

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, 26 July 2017

PRESENT:

The Mayor Councillor Mrs Julia Soyke (Chairman)
Councillors Backhouse, Barrington-King, Dr Basu, Bulman, Chapelard, Mrs Cobbold, Dawlings, Dr Hall, Hamilton, Heasman, Hill, Hills, Horwood (Vice-Chairman), Huggett, Jamil, Jukes, Lewis-Grey, Lidstone, Mackonochie, March, McDermott, Moore, Munn, Neve, Noakes, Nuttall, Podbury, Reilly, Scholes, Simmons, Sloan, Stanyer, Stewart, Uddin, Weatherly, Williams and Woodward

IN ATTENDANCE: William Benson (Chief Executive), Mathew Jefferys (Democratic Services and Elections Manager) and Mark O'Callaghan (Democratic Services Officer)

APOLOGIES FOR ABSENCE

FC9/17 Apologies were received from Councillors Bland, Elliott, Gray, Hannam, Hastie, Holden, Oakford, Palmer, Rankin and Thomas

DECLARATIONS OF INTEREST

FC10/17 There were no declarations of interest made, within the provisions of the Code of Conduct for Members.

ANNOUNCEMENTS

FC11/17 The Mayor advised that a written summary of her past and future engagements would be made available to members.

Councillor Jukes advised that the Council had received a very good planning application from developers Altitude for the old cinema site. He was fairly confident, should they be granted planning permission, that they would start building sometime in late 2018. Councillor Jukes commented that one of the reasons that the developers had come to Tunbridge Wells to build the project was because they were very impressed with the Borough Council's forward plans for the area.

There were no announcements from either Cabinet members or by the Chief Executive.

THE MINUTES OF THE PREVIOUS MEETING

FC12/17 The minutes of the Annual meeting, dated 24 May 2017, were submitted.

RESOLVED – That the minutes of the meeting dated 24 May 2017 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC13/17 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

FC14/17 The Mayor advised that there were two questions pursuant to Council Procedure Rule 10 which would be taken in the order in which they were received.

1. Question from Councillor Chapelard

“The county cricket match between Kent and Sussex during the Tunbridge Wells 2017 Cricket Festival was nearly cancelled due to poor grounds maintenance by its contractor Sodexo. What action has Tunbridge Wells Borough Council (TWBC) taken and what action will TWBC take to ensure this never happens again?”

Answer from Cllr March

“The condition of the outfield was not up to the usual standard. The preparation of the county wicket, which had been progressing, did falter in the two weeks prior to the start of the Festival leading to KCCC staff being required to oversee the final preparations.

The Council has issued a default notice against the contractor and they have responded with an action plan, which includes the recruitment of a new Head Groundsman for the Nevill Ground.

In the meantime, additional contract supervision will also be carried out to ensure that the required standards at the ground continue to be achieved.”

Supplementary question from Councillor Chapelard

“As the Portfolio holder responsible for the Sodexo contract, how satisfied are you with their work given that we have had issues with the Cemetery, parks, allotments and now the county cricket ground?”

Response from Councillor March

Councillor March responded to say that with the assistance of KCCC, the Nevill Ground did look very picturesque, the end of the season work on the football pitches had been completed to plan and the pitches were in good condition ready for the start of the new season. The parks had once again achieved ‘green flag’ status with an improvement on marks at all sites. With the help of the Council’s contractor and volunteers, Dunorlan Park had also achieved ‘green flag’ status. She felt that when default notices were needed then they were issued and then the contractors put in an action plan and that from the positive things that have come out of it she was very happy that the council was achieving progress with the contractors.

2. Question from Councillor Lidstone

“Can the Leader confirm that there is still to be a review of the CCTV operation, and when does he anticipate it will be completed?”

Answer from Councillor Weatherly (as the relevant Portfolio-holder)

“I am sure that Cllr Lidstone already knows the answer to this question. As the Leader of the Council stated at Cabinet on 22 June, CCTV will

continue to be actively monitored and we are carrying out a review of our cameras and all possible options with regards to future operation and funding.

I have already written to local councils and a number of organisations that are interested in CCTV. The response so far has been positive and I asked for initial replies to be returned by 4 August 2017.

I will then review the responses and bring forward an approach later in the year.”

Supplementary question from Councillor Lidstone

“Does the Leader stand by his pledge that active CCTV monitoring will not be removed under his watch, even if the Council is unable to obtain full funding from end users?”

Response from Councillor Jukes

Councillor Jukes confirmed that he would stand by this pledge.

AMENDMENT TO THE CONSTITUTION - AGREEMENT OF PLANNING CALL-IN WORDING

FC15/17 Councillor March opened the item to explain the process that had been undertaken and proposed the motion.

