

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 25 September 2019

PRESENT:

The Mayor Councillor James Scholes (Chairman)

Councillors Atkins, Atwood, Backhouse, Barrington-King, Bailey, Bland, Chapelard, Mrs Cobbold, Dawlings, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hamilton, Hayward, Hickey, Hill, Horwood, Lewis, Lidstone, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Podbury (Vice-Chairman), Poile, Pope, Pound, Rands, Reilly, Scott, Simmons, Mrs Soyke, Stanyer, Mrs Thomas, Thomson, Warne, Williams and Woodward

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

IN MEMORIAM RONEN BASU

FC33/19 The Council observed a minute silence as a mark of respect following the death of former Councillor Dr Ronen Basu. Ronen was Borough Councillor for the Culverden Ward since May 2008, and Mayor of the Borough of Tunbridge Wells 2013-14. He was also a Cabinet member and Portfolio Holder for Sustainability.

APOLOGIES FOR ABSENCE

FC34/19 Apologies were received from Councillor Bruneau. Councillors Holden and Willis were not present.

MINUTES OF THE MEETING DATED 17 JULY 2019

FC35/19 **RESOLVED** – That the minutes of the meeting dated 17 July 2019 be approved as a correct record.

DECLARATIONS OF INTEREST

FC36/19 Councillor Pope declared an 'Other Significant Interest' 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.

Councillors Bland and Ms Palmer noted that they were directors of Tunbridge Wells Property Holdings Limited but that as they did not benefit financially from the office this did not constitute a beneficial interest.

ANNOUNCEMENTS

FC37/19 There were no announcements.

MOTION TO VARY THE ORDER OF BUSINESS

FC38/19 Councillor Pound moved, and Councillor Everitt seconded, a motion without notice, in accordance with Council procedure rule 2.2(ii), to vary the order of business to the effect that the motions on notice at agenda items 12 (Motion on Notice from Councillor Everitt) and 13 (Motion on Notice from Councillor Pound) were heard after agenda item 9 (Licensing Act 2003 Statement of Licensing Policy) and before the report at agenda item 11 (Calverley Square Delivery Stage 5-7). The aforementioned motions on notice were related to Calverley Square and proposed to pause whilst external funding was confirmed and to pause to consider alternatives. Proceeding with Calverley Square first could leave the Council at risk of breaching the Constitution's rules on external funding if the recommendations were carried and with no alternatives should the recommendations not be carried.

The Mayor noted that debate should be on the matter of varying the order of business and not on the business itself.

Councillor Pound raised a point of order that a motion under rule 2.2(ii) should be voted on without debate. The Mayor, on the advice of the Monitoring Officer, ruled that as the motion was raised under 2.2 – as opposed to the alternative 12.3 – the motion would be voted on without debate. However, as there may be implications on agenda item 11, the mover of the affected motion (item 11) would be permitted to comment.

Councillor Scott noted that delay beyond 28 October 2019 – the date on which the contract to deliver Calverley Square was expected – would likely result in increased costs so as to make the scheme unaffordable and may lead to the withdraw of the main contractor. Furthermore, consideration of the motions first would prevent any debate on the merits of the proposed scheme.

Councillor Pound raised a point of order requesting clarification on the procedure rule relied upon to allow the mover of the affected motion to speak. The Mayor, on the advice of the Monitoring Officer, ruled that consideration of the potential implications of decisions to be made was proper.

Councillor Chapelard requested a recorded vote on the motion.

Members who voted in favour of the motion: Councillors Atkins, Atwood, Chapelard, Ellis, Everitt, Funnell, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Neve, Poile, Pope, Pound, Rands and Warne. (18)

Members who voted against the motion: Councillors Backhouse, Bailey, Barrington-King, Bland, Mrs Cobbold, Dawlings, Fairweather, Hamilton, Horwood, Mackonochie, March, McDermott, Noakes, Scholes, Scott, Mrs Soyke, Thomson, Williams and Woodward. (19)

Members who abstained from voting: Councillors Dr Hall, Ms Palmer, Podbury, Reilly, Simmons, Stanyer and Mrs Thomas. (7)

MOTION NOT CARRIED

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC39/19 The Mayor advised that nine questions from members of the public had been received under Council procedure rule 8.

