

**TUNBRIDGE WELLS BOROUGH COUNCIL**

**CABINET**

**Thursday, 1 August 2019**

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

**Officers in Attendance:** Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Paul Taylor (Director of Change and Communities), Patricia Narebor (Head of Legal Partnership), John Antoniadis (Estates Manager), David Candlin (Head of Economic Development and Property), Keith Trowell (Team Leader (Corporate Governance)) and Mark O'Callaghan (Scrutiny and Engagement Officer)

**Other Members in Attendance:** Councillors Chapelard, Hayward, Reilly and Stanyer

**APOLOGIES FOR ABSENCE**

CAB27/19 There were no apologies.

**DECLARATIONS OF INTEREST**

CAB28/19 There were no disclosable pecuniary or other significant interests declared at the meeting.

**NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK**

CAB29/19 Councillors Chapelard and Reilly had registered as wishing to speak on item CAB34/19.

**MINUTES OF THE MEETING DATED 27 JUNE 2019**

CAB30/19 Members reviewed the minutes. No amendments were proposed.

**RESOLVED** – That the minutes of the meeting dated 27 June 2019 be approved as a correct record.

**QUESTIONS FROM MEMBERS OF THE COUNCIL**

CAB31/19 There were no questions from members of the Council.

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

CAB32/19 There were no questions from members of the public.

**CONSIDERATION OF THE FORWARD PLAN AS AT 24 JULY 2019**

CAB33/19 Members considered the plan. No amendments were proposed.

**RESOLVED** – That the Forward Plan as at 24 July 2019 be noted.

**CALVERLEY SQUARE - COUNCIL MOTIONS**

CAB34/19 Councillor Chapelard had registered to speak which included the following comments:

- The new collaborative approach was welcomed.
- Use of the word “might” at paragraph 4.1 of the report in relation to Full Council taking the final decision was unsatisfactory.
- Six weeks had passed since the Full Council meeting and it had been hoped that a more clear statement could have been reached. If this could not be resolved today the matter should return to the Cabinet meeting on 15 August 2019.
- A commitment on the decision making process should be made before the advisory panel, lead by the Town Forum, starts consideration of alternatives.

Councillor Reilly had registered to speak which included the following comments:

- The election results were a clear indication of local politics which should be respected.
- Paragraph 4.1 of the report in relation to Full Council taking the final decision was too vague.
- The role of Councillors was changing with members becoming greater community facilitators, the Cabinet must engage with the community and Council.
- Legal technicalities must not be an excuse. The Council was the servant of the people who wanted a say in this matter.

Councillor McDermott and David Candlin, Head of Economic Development and Property, introduced the report set out in the agenda which included the following additional comments:

- The report invited Cabinet to consider how future decisions would be made with the agreed process, to include Cabinet on 12 September 2019, being added to the Forward Plan in due course.

Discussion included consideration of the following additional matters:

- Previous RIBA Stages had gone to Full Council and future stages could too.
- The decision making process should include a meeting of the Development Advisory Panel.
- The proposed timeline, including briefings, was supported.

#### **RESOLVED –**

1. That the motions passed by Full Council be noted;
2. That the proposed response to the Full Council resolutions as set out in the report, in particular paragraphs 3 and 4 of the report, be agreed; and
3. That a report concerning the completion of RIBA Stage 4 be added to the Forward Plan for Cabinet on 12 September 2019 to include briefings and a meeting of the Development Advisory Panel from week commencing 19 August 2019 and consideration by a special meeting of the Cabinet Advisory Boards during week commencing 02 September 2019.

#### **REASON FOR DECISION:**

To comply with the Council’s request for an orderly consideration of alternatives and to enable Full Council to take a role in the final decision.

## **BUDGET PROJECTION AND STRATEGY 2020/21**

CAB35/19 Councillor Dawlings and Lee Colyer, Director of Finance, Policy and Development, introduced the report set out in the agenda which included the following additional comments:

- The Council was now reliant on Business Rate growth.
- There was little time left for the Government to complete its spending review, therefore, it was expected that the existing financial settlement would be carried over.
- The draft budget showed a deficit of £491k but officers were confident in balancing the budget and had managed away larger deficits in the past.
- The Government's funding calculations assumed councils would increase Council Tax by three per cent.
- The recommendations were supported by the Finance and Governance Cabinet Advisory Board.

The report was taken as read.

### **RESOLVED –**

1. That support for the Budget Strategy be reaffirmed; and
2. That consultation relating to the budget be undertaken in three phases: an initial phase to gather the views of residents and businesses on potential areas for savings and optimising income; a second phase to be undertaken by the Cabinet Advisory Boards; and a third phase in December and January to consult on the impact of proposals following the publication of the Draft Budget and Medium Term Financial Strategy Update.