Councillor March advised members that the Constitution Review Working Party had met in 2016 and discussed the procedure for calling in planning applications. She said that members used to be able to call in planning applications for consideration where there was a planning issue that warranted consideration by a planning committee or where there was significant level of local concern. This significant level of local concern had been omitted from paragraphs in the constitution and so what was discussed was that it be re-introduced and officers had been asked to revise and include this element.

Councillor March advised that there had been a further meeting on 10 March 2017 that clarified the proposal after receiving feedback from various groups. On 27 June 2017 the Audit and Governance Committee unanimously supported the recommendations.

Councillor March believed the recommendations would benefit members, members of the public and particularly parish councils who would now be able to bring forward applications where there was a significant level of local concern.

Councillor Heasman seconded the motion and reserved his right to speak.

Councillor Stanyer supported the proposal but said he would like to see further discussions on changing the criteria so that parish and town councils had a right of calling in applications.

RESOLVED –

1. That paragraph 8 of Table 3 of Annex C to Part 3 of the Constitution be replaced with the text as follows:
 8. Determine all forms of planning and other applications and all notifications submitted under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, Localism Act 2011 or under any related principal or secondary legislation, except the following:
 - 8.1 those applications where any Member has requested in writing that the application be “called in” to be determined by the Planning Committee, and the “call in” and reasons for the “call in” have been agreed as valid by the Portfolio Holder for Planning and Transportation following discussion with the Head of Planning (or delegated deputy).
 - 8.1.1 The reasons for which an application can be called in must include:
 - A) the material planning issue(s) that warrant(s) the application being determined by Committee; and/or
 - B) evidence and the reason(s) of significant local concern that warrant(s) the application being determined by Committee.
 - 8.1.2 The request for the “call-in” must be received in writing addressed to the Head of Planning Services within five weeks (35 days) of the date that the application is originally made valid.
2. That paragraph 5.1 of the Planning Committee Procedure Rules in Part 4 of the Constitution be replaced with the text as follows:
 - 5.1 The Constitution provides at Paragraph 8 in Table 3, of Annex C of Part 3 that any member may “call in” any planning application – i.e. require that an application be determined by the Planning Committee rather than by an officer under delegated authority. Members should exercise discretion in using this power and should only call in applications where there is a material planning issue which warrants consideration by the Planning Committee, or where there is evidence of local concern that warrants consideration by the Planning Committee. Any request to call in an application should be made in writing to the Head of Planning Services.

AMENDMENT TO THE CONSTITUTION - AMENDMENT TO CONTRACT PROCEDURE RULES

FC16/17 Councillor March introduced the report and said that this was a matter of good housekeeping, adding that the Audit and Governance Committee had unanimously supported the recommendations on 27 June 2017.

Councillor March commented that the current proposals were written six years ago and that there had been major legislative changes since that time. She added that these new proposals would enable smaller contracts of low risk to be procured more efficiently.

Councillor March moved the motion.

Councillor Reilly seconded the motion and reserved his right to speak.

Members of the Council supported the recommendations without comment.

RESOLVED – That the updated Standing Orders on Procurement and Contracts, as set out at Appendix A to the report, be approved.

REQUEST TO WAIVE THE SIX MONTH ATTENDANCE REQUIREMENT - CLLR HASTIE

FC17/17 Councillor Jukes introduced the report and said that Councillor Hastie had been offered the opportunity to enhance his career quite considerably and that he had asked if the Council would allow him to continue to be absent from Council duties until February 2018.

Councillor Jukes moved the motion.

Councillor Dr Hall seconded the motion.

Councillor Neve understood that Councillor Hastie's career was valuable but expressed concern that he could not come back and fulfil his commitments to the Council and the people he represents. He concluded that he would abstain but was minded to vote against and have a by-election.

Councillor Backhouse supported the comments of Councillor Jukes.

CLlr Neve's and Chapelard's abstentions were noted.

RESOLVED – That, pursuant to Section 85(1) of the Local Government Act 1972, the employment reason set out in the report in respect of Councillor Hastie's failure to attend meetings of the authority during the period 23 February 2017 to 21 February 2018, be approved.

AUDIT AND GOVERNANCE COMMITTEE ANNUAL REPORT

FC18/17 The Chairman of the Audit and Governance Committee, Councillor Moore, introduced the report and commented that the Committee was an essential part of the corporate checks and balances, independent from the Cabinet and with the power to refer any matters it feels are relevant to any part of the Council. She noted that not all councils had independent members but she endorsed the value of independent members in questioning and helping to hold the Council to account.

Councillor Moore said that the business of the Committee had been conducted with openness, transparency and professionalism. This was the sixth year in a row where a clean audit letter had been received from the external auditors and that corporate governance training for all members of the Committee had just started.

Councillor Moore also took the opportunity to thank Councillor Horwood for his excellent work as Chairman of Audit and Governance Committee in the previous civic year and moved the motion.