1. Question from Mr James Tansley

“In February 2017, the Council claimed the Civic Complex would cost £72m (before financing costs). In December 2017, it claimed it would cost £90m (again, before financing costs). Today it says it will cost £108m (before financing costs). How much higher will the bill for this project have to rise before the Council recognises it is not worth proceeding with it?”

Answer from Councillor Scott

“As explained throughout the reports this is a design and build contract. A contractor has now submitted their final offer to deliver Calverley Square which is a fixed sum and will only change if the Council changes its mind or delays on what it wants.”

Supplementary question from Mr James Tansley

“In June 2018, the last Leader of the Council, Councillor Jukes, claimed that Mace, the primary contractor for this project, was known for completing construction on time and within budget. He sited the example of The Shard next door to Guy’s Hospital. A little research would have revealed that after the contract was signed in 2007, Mace had to return requesting a 25 per cent increase in the cost and payment to complete the project. It was only on the basis of that 25 per cent uplift after the contract had been signed that the work went ahead. Why should we believe the figure of £108m plus financing costs – which brings it to, according to the Council’s own figures, £140m? Why should we believe that is the final figure given Mace’s record in the past and the record of the Council in not revealing the full picture about costs of the Calverley Square project?”

Answer from Councillor Scott

“Having had a huge amount of experience in risk management in another major contractor who completed multi-billion pound projects – actually one very close to here, the Channel Tunnel which came in on budget, on time – there are so many different styles of fixed price contracts, depending on a range of contractual terms. Each one has got to be examined quite separately and quite uniquely to those terms. The terms on this one are strong terms, they have been reviewed and will continue to be reviewed during the forthcoming month before signature to make sure that they are legitimate and tied down as required by the Council to minimise any risk to exactly where we are. The offer here is due, as mentioned, because of various economic things that have been happening with Brexit, etc. One of the key advantages of that is the substantial reduction we’ve had in financing costs – as of today it is only 1.8 per cent. These things do balance out, partly because of Brexit, etc. but, in fact, the overall cost remains the same. If costs were substantially higher then, of course, there would be other concerns.”

2. Question from Dr Robert Banks

“On which date were Counterculture Partnership appointed to provide the report on the Evaluation of Fundraising Prospects for the Calverley Square project and what is the cost of their consultancy fee?”

Answer from Councillor Scott

“Counterculture were appointed in April 2019 for theatre and culture fundraising advice. They were subsequently paid £4,000 in July 2019 in relation to theatre fundraising.”

Supplementary question from Dr Robert Banks

“In their report, they say that they were commissioned in July of this year but, in fact, you say it was April. Is that correct? In their report in July, they say they were asked to evaluate at least £3m of public fundraising. As the RIBA Stage 4 report was not available at that time, how did you know exactly the figure that they needed? Because it would seem that the Council probably knew in July at the Full Council meeting when we were told that the RIBA results were not available that there was going to be this shortfall.”

Answer from Councillor Scott

“The appointment was in April 2019, they were asked various questions throughout that appointment. I can only assume that was referred to as one of those questions that was asked of them at that point in time. In respect of the amount of money, it had always been assumed we will be looking for additional funds and that was the level of funds we felt at that time to be appropriate to be looking for.”

3. Question from Mr James Tansley

“Given the Council’s claims that it has been transparent with the public about the Civic Complex, when can I expect substantive responses to the questions in my emails to the Leader of the Council of 15 September 2019, 6 September 2019 and 28 August 2019, and to his predecessor of 7 March 2019, 25 November 2018, 28 August 2018, 1 March 2018, 2 November 2017, 29 October 2017, 23 September 2017, 9 August 2017, 31 July 2017, 28 March 2017 and 8 March 2017?”

Answer from Councillor McDermott

“I did respond to the e-mail dated 28 August. You obviously didn’t see the email so I will read it out. *‘Thank you (and to whoever has helped you put this together) for the email. It is great to see that you maintain an interest in Borough affairs so long after your brief stint as a Borough Councillor.’* I apologise as you were never a Borough Councillor, you were a County Councillor. *‘I will carefully consider the points you have raised as the Calverley Square project works its way through the Council’s committee cycle and I am sure that colleagues will do the same.’*”

I will add to that, that you will find further answers to all your emails in the CPO Inspector’s report. It is unfortunate that having attended the public inquiry you chose not to register to speak and face cross examination. Unfortunately, I cannot answer for Mr Jukes but I am sure that, as a private individual now, he may well contact you.”

