the rural community, why the scheme is not a priority and reasons for opposition.
- The costs of the scheme have already had a negative impact upon the rural community of Cranbrook and Benenden. 10 years ago Cranbrook and District Age Concern were promised a brand new accessible community facility - £400,000 of S106 funds to date has not been forthcoming. Essential services have also been cut, with threats of further cuts and new charges ever present.
- Increases in fly tipping, introduction of charging for garden waste collection leading to an increase in bonfires and therefore air pollution. Citizens Advice Bureau, Weald Information Centre and Tourist Office, funding and operation significantly restricted due to funding constraints. The damaging consequences for the whole Borough of proceeding with this project should be recognised by the Council.
- Farming in the Weald of Kent always a subsistence activity. Diversification thriving across the Weald with a successful range of businesses across the Borough. Funding being focused on the Town Centre to the detriment of the rural community.
- Transcript of previous debates were clear that decisions on Calverley Square would come back to Full Council – bearing this in mind, decision to halt the project not for this meeting.
- Audit and Governance Committee concerned at reports that several key management reports had been withheld. If said reports had a bearing on the project then they should be made available. Cannot make a decision on a major project without having all of the financial, management and programme information.
- Confirmation was sought that with this amendment all expenditure and commitments would be stopped while either a Full Council or complete cross-party committee analyse other relevant designs.

Councillor Hayward raised a Point of Order reiterating that following legal advice obtained the original amendment was negated by the original motion. The Mayor, on the advice of the Monitoring Officer, ruled that it was not a valid point of order.

Debate on the amendment continued and included the following points:

- If the Calverley Square project did not proceed, costs to update existing properties were currently sitting at around £50m. There would be a need to borrow money regardless of what scheme goes ahead.
- Once RIBA Stage 4 was published the Council would be in a better position to make a decision.

Councillor Chapelard requested a recorded vote on the amendment.

Members who voted in favour of the amendment: Councillors Backhouse, Bailey, Barrington-King, Dr Basu, Bland, Mrs Cobbold, Dawlings, Hamilton, Horwood, Mackonochie, March, McDermott, Noakes, Ms Palmer, Reilly, Scholes, Scott, Mrs Soyke, Stanyer, Thomson and Woodward. (21)

Members who voted against the amendment: Atkins, Atwood, Bruneau, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Poile, Pound, Rands, Warne, Williams and Willis. (19)

Members who abstained from voting: None.

Councillors Neve and Mrs Thomas were not present to vote.

#### **AMENDMENT CARRIED**

The amendment became the substantive motion.

Councillor Chapelard moved, and Councillor Ellis seconded, an amendment to add and remove words so that the motion reads: "That the Cabinet be requested to stop all new expenditure on the Calverley Square Project with immediate effect and to not enter into further commitments other than, with the involvement of all political parties and other relevant stakeholder groups, to manage an orderly consideration of all alternative proposals. Cabinet is also requested to confirm that all Councillors will have a vote before any building work starts. Cabinet also needs to confirm that all new spending from all budgets and reserves on Calverley Square is stopped. Cabinet will instruct staff for a comprehensive update on Calverley Square commitments and penalties".

The following points were made in moving the amendment:

- The Liberal Democrat Group welcomed Councillor McDermott's agreement to open up cross-party discussions on alternative options not excluding Calverley Square. A letter to the Council Leader had not been acknowledged or replied to – perhaps a breakdown in communications.
- Cabinet could decline a request for Full Council to have a vote before the scheme goes to RIBA Stage 5. Hence the request for assurance that every Councillor will have a vote as to whether to proceed to RIBA stage 5.
- With regards to spending, want to avoid any loophole that would allow any further money to be spent and to understand where we stand financially in terms of liabilities on contracts associated with Calverley Square.
- Until these 3 questions had been satisfactorily resolved no discussion could take place on a way forward.