Councillor Simmons seconded the motion and reserved his right to speak.

Members of the Council supported the recommendations without comment.

RESOLVED – That the Annual Report of the Audit and Governance Committee 2016/17 be noted.

OVERVIEW AND SCRUTINY COMMITTEE ANNUAL REPORT

FC19/17 The Chairman of the Overview and Scrutiny Committee, Councillor Dawlings, introduced the report and commented that it covered the last year of the Overview and Scrutiny Committee under Councillor Rankin's chairmanship. He took the opportunity to thank Councillor Rankin for her leadership of the Committee over the last few years.

Councillor Dawlings advised that it was a very comprehensive report and at the next meeting in August the work programme for the coming year would be determined. He added that if there were any matters that any member would like the Committee to include then they should liaise with him.

Councillor Dawlings proposed that the Overview and Scrutiny Annual Report be approved.

Councillor Hills seconded and reserved his right to speak.

Councillor Chapelard reminded members that the Task and Finish group had made a recommendation that glass recycling should be introduced for residents as part of the new waste contract when it comes up for renewal in 2019. That recommendation had been approved by Cabinet on 13 April 2017 and he hoped that members would all be pressing to make this happen for residents when it comes up for discussion.

RESOLVED – That the Overview and Scrutiny Committee's Annual Report 2016/17 be approved.

PETITION - CIVIC DEVELOPMENT

FC20/17 The Mayor, Councillor Soyke, advised that a petition had been submitted to the Council, containing 2,016 signatures (received both on-line and in paper format).

The wording of the petition was as follows:

"We the undersigned petition Tunbridge Wells Borough Council to stop the proposed development of a new theatre and offices in Calverley Grounds and to consider again the redevelopment of the existing Town Hall and Assembly Hall."

The petition organiser, Dr Chris Gedge, along with Mr Nick Pope and Dr Robert Chris, were invited to address the Council for a maximum of ten minutes, in order to highlight the key points of their argument.

Dr Gedge said that the main thrust of the petition was that the plan was deeply flawed and that the community deserved much better. He said that people felt very strongly about these plans. He continued that the campaign was not against progress but it must be properly considered. He felt that the costs had been ignored along with considerations relating to noise and air pollution and congestion.

Mr Pope questioned the transparency of the project. He said the site selection, the most important decision in this project was not a consultation but a presentation of slides showing 13 site options, leading to the final selection of the Calverley Grounds site. He felt that this was a selection based on weak criteria and that detail on the decision process had not been forthcoming.

Mr Pope added that there had been concerns all along from The Friends of Calverley Grounds, however when the land take increased to 993 square metres these concerns increased. He said that building on 993 square metres of a Grade II Listed park was not acceptable.

Dr Robert Chris said that there was an increasing clamour across the town from many people objecting for many reasons. He added that people who cared about this town had been treated with disdain and had never been consulted about what kind of theatre would best serve the town.

Dr Chris advised that Hooper's had issued a press release that afternoon, that they saw any arrangement to share their service road and car park with the theatre as an existential threat to their store. This he considered meant that the proposed theatre development was now dead.

Dr Chris summarised that this now presented a welcome second chance to explore options that had been too quickly dismissed and others that had not been considered at all. He welcomed building a performing arts centre of excellence that would take root in the town, that would bring employment and creative talent and energy to the community. He added that everyone who wanted to participate in the process must be given an opportunity to do so.

Four members of the public had registered to speak to give their views on the petition: James Tansley, James Pickering, Jim Kedge and Ben Van Grutten.

(a) Mr James Tansley - Economist at Bank of England, was keen to point out that there is no such thing as Government money only money that comes from the tax payer. Government at all levels should always carefully consider the need for any expenditure, it should always deliver value for money and above all be honest, open and accountable for the way that money is spent. He was disappointed that this Council had abandoned these principles in pushing forward proposals for a new civic complex and stated that the numbers simply did not add up.

Mr Tansley said that he was very disappointed at the lack of transparency and also by the way those promoting this project had misrepresented the position of others including himself and the petitioners. He ended his comments by warning that councillors should not underestimate the level of anger in the Borough at the handling of the civic complex issue.

(b) Mr John Pickering observed that no decision could be made about moving the Council offices or theatre and providing office space to let until the plan

for the present Town Hall was also available. The reason for that, he continued, was that debt financing was being used and that debt financing on the scale proposed was inherently a risk for Borough Council finances. Mr Pickering said that there was no cash plan to consider and asked when that would be available.

Mr Pickering ended by stating that the immediate needs were to refurbish the Town Hall building and create or rebuild a more practical theatre, which could be done at a cost much less than the current proposals. He suggested that building offices to let on park land surely crossed a red line, especially when it appears to destroy the landscape of the western end of the park.