Supplementary question from Mr James Tansley

“Can you tell me, who in the Council thought it appropriate to share the contents of the RIBA Stage 4 report with a local newspaper in advance of releasing it to democratically elected Councillors? I note that you are quoted in the Times of Tunbridge Wells article, as is Councillor Scott.”

Answer from Councillor McDermott

“I think you have answered your own question, as Councillor Scott and myself were in the paper. That’s it.”

4. Question from Mr James Tansley

“What is the Council’s current estimate of the number of the Borough’s residents who are in favour of the Civic Complex project proceeding?”

Answer from Councillor Scott

“There is no substantive figure, though I do note from the report of the Independent Panel that all those they interviewed wanted to see something happen in the centre of the town to enable it to flourish. They went on to conclude that there was a desire to revitalise the town centre to enhance its prosperity via employment and culture and to enhance the cultural offering of Tunbridge Wells to broaden its creative economy. All members of the cross-party group recognise that the Assembly Hall and Town Hall are past their sell-by date.”

Supplementary question from Mr James Tansley

“Councillors should be aware that some 5,900 local residents have signed a petition opposing the civic complex compared to, as of Monday, 208 who signed a petition in favour. Informal polls conducted by the handful of councillors who believe they should listen to the people they purport represent – hat tipped to Councillors Williams and Simmons – demonstrate an overwhelming majority opposed to the project. In this year’s May elections, the Conservatives lost 72 per cent of their seats in Tunbridge Wells compared to six per cent in Sevenoaks and 19 per cent in Tonbridge and Malling. Why is the Council acting against the wishes of the people of this Borough?”

Answer from Councillor Scott

“In a representative democracy, councillors exercise their judgement on behalf of residents and it is a fact that the Calverley Square scheme was conceived and progressed through all its initial decision points with cross-party support. I continue to believe that investment in our cultural facilities and increased employment space is vital to support our status as a destination town and to make the Borough a great place to live, work and visit. It is also important to match the housing growth with cultural and leisure facilities of the town.

I also note that there are approximately 150k tickets sold at the Assembly Hall each year which is somewhat larger than the 5,900. I also note that in the Courier [cutting distributed by a speaker], the main two concerns that are listed in the paper are: we need more shops, its like a ghost town; we want Tunbridge Wells to succeed, to improve on the shops in our town. They also

talk about car parking, which is another major issue as far as I'm concerned, and dealing with congestion. The key elements here are about regeneration of the town, and that is the number one concern that we should all have for the future of this town. How are we going to progress as a town as this shopping changes, as things deteriorate as far as most of these shops are concerned? We need to actually see growth in this town to ensure its wellbeing. I am concerned, very much, about the welfare of the individuals here, the welfare of this town, to ensure that we can actually address those issues which are overwhelmingly more important than the points that you have made."

5. Question from Mr James Tansley

"What is the Council's operational boundary for external debt?"

Answer from Councillor Dawlings

"This is set out in the report at Appendix M paragraph 5.2 (page 393 of the agenda pack). The limit is currently £97m."

Supplementary question from Mr James Tansley

"The RIBA Stage 4 reports on the civic complex states that the Council is looking to borrow a further £90m, and possibly more if it is unable to secure £8m from Kent County Council and other fundraising to cover the costs of the civic complex project. According to the Council's 2018/19 Financial Statements (section 16.1) the Council's external borrowing, as at 31 March 2019, was just under £12.998m. £13m plus £90m, according to my calculations, comes to £103m or £6m more than the Council's operational boundary for external debt. Please can you advise why the Council is proposing to have a vote on a project which has demonstrated it has not provided adequate funding for?"

Answer from Councillor Dawlings

"I think the Council's present borrowing is £3m which would be paid off in the course of this year. I am confident that the Council is embarking on a project that will be within the limits of its borrowing capacity."

6. Question from Mr James Tansley

"Given that a number of Tunbridge Wells voters were denied the right to vote in this May's European elections due to the Council's failure to deliver postal vote forms in time, will the Council replace it's Returning Officer?"