### **REASON FOR DECISION:**

To agree the form of consultation and begin the process of setting the budget for 2020/21.

## **STRATEGIC RISK REVIEW**

CAB36/19 Councillor Dawlings and Lee Colyer, Director of Finance, Policy and Development, introduced the report set out in the agenda which included the following additional comments:

- The review had followed a comprehensive process facilitated by the Council's auditors Zurich Municipal.
- The recommendations were supported by the Audit and Governance Committee.
- The matter had been discussed in detail at the Finance and Governance Cabinet Advisory Board.
- The risk associated with a lack of support for the Local Plan was actually with the Plan not being adopted. To mitigate the risk the Council had ensured a sound evidence base and correct due process on which the Plan would be adopted.
- The risk of a lack of support for the Calverley Square project was recognised within the report and a further impact of the risk, concerning the cost of finding alternatives, had been added.

- Concerns about a lack of public engagement appeared to be based on the Calverley Square project. The LGA Peer Review highlighted improved good practice and the Planning Inspector at the CPO enquiry had determined that there had been significant consultation and good public engagement.

Discussion included consideration of the following additional matters:

- There had been considerable consultation on the Calverley Square project. However, concerns remained and consultation would continue.
- Failure to deliver Calverley Square would be expensive as would completing RIBA Stages on any proposed alternatives and decanting the Town Hall if the current site was to be redeveloped.
- The impact of closing the Assembly Hall during any redevelopment would be significant.
- The Overview and Scrutiny Committee were looking into public engagement and consultation.

**RESOLVED** – That the risk management report and arrangements for managing strategic risk be approved.

**REASON FOR DECISION:**

To effectively manage strategic risks in accordance with the method advised by the Council's Auditors.

**PROPERTY TRANSACTION REPORT: JANUARY - JUNE 2019**

CAB37/19 Councillor Scott and John Antoniadis, Estates Manager, introduced the report set out in the agenda.

The report, including the exempt information, was taken as read.

**RESOLVED** – That the report be noted.

**REASON FOR DECISION:**

To monitor property transactions made under delegated authority, in accordance with the Constitution.

**URGENT BUSINESS**

CAB38/19 There was no urgent business.

**DATE OF NEXT MEETING**

CAB39/19 The next meeting was scheduled to be held on Thursday 15 August 2019 commencing at 10.30am.

**EXEMPT ITEMS**

**RESOLVED** – That, pursuant to section 100A (4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following items of business on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the Act, by virtue of the paragraphs shown below.

## LAND ASSET STRATEGY SITES IN TUNBRIDGE WELLS

CAB40/19 Report and appendices exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.

Councillor Scott and John Antoniadou, Estates Manager, introduced the report set out in the exempt report.

Discussion included consideration of the following additional matters:

- Disposal of the property was in accordance with the Asset Management Plan.
- The property was surplus to requirement.
- Outline planning consent had been obtained to achieve best consideration.
- Disposal of the property would provide opportunities for the provision of social housing.

### RESOLVED –

1. That the disposal of the property in Tunbridge Wells as set out in the exempt report be approved.
2. That the Head of Economic Development, in consultation with the Director of Finance, Policy and Development, the Portfolio Holder for Property, Major Projects and Strategic Engagement and the Portfolio Holder for Finance and Governance, be delegated authority to complete all necessary negotiations, legal processes and legal documentation to complete this disposal.

### REASON FOR DECISION:

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

## PROPERTY DISPOSAL IN ROYAL TUNBRIDGE WELLS

CAB41/19 Report and appendices exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person including the authority holding that information.

Councillor Scott and John Antoniadou, Estates Manager, introduced the report set out in the exempt report.

Discussion included consideration of the following additional matters:

- Disposal of the property was in accordance with the Asset Management Plan.
- The property was surplus to requirement.
- Disposal would save the Council maintenance costs for which it was currently liable.
- The sale of the property was at the request, and to the long-term benefit, of the proposed purchaser.

**RESOLVED –**

1. That the disposal of the property in Royal Tunbridge Wells as set out in the exempt report be approved.
2. That the Head of Economic Development, in consultation with the Director of Finance, Policy and Development, the Portfolio Holder for Property, Major Projects and Strategic Engagement and the Portfolio Holder for Finance and Governance, be delegated authority to complete all necessary negotiations, legal processes and legal documentation to complete this disposal.

**REASON FOR DECISION:**

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

**NOTES:**

The meeting concluded at 11.10 am.

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