(c) Mr Jim Kedge explained that, as a trustee of the charity Friends of Calverley Grounds it was his duty "to preserve, support and improve Calverley Grounds for the benefit of the inhabitants of Tunbridge Wells and the surrounding areas."

He argued that the proposal to build a theatre and office block in, under and alongside Calverley Grounds would do nothing for Calverley Grounds except to damage it for the community and that the Council would be ignoring its own policies with the destruction of 66 trees. Mr Kedge reminded the Council that Calverley Grounds was a conservation area and urged them to please think again.

(d) Mr Van Grutten felt that the Council's plans had not been well thought-out, specifically that they were not sufficiently ambitious. He said that the proposed theatre would not even be able to host all the current touring shows or be able to maximise food and beverage profits because the site was too small.

Councillor Jukes, as Leader of the Council, was invited by the Mayor to respond to the petition and to the public speakers.

Councillor Jukes began by saying that he welcomed the petition because it had opened up the debate for public views to be expressed. He added that, to some extent, this was premature, because the public would have the opportunity for a better informed debate when the full details of the project under RIBA stage 3 were known.

Councillor Jukes said that there had been some interesting points raised particularly from Mr Van Grutten and his support for a new first class state of the art theatre in Tunbridge Wells.

Councillor Jukes said that the Council had listened and would welcome working with the petitioners and speakers to achieve a solution to the problems raised.

Addressing Dr Chris' point about access, Councillor Jukes said that negotiations with Hooper's were continuing. He added that if a resolution could not be found alternative options were still available to the Council.

Councillor Jukes reminded the meeting that this proposed development consisted of two parts and only objections to the theatre had been discussed. The other part was the Town Hall, which he said was no longer fit for purpose adding that he was looking to build new offices for the next century.

Councillor Jukes remarked that, although this petition had shown a level of opposition to the proposals, it had also raised a lot of support, with people urging the Council to proceed quickly.

Councillor Jukes added that as soon as all of the necessary consultants' reports were available, the Full Council would be asked to decide whether to proceed with these proposals. He provided reassurance that the Council would not close the Assembly Hall Theatre until an acceptable alternative venue had been provided.

As a result of the above matters, Councillor Jukes proposed the following motion for the Full Council to consider:

“This Council welcomes the petition entitled ‘Save our Park’, notes the concerns that have been expressed and undertakes to take them into account as the scheme is developed through future phases and the planning process.

The Council furthermore notes that proposals for a new theatre have been worked up over the past three years, were a part of the Council's Five Year Plan and have been subject to numerous debates and votes by Full Council.

It is also the case that the proposal only affects no more than 2% of the Grounds, would enhance access to the park and the facilities within it and would bring significant social, economic and cultural benefits to the town and wider Borough.”

Councillor McDermott seconded the motion and reserved his right to speak.

Councillor Neve began the debate by voicing his support for the motion. He felt RIBA stage 3 would address many of the concerns raised. He said he firmly believed it was time to invest in the future and that years of under-maintenance by previous administrations had left the current Town Hall in an unfit state, adding that this failed to provide a legacy for future generations.

Councillor Stewart said she had voted against this scheme in July 2016 and February 2017 so her feelings on this were well known to the Council. She added that she was yet to see any information to make her change her mind. Councillor Stewart said that she valued this Town Hall building and it was listed for a reason. She believed it would cost many millions to bring it up to modern standards but the investment bill would only be a fraction of the proposed civic complex and theatre. Councillor Stewart said that refurbishing the Town Hall would be a worth-while exercise, that would be supported by the public and ensure the future of an iconic town centre landmark. She did not believe that this option had been considered seriously.

Councillor March believed that the Borough needed to re-assert its position as a major cultural and leisure destination, making the most of its past but also looking forward and investing in the Borough's future. She advised that the Assembly Hall Theatre had a limited stage, fly tower and wing space all of which left the authority with a building, a programme and cultural contribution that was in decline. Councillor March asked members to consider the benefits of a new theatre: wider programming choices; more opportunities for participation and community work alongside an extended programme; improved public facilities – access, comfort; better backstage facilities; a larger stage; bigger fly-tower etc. Councillor March said that this was a long

term investment in culture adding that theatre audiences bring huge economic benefit to the town and Borough.

Councillor Backhouse supported the motion and said the Council needed to move on to the next stage.

Councillor Hill explained that the Labour group was in principle not opposed to a renovated and revitalised new civic complex but were opposed to projects that were hugely expensive and ignored the daily needs of many of the town's residents. She felt that the Council should be concentrating more on efforts like tackling poverty, building homes, reducing congestion and pollution and improving public transport. She summarised by saying that she liked the idea of a new theatre but not at any cost adding that if it were to go ahead then it needed to be affordable and that services would not be cut to fund it.