Answer from Councillor Dawlings

"No the Council is not replacing the Returning Officer and, for the record, there were no issues with electors receiving postal vote forms."

Supplementary question from Mr James Tansley

"I draw your attention to an article that appeared in The Guardian newspaper on 23 May which quotes a council official in an email to The Guardian saying that postal votes were not sent out on the grounds that: 'our printers could not print out such a vast amount of ballot papers' and also 'we did it to the best of

our ability'. I.e. voters were denied the right to vote because the council were unable to produce the postal votes in time. Given that the Returning Officer is the same individual as the Chief Executive of the Council who is responsible for the implementation of a £108m construction project, please can you say whether you have confidence that the Council is able to proceed within time and within budget with such a project?"

Answer from Councillor Dawlings

"The report you identify is news to me. I am aware that there were some difficulties with the European election. [Mr Tansley clarified that he was referring to the European election]. I thought you were talking about the May elections which were the Borough Council elections. The issue with the European elections was simply that the Government said for so long that we weren't having any European elections and as soon as we received the notification of what was required, these things were immediately actioned. So, no. We do have entire confidence in our Returning Officer."

7. Question from Mr James Tansley

"What breaches of the Council's internal policies and procedures have taken place since the beginning of the 2017/18 financial year?"

Answer from Councillor Dawlings

"We are not aware of any."

Supplementary question from Mr James Tansley

"The Council's 2018/19 Pay Policy states that official's salaries for each grade should run from 95 to 105 per cent of the market median. In the 2018/19 Financial Statement it says that the Chief Executive's pay, once his Returning Officer allowance is excluded, was £133,587 in 2018/19 – a 10.6 per cent increase on the previous year and 111 per cent of the market median for his grade. Who was responsible for this breach of policy and why wasn't it drawn to your attention?"

Answer from Councillor Dawlings

"This is a matter that I'm not aware of. I will get an answer to you."

8. Question from Mr James Tansley

"In light of the number of accidents involving pedestrians at Carr's Corner (18 in the last 12 months), what action will the Borough Council take with Kent County Council to reduce the risks and improve safety?"

Answer from Councillor McDermott

"Tunbridge Wells Borough Council has been in regular contact with Kent County Council (our Highway Authority) regarding the concerns of local residents about pedestrian safety at Carr's Corner, including discussions at the Joint Transportation Board.

Within the last few months, KCC has carried out the following work at Carr's Corner:

- White road markings (destinations) added to the junction between Calverley Road and Calverley Park Gardens to encourage larger vehicles to continue straight ahead for access to the A21.
- Directional signage placed opposite the junction of Calverley Road and Calverley Park Gardens to further discourage vehicles using Calverley Park Gardens and instead to continue straight ahead for the A21.
- An advanced directional sign on Crescent Road, heading towards Carr's Corner, has been altered to clarify the route that should be taken to access the A21.
- Warning signage on Crescent Road has been upgraded to improve drivers' awareness of pedestrians in the area."

Supplementary question from Mr James Tansley

"At the recent CPO enquiry on the Calverley Square project, it was reported that if the project were to go ahead some 140-160 lorry movements per day would be required for 14 weeks to remove the material from the cut-and-fill exercise. Will the Council guarantee that none of these 15k additional lorry movements will be via Carr's Corner?"

Answer from Councillor McDermott

"It is impossible to guarantee that. So, no I can't."

9. Question from Mr James Tansley

"How many residents have signed up for the Council's garden waste removal scheme?"

Answer from Councillor McDermott

"As at the close of play yesterday: 19,689."

Supplementary question from Mr James Tansley

"Please can you explain to me why Tunbridge Wells residents are being charged £12 a year more for exactly the same service provided by exactly the same provider than their neighbours in Tonbridge and Malling?"

Answer from Councillor McDermott

"My understanding is that Tonbridge and Malling are thinking of raising their figure at the moment. We started off at £42 which 17,260 people applied for, they got £10 off so you could say we charged for the early bird only £2 extra."

QUESTIONS FROM MEMBERS OF THE COUNCIL

FC40/19 The Mayor advised that four questions from members of the Council had been received under Council Procedure Rule 10.

1. Question from Councillor Hill

"Given previously raised concerns in this council chamber, what actions are being taken to ensure that the outside of the Assembly Hall is fully utilised to publicise future productions, that the frontage is welcoming, and that the theatre actually looks open for business?"