The debate on the amendment included the following points:

- The invitation to work collaboratively and to produce a document that reflects a collaborative approach was welcomed. Need to understand the various alternatives including their cost implications.
- In a normal situation the decision to proceed or not would have been made and stood by 2 years ago. The intellectual capital spent over this period was expensive and should be considered as no less important than physical capital.
- If the project went ahead the Council would end up with assets of £210m with a maximum debt of £77m. The value after initial spend was always higher, putting the Council in an extremely strong position for spending at a later date and addressing some of the issues that have been raised.
- The amendment strengthened the commitment to collaborate and a need to build trust.
- Transparency and openness across the Council including the receipt of all relevant information was important.
- At the Overview and Scrutiny Committee meeting in June, details of the ongoing liabilities which would accrue if the project was stopped at the end of RIBA Stage 4 were requested but still awaiting a reply.
- The answer to the issue around liabilities and risks would be included in RIBA Stage 4 which has yet to be received.
- The wording included in the amendment to the substantive motion was not strong enough and should include the word 'collaboration'.
- In respect of including the word 'collaboration', an assurance could not be given that the Liberal Democrats would co-operate until the measures indicated earlier are adhered to.

The Mayor advised that the meeting was running close to four hours and as a result a vote would be needed under Council Procedure Rule 4.2 for the meeting to continue. The meeting consented by affirmation.

Debate on the amendment continued and included the following points:

- 'In good faith' was a better term than 'collaboration'.

Councillor Chapelard, with the consent of the seconder and the meeting, altered the amendment to add and remove words so that the motion reads: "That the Cabinet be requested to stop all new expenditure on the Calverley Square Project with immediate effect and do not enter into further commitments other than with the involvement of all political parties acting in good faith and other relevant stakeholder groups to manage an orderly consideration of all alternative proposals. Cabinet is also requested to confirm that all Councillors will have a vote before any building work starts. Cabinet also needs to confirm that all new spending from all budgets and reserves on Calverley Square is stopped. And finally that Cabinet will instruct staff for a comprehensive update on Calverley Square commitments and penalties".

Debate on the altered amendment continued and included the following points:

- Clear that it was important to have a rational and reasonable debate before the project moves to RIBA Stage 5. Conditions put in place to ensure that a trust is built up across all parties.



- Concerns remained about the level of consultation since June when the motion was put forward. Agree that way forward included building trust.

Councillor Chapelard requested a recorded vote on the amendment.

Members who voted in favour of the amendment: Councillors Atkins, Atwood, Backhouse, Bailey, Barrington-King, Dr Basu, Bland, Bruneau, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Funnell, Hamilton, Hayward, Hickey, Hill, Horwood, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Noakes, Poile, Pound, Rands, Reilly, Scholes, Scott, Mrs Soyke, Stanyer, Thomson, Warne, Williams, Willis and Woodward. (39)

Members who voted against the motion: None

Members who abstained from voting: None

Councillors Neve, Ms Palmer and Mrs Thomas were not present to vote.

#### **AMENDMENT CARRIED**

The amendment became the substantive motion.

The Mayor took a vote on the motion by affirmation.

**RESOLVED** – That the Cabinet be requested to stop all new expenditure on the Calverley Square Project with immediate effect and do not enter into further commitments other than with the involvement of all political parties acting in good faith and other relevant stakeholder groups to manage an orderly consideration of all alternative proposals. Cabinet is also requested to confirm that all Councillors will have a vote before any building work starts. Cabinet also needs to confirm that all new spending from all budgets and reserves on Calverley Square is stopped. And finally that Cabinet will instruct staff for a comprehensive update on Calverley Square commitments and penalties.

#### **URGENT BUSINESS**

FC30/19      There was no urgent business.

#### **COMMON SEAL OF THE COUNCIL**

FC31/19      **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**

FC32/19      The next meeting was scheduled for Wednesday 25 September 2019.

NOTES:      The meeting concluded at 10.35 pm.  
An audio recording of this meeting is available on the Tunbridge Wells Borough Council website.