Councillor Sloan thanked the petitioners and speakers and recognised the depth of feelings on this subject. He said that he would work to make sure their concerns are addressed and listened to. Councillor Sloan said that Calverley Grounds was a beautiful park in the centre of the town and that it was clearly an asset and that these proposals would improve the park and attract more people.

Councillor Weatherly looked at how a proposed new theatre would promote accessibility and inclusivity. She wanted a new theatre to be something for all the community to share in. Councillor Weatherly quoted JJ Almond, Assembly Hall Theatre Director "a new building with better facilities, and greater programming options is the only way to move us forward and the location really is the best and most accessible for all."

Councillor Hamilton said she valued the town's heritage and its preservation and believed that the proposals would open up Calverley Grounds to more people so that they could appreciate the beautiful space.

Councillor Uddin supported the motion and felt that the long term opportunities outweighed the concerns. He thought that members needed to concentrate on how these proposals would benefit the wider community.

Councillor Bulman opposed the motion and focused his argument on the costs and the subsidy of the proposed new theatre. He wondered what would the new theatre would be worth after 50 years and had concluded that it would probably have had two or three refurbishments in that time, the cost of which had not been included in any analysis. He asked how the Council had reached the cost of spending £4 million without a business plan. Councillor Bulman urged that the Council sets out what viable plan it has for the future of the Town Hall and the theatre, as an important next step.

Councillor Williams considered the revenue and the capital implications. He felt members should tackle the problems that really concerned residents and not ones that had been artificially created.

Councillor Heasman supported the motion but felt that the chances of finding a perfect site were zero. He felt that what the Council was trying to do was to come up with a plan and compromises that achieved the best result within the space and sites available. He did not think that the Council should make any decisions until it had completed the whole of RIBA Stage 3 at which point a

fully informed decision could be taken. He urged all members and residents to read all the information that will be available at that stage.

Councillor Reilly said that he was looking at this from a slightly different angle and focused on town centres across the country. He advised that the Borough Council had committed to revitalise the town centre as the commercial, social and cultural hub of the Borough, whilst at the same time preserving the heritage, sense of place and civic amenity for the community.

Councillor Reilly stressed that the 'full build' business case would be reviewed using international accounting standards. He added that it would also be reviewed by an external auditor who would look at all aspects of the business case, the financial elements and the government process. That, he said, would provide a high degree of reassurance to residents.

Councillor Moore thanked the organisers and supporters of the petition for their work. She said that she recognised that there were genuine concerns but felt that residents should reserve judgement until all of the consultants' reports were available in the Autumn.

Councillor Moore reminded members as to why they had embarked upon this project: it was for the economic benefit of the town and the wider Borough and it was because these were challenging financial times and that this project offered a real opportunity. She added that there were record low interest rates and she believed that long term borrowing for long term infrastructure improvement was appropriate, not reckless, and was actually responsible. Councillor Moore said that other local authorities in Kent and around the South East were borrowing to invest and that if the Council did not invest and improve its offer then she felt that the Borough would decline compared to other towns.

Councillor Moore summarised by saying that it was the Council's responsibility to try and ensure that there was an enhanced cultural offer, a vibrant town centre and a growing economy for the whole Borough's benefit. She reminded members that the Council had adopted a vision in the Cultural Strategy of 2014 to grow its role as the cultural centre of the Kent and Sussex High Weald so that by 2024 the Borough of Tunbridge Wells was nationally recognised for its vibrant cultural provision.

Councillor Stanyer gave his assurance to the petitioners that no one was going to destroy Calverley Grounds. He said that it had been provided as a people's park and that would not change. He suggested that the Council has not followed due diligence and that needed to be addressed.

Councillor Lidstone did not support the motion as it did not provide any real resolution to the concerns of the 2,000 signatories that had expressed their dissatisfaction.

Councillor Woodward supported the motion and said that this was the first time he had seen anything that excited him about what the Council was trying to do, for the Borough as a whole. He said that he was conscious that there was a greater audience than the one present in the Chamber and reminded members that they acted for them as well. He was keen for this to proceed but await a fully-costed RIBA stage 3 report.

Councillor Scholes said that this was not a simple issue. He said he was concerned about the size of the loan required and whether servicing debt of that scale would impact on the future provision of services. He believed that members would have to determine whether the project was viable once they had the consultants' reports in front of them.

Councillor Simmons said he had kept an open mind on this and would make a considered view whether to proceed or not when all the facts were presented.

Councillor Jamil supported the motion. He said that for this kind of project in the heart of Tunbridge Wells businesses would be thriving and the result of this would be more business rates. He believed Tunbridge Wells needed this modernisation.