Answer from Councillor March

“The Theatre has the following in operation:

- A permanent fascia;
- Two large digital screens;
- An external poster board, shared with friends at the Trinity Theatre;
- Over 43 poster sites that are maintained across the Borough;
- 80 per cent of the Theatre’s customer base now engaged online and the business model is delivering to this audience and following the Council’ digital first strategy;
- Regular newsletters are sent out to the core email database;
- 70k people are sent the Theatre’s digital brochure;
- Every home in the Borough received local magazine in which the programme is printed and copies are available at the Gateway;
- Regular social media campaigns are delivered every week;
- Postcards are sent to targeted audiences in agreement with producers; and
- The Theatre also operates the Go Card offering low price and even free tickets to families on low incomes.

When the Theatre is actually open for business, the following are there in addition:

- The Theatre front is lit up using LED lights, its not done when the Theatre is not open assisting in energy reduction;
- The Box Office is open 90 minutes before a performance in addition to being open on a Saturday between 12-5pm; and
- At Christmas, there is also additional Christmas lighting.

The saving created by the relocation of the Box Office to the Gateway has enabled the Theatre Director to establish a creative learning department which has engaged with over 3k residents and school children since it was established.”

Supplementary question from Councillor Hill

“I wasn’t really asking about the advertising, my concern was would it be lit up especially for the Christmas season for Peter Pan. I think it should be lit up as Christmas season approaches, so it will be lit up for Peter Pan?”

Answer from Councillor March

“Yes we will have lights there. But, as has been mentioned before in a previous question, we can’t put things actually on the canopy because of health and safety.”

2. Question from Councillor Everitt

“How long, not including secured funding such as Heritage Lottery Fund and Arts Council England, has additional fundraising been undertaken to reach the current target of £1.2 million for the Amelia Scott?”

Answer from Councillor March

“In order to raise funds for The Amelia at The Amelia Scott, on the advice from our consultants, we have chosen to enable the set up of a fundraising

trust which will be independent from the Council with its own Board. This will allow them to access funds from donor trusts and foundations that the Council aren't able to approach. The whole process of fundraising takes time and setting up trusts normally takes around 6-9 months. Counterculture are currently in the process of setting up the company and registering the trust. As the company and the trust are independent of the Council the updates are provided on behalf of the future trust by Counterculture. The next update will be available in the Members' Room following the up-and-coming Ameila Board meeting."

Supplementary question from Councillor Everitt

"I didn't really get a span of time there, I'm not sure that answered my original question. However, I used to work at the Museum and I volunteered for their friends group. Back at the Friends of the Museum AGM in November 2016 it was stated that the project needed £800k in fundraising to plug a shortfall, so I would argue that actually the fundraising has been known about and there has been a fundraising target for at least 3 years if not longer. Given that there has been over 3 years to raise the amount and this has not happened; and now that we have Calverley Square which requires £3m in 2 years; and as noted by the consultants Counterculture there will be overlapping applications between The Ameila Scott and Calverley Square – they will only pay out for one, not for both – do you honestly think it is possible and in what timeframe for both projects to fundraise the required money?"

Answer from Councillor March

"It takes quite a long time to set up a trust, we had to decide who we were going to have as far as Counterculture are concerned. We didn't have a final amount, we had an idea what it was going to be, in fact, it is £1.2m. We had to decide whether we were going to have a fundraiser and that was going to be taken on with the County Council. The Borough Council will underwrite the cost of the fundraiser and then we will start the fundraising, it takes quite a long time. You have to get your chairman of the trust to actually have a Board that he can work with and therefore that takes time to get the right people. We are very confident that that is a realistic target."

3. Question from Councillor Hill

"What actions have been taken by this Council to prepare itself for any adverse impacts of the UK government illegally taking us out of the EU without a deal on 31 October 2019?"

Answer from Councillor Dawlings

"It is very difficult indeed to assess or predict the possible impacts of Brexit on either the Council or the wider Borough. The Council has been promoting the national campaign to get people ready for Brexit and has been raising concerns from local businesses about the impact of Brexit on them with central government. It has also been actively engaged with the Kent Resilience Forum on the issue."