Councillor Chapelard felt that this was the right idea but on the wrong site. He agreed that the Town Hall was not viable and that the Assembly Hall did not attract large West End shows but that did not mean Calverley Grounds was the right option. He stated that during this process no other options had been considered and that the choice now was false. He would not support the motion as it did not deal with the issue of the choice of sites which he felt was the fundamental problem.

Councillor McDermott thought that the evening had produced a very fine debate and thanked the petitioners. He did not think that Tunbridge Wells was evolving and was concerned that the town could become a dormitory town to London. He said that the promise of a new development on the old cinema site would join both the Pantiles and Royal Victoria Place and that it was the ideal time to put a theatre and a new Town Hall in the proposed location.

Finally, Councillor Jukes, as the mover of the motion, summed up. He thought that it had been a very interesting debate but that some people seemed entrenched in their views.

He stated that he could make a very good economic case for offices and a car park. He added that this was not so with the new theatre but that a very good cultural argument could be made. Councillor Jukes said that it would make Tunbridge Wells the cultural centre of West Kent and that he knew that there was a tremendous amount of support for it.

Councillor Jukes advised that it would be easy to do nothing; some councils he said, had done nothing and they were now suffering for it. He would take into account the considerations which had been raised in the meeting and would try to accommodate them.

Councillor Chapelard requested a recorded vote.

Members voting in favour of the motion: Councillors Backhouse, Barrington-King, Basu, Mrs Cobbold, Dawlings, Hamilton, Heasman, Hills, Huggett, Jamil, Jukes, Lewis-Grey, Mackonochie, March, McDermott, Moore, Neve, Noakes, Nuttall, Podbury, Reilly, Scholes, Simmons, Sloan, Stanyer, Weatherly, Woodward and Uddin.

Members voting against the motion: Councillors Bulman, Chapelard, Lidstone, Stewart and Williams.

Members abstaining from voting: The Mayor (Councillor Soyke), The Deputy Mayor (Councillor Horwood) Councillors Dr Hall, Hill and Munn.

RESOLVED – That this Council welcomes the petition entitled ‘Save our Park’, notes the concerns that have been expressed and undertakes to take them into account as the scheme is developed through future phases and the planning process. The Council furthermore notes that proposals for a new theatre have been worked up over the past three years, were a part of the Council’s Five Year Plan and have been subject to numerous debates and votes by Full Council. It is also the case that the proposal only affects no more than 2% of the Grounds, would enhance access to the park and the facilities within it and would bring significant social, economic and cultural benefits to the town and wider Borough.

PETITION - PLANNING DECISIONS AND POLICY

FC21/17 The Mayor advised that a second petition had been submitted to the Council, containing 1,017 signatures (received both on-line and in paper format).

The wording of the petition was as follows:

“We the undersigned demand that Tunbridge Wells Borough Council apply some joined-up thinking and develop a strategy for quality development. Stop saying yes to large, obtrusive developments that are not sympathetic to the town.”

The petition organiser, Ms Ellen Kent, was invited to address the Council for a maximum of ten minutes, in order to highlight the key points of her argument.

Ms Kent felt that the town’s infrastructure was not coping; that the traffic, parking and pollution were untenable. The petition was not anti-progress or change: it was not anti-development, it simply asked for the Council to do two things: 1. Use the power that it had to stop over-development and 2. Implement some joined-up thinking and fast.

Ms Kent said that these could be achieved by: acting on expert advice; risking a planning appeal; use the Community Infrastructure Levy, a tool for local authorities in England and Wales to help deliver infrastructure to support the development of the area; and use Article 4 Directions to restrict permitted development rights brought into the realms of planning consent.

Four members of the public had requested to speak in support of the petition: Cliff Kilner, Paul Jenner, Janet Sturgis and Colin Godsave.

(a) Cliff Kilner addressed the issues of both parking pressure and increased traffic pollution in the town as a result of new developments. Mr Kilner said he had put a deposit on an electric car however he felt local authorities, by not providing sufficient charging points, were hindering residents from going electric. He said that he supported the petition and urged the Council to stop over-development and to fix the infrastructure by preparing an emergency strategic plan that demonstrated joined-up thinking.

(b) Paul Jenner said that the Council needed to have some cohesive thinking and that it needed to follow its own plans. He said that it was a good idea to have designated areas of change with the idea being that any development in

the area must be integrated in to the proposals for the area as a whole however, the idea was not being followed by the Council.

(c) Janet Sturgis, Chairman of the Royal Tunbridge Wells Civic Society, felt that in 2017 this town faced the most severe threat to its arcadian character. Ms Sturgis said that dubious plans were being accepted as the Council felt that there were no alternatives and that they were powerless to refuse. She said the Council should accept that enough was enough and that the Borough could not accommodate 640 additional units a year.