Supplementary question from Councillor Hill

"My concerns are with being in Kent we are the first port-of-call, and I know that east Kent councils are very worried about the impact of border controls

like at Ebbsfleet, etc. Do we know if this could impact on Tunbridge Wells? With traffic being directed nearer to us causing more disruption on our roads?"

Answer from Councillor Dawlings

"This is primarily a matter for Kent County Council and this Council is in constant contact with them."

4. Question from Councillor Everitt

"Is there a budget for home office equipment and increased utility bills for Council staff as a result of increased home working should the new smaller Calverley Square office be approved?"

Answer from Councillor Dawlings

"There is a budget for ICT and the ability to work from home is already successfully in operation throughout the Council."

Supplementary question from Councillor Everitt

"Are we saying that no costs will be passed on to staff, should Calverley Square go ahead, for home office equipment and increased utility bills?"

Answer from Councillor Dawlings

"There is an ICT budget and the ability to work from home is well embedded so I don't think there will be a huge difference."

PETITION: ENQUIRY INTO THE IMPACT OF THE PUBLIC REALM PHASE 2 SCHEME

FC41/19 The Council received a petition containing 1,132 signatures which stated: "We the undersigned disapprove of the Tunbridge Wells Borough Council's Public Realm Improvement involving Mount Pleasant Road, Monson Road and Church Road. Far from improving the town, we feel this will have a seriously negative impact for economic, businesses, residents and visitors to the town. We demand an enquiry into the true impact of this scheme."

Ms Sue Luck and Ms Clare Waller were in attendance to present the petition which included the following comments:

- The town centre was struggling and further signatures had been received since submitting the petition.
- Whilst shopping was still a popular activity, trade in Tunbridge Wells was being suppressed by expensive parking, closed shops and dirty streets.
- The Council's resources could be better utilised to encourage economic growth. Businesses could be helped by a Business Fund, cheaper parking and better information.
- The new road layout was dangerous and likely to lead to an increase in accidents.
- There had been insufficient consultation, better and earlier consultation could have helped avoid the flaws in the scheme.
- There was an ongoing lack of information.
- An enquiry was needed now, not in 12 months.

- Christmas trade started in October and, in many cases, supported the business through leaner times of the year.
- Businesses were reporting a drop in trade – one in particular reported a 42 per cent drop – this was unsustainable and some businesses could have been lost in 12 months time.
- Suggestions that the problem was with businesses needing to change were arrogant, also problems were not due to Brexit or the internet but a lack of engagement.

Councillor McDermott moved, and Councillor March seconded, the motion: “This Council welcomes the petition, recognises the challenges that retailers are facing and undertakes to review the scheme after it is completed. It notes that the Council’s Overview and Scrutiny Committee have recently formed a Task and Finish Group to look at how the Council communicates and engages with the public and businesses and would welcome any suggestions to improved the Council’s approach.”

Debate on the motion included the following points:

- Additional traffic through Carr’s Corner would make a congested area worse.
- Resources could have been better spent.
- Traffic restrictions should not be implemented until the new year.
- Proper consultation was lacking.
- York Road and Dudley Road could become rat-runs.
- Newton Road already had problems with poorly maintained infrastructure, oversized delivery vehicles and too much traffic.
- Businesses needed Rate relief or some form of compensation.
- Towns needed through traffic and independent traders to flourish.
- There was an existing Rate relief scheme which eligible businesses could access through the Valuation Office Agency.
- Traffic would be closely monitored after completion of the works and further changes could be made to tackle rat-running and excessive traffic.
- Pedestrian friendly areas increased footfall if done well.
- Fiveways and the Farmer’s Market were good examples of what could be done to increase footfall.
- Businesses and the Council should work together to improve the economy. The Council was failing to deliver the basics.
- Lack of consultation generally and current consultation methods were not necessarily suited to the businesses.
- The Council should take this opportunity to make good on the scheme.

Councillor Pound moved, and Councillor Hayward seconded, an amendment to add words and remove words so that the motion reads: “This Council welcomes the petition, recognises the challenges that retailers are facing and undertakes to review the true impact of the scheme whilst the works continue. It notes that the Council’s Overview and Scrutiny Committee have recently formed a Task and Finish Group to look at how the Council communicates and engages with the public and businesses and would welcome any suggestions to improved the Council’s approach.”

Debate on the amendment included the following points:

- The amendment added nothing substantive.

- The impact of works could not be reviewed before the works were completed.
- A review of the impact on traders could be undertaken now.
- Traffic Regulation Orders were subject to a statutory process which took time, any proposed changes could not be implemented before the completion of the works.
- Help could be offered immediately to businesses to promote themselves.

The Mayor took a vote on the amendment by show of hands.

AMENDMENT CARRIED

The amendment became the substantive motion.

Councillor Chapelard moved, and Councillor Rands seconded an amendment to add words and remove words so that the motion reads: "This Council welcomes the petition, recognises the challenges that retailers are facing and undertakes to review the true impact of the scheme whilst the works continue. It notes that the Council's Overview and Scrutiny Committee have recently formed a Task and Finish Group to look at how the Council communicates and engages with the public and businesses and would welcome any suggestions to improve the Council's approach. This Council will set up an emergency cross-party working group to provide immediate support to affected retailers and residents."

Debate on the amendment included the following points:

- The Council was not helping enough. A business on Crescent Road had recently closed because the Council had refused to lower the rent, lower rent was better than no rent.
- Immediate and practical help was needed.
- The Public Realm scheme was a cosmetic improvement and, despite being funded by the Sustainable Transport Fund, no evidence had been provided as to how the scheme would deliver a shift to sustainable travel.
- More needed to be done to tackle congestion.
- A working group would not have the power to affect change.
- It was concerning that traders appeared not to have met with the relevant Portfolio Holder and such a meeting should be mandated in the motion.
- The cross-party working group could look into potential compensation schemes or help eligible business to existing schemes.
- A new Portfolio Holder would be appointed in due course who would lead on working with the traders.
- The Rate relief scheme was available but the application process was onerous.
- In the absence of the relevant Portfolio Holder, the Chairman of the Communities and Economic Development Cabinet Advisory Board could step in to facilitate an immediate response.
- A working group would need proper officer support.
- Cross-party action was welcomed but the Overview and Scrutiny Committee already had such a mechanism and the authority to take action across all Council business.

- The Overview and Scrutiny Committee already had a working party looking at Consultation and Engagement, the remit could be extended to cover this matter.

Councillor Neve asked whether the petitioners could be asked their view on what was being proposed. The Mayor noted that this was not a component of a formal debate.

Debate on the amendment continued:

- There appeared to be general agreement that the Council should take action to help traders affected by the scheme.
- The working group would provide an effective listening mechanism, something which the Council lacked.
- The powers of the working group were limited but could signpost effective support and make recommendations to Council for change.

Councillor Chapelard requested a recorded vote on the amendment.

Members who voted in favour of the amendment: Councillors Atkins, Atwood, Bland, Chapelard, Mrs Cobbold, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hayward, Hickey, Hill, Lewis, Lidstone, Morton, Neve, Noakes, Ms Palmer, Podbury, Poile, Pope, Pound, Rands, Scholes, Simmons, Stanyer, Mrs Thomas, Thomson, Warne and Williams. (31)

Members who voted against the amendment: Councillors Backhouse, Bailey, Dawlings, Hamilton, Horwood, Mackonochie, March and McDermott. (8)

Members who abstained from voting: Councillors Barrington-King, Reilly, Scott, Mrs Soyke and Woodward. (5)

AMENDMENT CARRIED

The amendment became the substantive motion.

The Mayor took a vote on the motion by affirmation.

RESOLVED – This Council welcomes the petition, recognises the challenges that retailers are facing and undertakes to review the true impact of the scheme whilst the works continue. It notes that the Council's Overview and Scrutiny Committee have recently formed a Task and Finish Group to look at how the Council communicates and engages with the public and businesses and would welcome any suggestions to improved the Council's approach. This Council will set up an emergency cross-party working group to provide immediate support to affected retailers and residents.

INDEPENDENT PERSON AND INDEPENDENT MEMBERS APPOINTMENT TO THE AUDIT AND GOVERNANCE COMMITTEE

FC42/19 Councillor Barrington-King moved, and Councillor Reilly seconded, the recommendations set out in the report.

Debate on the motion included the following comments:

- The Audit and Governance Committee, including the independent members, played an integral part in the governance of the Council.