(d) Colin Godsave, a resident of Paddock Wood and a member of Warrington Road action group, felt the Council were being held at gunpoint by central government to provide their quota of new houses in the Borough. He felt that the Council should have the courage to raise the genuine public concerns with government policy on residents' behalf.

Councillor Antony Harris, speaking on behalf of Goudhurst Parish Council, said the rural parishes faced many of the issues raised by the petition, especially unsympathetic architecture and excessive development. He stated that countryside and villages in and around the Area of Outstanding Natural Beauty were the jewels in the Borough's crown and the Council's decisions put those jewels at risk. He added that there was huge concern over the number and style of developments being permitted. He believed that, should the Council decide to allow thousands of homes to be built, not in the town from which the projected numbers arose, but in the villages where they did not, there would be real anger.

Councillor McDermott, as Portfolio Holder for Planning and Transportation, was invited by the Mayor to respond to the petition and to the public speakers.

Councillor McDermott began by saying that permitted development was a significant issue in Tunbridge Wells. He added that the Council was in the process of assessing potential sites for development as part of the review of the Local Plan. He said on the issue of offices being converted to residential properties that under the Government's current planning legislation, this could be done without seeking planning consent from the Borough Council.

Councillor McDermott remarked that Sajid Javid, Secretary of State for Communities and Local Government, had indicated that all the wealthy authorities were likely to have to build more houses. He said that the Council had been advised that it needed to build 13,000 houses and that the figure may end up being closer to 18,000. Councillor McDermott suggested that it would be far easier to build a new garden village and that the Council was considering that option.

As a result of the above matters, Councillor McDermott proposed the following motion for the Full Council to consider:

"This Council welcomes the petition entitled 'stop ill-considered planning and development in Royal Tunbridge Wells', notes that most of the concerns being expressed arise from national policies and legislation and encourages petitioners and other residents to engage in consultation on the Council's emerging Local Plan, which will shape future developments in the Borough."

Councillor Jukes seconded the motion and reserved his right to speak.

Councillor Dr Hall shared the petitioner's concerns but pointed out that the Council's hands were tied and that the Government, by changing the rules for permitted development rights, had removed a lot of local control mechanisms.

Councillor Barrington-King explained that Tunbridge Wells was extremely congested and that people liked their cars and tended to use them for short journeys. He said that Tunbridge Wells was an extremely desirable place to live and therefore had seen a population growth that was never expected, requiring significantly more housing development.

Councillor Sloan supported the motion and thanked the petitioners and speakers. He said that, in developing the Council's Local Plan, careful consideration needed to be given to infrastructure. Councillor Sloan said that in order to keep the town alive and prevent decay new development was required but that some sites were being over-developed. Councillor Sloan said he thought that planning proposals were considered carefully by planning officers and debated in Committee but that the problem was that proposals were often accepted out of fear that refusal would bring about an appeal with huge costs to the taxpayers.

Councillor Bulman did not support the motion as he felt that it did not actually say very much. He was in no doubt that the Borough's infrastructure was sadly stretched to breaking point. Councillor Bulman felt that the roads were far too congested; he added that demands for additional homes should be resisted, even if that resulted in an uneasy relationship with central government.

Councillor Hamilton explained the constraints on the Planning Committee and that if the Borough lost a certain number of appeals then they could be put into special measures that would result in a loss of all control.

Councillor Backhouse concurred with Councillor McDermott regarding the need for a garden village. Councillor Backhouse remarked that on the issue of transport, whenever the Council had tried to solve the transport problems they had always been frustrated by outside agencies.

Councillor Heasman supported the motion and said that he had quite a lot of sympathy with the petitioners but believed that the Council would not be able to resolve all the problems in a way that people would want, due to constraints from central government. This was, he agreed, as frustrating to the Council as it was to residents.

Councillor Munn explained that councillors did not make the law but they had to apply it. He said that there was a housing crisis and a chronic need to build but that the Government had introduced legislation that had constrained councils' powers over house-building rather than expanding those powers.

Councillor Jamil supported the motion and liked the idea of a garden village as that would remove the burden from the town centre and Southborough.

Councillor Chapelard felt that there was a danger of the Council portraying itself as purely a victim of government legislation. He said that the petitioners had given the Council practical solutions to the problems that they had raised.

He felt that what was now required was some joined-up thinking on the Council's behalf to implement them.

Councillor Chapelard argued that the Council needed to lead by example and that there were practical things that Tunbridge Wells could do that would make the situation better such as: using Article 4 to force developers to go to Planning Committee; moving to a community infrastructure model with all section 106 money going into one pot that funds a wish list of infrastructure projects; and park and ride.

Councillor Jukes broadly agreed with the petitioner but felt that there had been a lack of infrastructure planning from the Government for the last 30 years. Councillor Jukes said that, centrally, infrastructure needed to be looked at first as you could not keep building houses that would not provide adequate lighting, water or drainage.