- The proposed independent members were knowledgeable, committed and endorsed by the Committee.

The Mayor took a vote on the motion by affirmation.

RESOLVED –

1. That Mr Michael O'Higgins be appointed as the Independent Person for a further four year term with effect from 14 October 2019; and
2. That Mr Gary Shiels be appointed as Independent Member of the Audit and Governance Committee for a further four year term with effect from 14 October 2019.

LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY

FC43/19 Councillor Backhouse moved, and Councillor Woodward seconded, the recommendation set out in the report.

Debate on the motion included the following comments:

- The report set out details of a new section on outdoor events to be added to the Council's licensing policy following a public consultation.
- The recommendation was endorsed by the Licensing Committee.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the proposed amendment to the Statement of Licensing Policy (which will expire 6 January 2021) to include a new section on outdoor events, as set out at Appendix A to the report, be agreed.

MOTION TO SUSPEND AND REPLACE COUNCIL PROCEDURE RULE 19.2.1

FC44/19 Councillor Scholes moved, and Councillor Podbury seconded, the recommendation set out in the report.

Councillor Neve asked whether there was a time limit on the meeting. The Mayor noted that the Council could resolve to continue past the usual four hour limit.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That, during the consideration of item 11 on the agenda (Calverley Square Delivery Stages 5-7), 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 12 minutes for supporters of the proposals plus 12 minutes for objectors of the proposals.

The Mayor adjourned the meeting for a 10 minute comfort break.

MOTION TO ADJOURN THE DEBATE

FC45/19 Councillor Atkins moved, and Councillor Pound seconded, a motion without notice, in accordance with Council procedure rule 12.11, to adjourn the debate on agenda items 11 (Calverley Square Delivery Stage 5-7), 12 (Motion on Notice from Councillor Everitt), 13 (Motion on Notice from Councillor Pound) and 14 (Motion on Notice from Councillor Ellis). The intention was to call an Extraordinary Meeting where full attention to these matters could be given.

The Chief Executive noted that a number of procedural questions had been raised during the comfort break immediately prior to this motion. The following advice was offered:

- The Council could resolve to extend the meeting beyond the 4 hour limit, in accordance with Council procedure Rule 13.10.7, an action the Council had taken on many occasions in the past.
- Council procedure rule 13.11.4 provided that if a motion to adjourn the debate was moved and seconded and the Mayor thinks that the item has not been sufficiently discussed and cannot reasonably be so discussed, the motion will be put to the vote without the mover of the original motion the right of reply.
- Members could not stipulate that matters be adjourned to an Extraordinary Meeting. The meeting to which mattered would be deferred would be handled under separate procedures.
- The Council had statutory officers whose duty it was to ensure that the Council discharged its legal obligations and members should be aware of the implications of their decisions. The consequences of delaying a decision were set out in Exempt Appendix D to the report on Calverley Square.

The Mayor, wishing to establish the likelihood of the meeting agreeing to extend the meeting beyond the four hour limit, took an indicative vote. A majority were against extending the meeting.

Debate on the motion included the following comments:

- There was insufficient time to consider the matters being adjourned.
- Members of the public who had registered to speak should be allowed to speak before the items were adjourned.
- There had been full debate on earlier matters and later matters deserved similar attention.
- Public attendance at the meeting was waning and the debate should take place under full scrutiny.
- Members should take the advice on the cost of delay under advisement.
- An Extraordinary Meeting could be called in no less than 5 clear working days.

The Mayor took a vote on the motion by show of hands.

RESOLVED – That debate on items 11, 12, 13 and 14 on the agenda be adjourned.

MOTION TO CALL FOR AN EXTRAORDINARY MEETING

FC46/19 Councillor Chapelard moved, and Councillor Poile seconded, a motion without notice, in accordance with Council procedure rule 3.1.1, to call for an Extraordinary Meeting of the Council to consider the items previously adjourned.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That the Chief Executive be requested to call an Extraordinary Meeting of the Council to consider item 11, 12, 13 and 14 on the agenda.

URGENT BUSINESS

FC47/19 There was no urgent business.

COMMON SEAL OF THE COUNCIL

FC48/19 **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

FC49/19 The next scheduled meeting was Wednesday 18 December 2019.

NOTES:

The meeting concluded at 9.30 pm.

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