Councillor Chapelard requested a recorded vote.

Members voting in favour of the motion: Councillors Backhouse, Barrington-King, Basu, Mrs Cobbold, Dawlings, Hamilton, Heasman, Hill, Hills, Huggett, Jamil, Jukes, Lewis-Grey, Mackonochie, March, McDermott, Moore, Munn, Neve, Noakes, Nuttall, Podbury, Reilly, Scholes, Simmons, Sloan, Stanyer, Weatherly, Woodward and Uddin.

Members voting against the motion: Councillors Chapelard, Lidstone and Williams.

Members abstaining from voting: The Mayor (Councillor Soyke), The Deputy Mayor (Councillor Horwood) Councillors Dr Hall and Stewart.

RESOLVED – That this Council welcomes the petition entitled ‘stop ill-considered planning and development in Royal Tunbridge Wells’, notes that most of the concerns being expressed arise from national policies and legislation and encourages petitioners and other residents to engage in consultation on the Council’s emerging Local Plan, which will shape future developments in the Borough.

MOTIONS

FC22/17 Councillor Chapelard presented the following motion to Council:

“Before Tunbridge Wells Borough Council's Full Council takes the final decision on the Civic Complex Development (to build a new town hall, offices and theatre), Tunbridge Wells Borough Council will hold a borough-wide local referendum on this matter.”

Councillor Chapelard explained that the reason for submitting this motion was that there was going to be an unprecedented cost to local taxpayers with figures in excess of £100 million. The cost to hold a referendum would be about £66,000 if it were to be held on the same day as a Borough election. Councillor Chapelard also explained that there were concerns about saving £2.4million to pay back the loan every year and also there would have to be a council tax rise, to support this. He said that the idea that there would be no council tax rise was misleading and that there would be the maximum council tax rise allowed to pay for other Council services. He believed that everyone should have a say if this was the right direction for the Borough.

Councillor Lidstone seconded the motion and reserved his right to speak.

Councillor Hill said that the Labour group believed, given the monies involved, that there should be some sort of mandate from the people the councillors represented; the people would be paying for it should the proposals go ahead and at present there was no mandate. She agreed that the final proposals should be tested at the ballot box in a referendum.

Councillor Dr Hall supported this motion for a referendum as there was no mandate from the ratepayers to borrow such huge sums. She said that there would be cuts to services and that it would be irresponsible to decide to incur such significant costs on the basis of anecdotes or intuition that people supported the proposals without solid evidence of a vote that showed that the public did support it.

Councillor Neve advised caution as with a referendum there had been a system before that if you did not vote it was read that you were happy with the proposals; he felt that this aspect needed to be looked at.

Councillor Backhouse said that members were confusing fiscal and monetary decisions.

Councillor Jukes advised that members were here to manage policy, that they were elected to manage policy by the people that put them here and that there was a mandate to get on and do what was best.

Councillor Moore argued that the idea of a referendum was a seductive one but actually it undermined democracy. She said councillors had been elected to make informed decisions. She reminded members that there was a Five Year Plan and a Cultural Strategy that had been adopted three years ago, and for those arguing that there was no mandate these adopted documents set out the vision of the Council. She said the idea of a referendum was just an attempt to avoid making a decision.

Councillor Uddin said he would be voting against the motion; he said that a referendum would be over-simplifying a very complex decision-making process.

Councillor Lidstone argued that council tax payers should have the final say and that there was no mandate from the people specifically on this scheme. He added that there would be costs and benefits to the scheme and that people were capable of deciding whether or not the benefits outweighed the costs.

A recorded vote was requested by Councillor Chapelard in accordance with Council Procedure Rule 15.4.

Those in favour of the motion put forward by Councillor Chapelard:
Councillors Bulman, Chapelard, Lidstone, Dr Hall, Hill, Munn, Stewart and Williams.

Those against the motion put forward by Councillor Chapelard:
Councillors Backhouse, Barrington-King, Basu, Mrs Cobbold, Dawlings, Hamilton, Heasman, Hills, Huggett, Jamil, Jukes, Lewis-Grey, Mackonochie, March, McDermott, Moore, Nuttall, Podbury, Reilly, Scholes, Sloan, Stanyer, Weatherly, Woodward and Uddin.

Those abstaining from voting on the motion put forward by Councillor Chapelard:
The Mayor (Councillor Soyke), The Deputy Mayor (Councillor Horwood) and Councillors Neve and Simmons.

MOTION NOT CARRIED

URGENT BUSINESS

FC23/17 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

FC24/17 **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

FC25/17 It was noted that the next meeting of the Full Council would take place on Wednesday 27 September 2017 at 6.30pm.

NOTE: The meeting concluded at 10.50 pm.