

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 Tuesday, 8 October 2019

PRESENT:

The Mayor Councillor James Scholes (Chairman)

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

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

APOLOGIES FOR ABSENCE

FC50/19 Apologies were received from Councillors Horwood, Reilly and Thomson.

DECLARATIONS OF INTEREST

FC51/19 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.

MOTION TO SUSPEND AND REPLACE COUNCIL PROCEDURE RULE 19.2.1

FC52/19 Councillor Scholes moved, and Councillor Podbury seconded, the recommendation set out in the report.

Mr James Tansley had registered to speak but was not present.

The Mayor took a vote on the motion by affirmation.

RESOLVED – That, during the consideration of item 4 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.

CALVERLEY SQUARE DELIVERY STAGE 5-7

FC53/19 Councillor Scott moved, and Councillor McDermott seconded, the recommendations set out in the report.

In moving the recommendations the following points were made:

- The first recommendation was requested to be taken separately to the rest as this was prepared by Cabinet, with the remaining prepared by officers.

- The Calverley Square development was seen as a major development for the town which would produce upwards of £34m of business each year. The scheme was fully budgeted at £2.3m per annum.
- The only alternative to this scheme was a rebuild or reconfigure of the existing Assembly Hall at a considerable cost. It would also require closing for 3-4 years with a loss of business and a loss for local community groups.
- The Town Hall would also have to decant for a period of 3-4 years while a refurbishment programme was undertaken. This would also be a high risk high cost strategy.
- There was sound evidence to support the Calverley Square scheme.
- There were options for the current buildings (leisure, hotel, residential, education and/or offices).
- The new theatre would bring huge benefits to the local economy. Increased footfall that would enhance businesses, shopping, restaurants and bars. It would also benefit local schools that would be able to make good use of this facility.
- Any alternative to the scheme would undoubtedly cost more.
- In conclusion, the recommendation was to proceed as originally planned.

Dr Robert Banks had registered to speak, which included the following points:

- The scheme had the highest risk classification. Although the cost increase had been managed the scheme remained a high risk.
- By the time the PWLB loan had been granted the interest rate might have increased which would negate the predicted £10m saving.
- The £5m from Kent County Council was not guaranteed.
- Given the unpopularity of the scheme could there be any guarantee that the necessary fundraising could be achieved.
- Despite assurances of transparency, details of the Cross Party working groups and details of viable alternatives had not been given.
- RIBA Stage 4 Report (seen by Councillors on 24 August 2019) was still not in the public domain.
- Predicted ticket sales for the new theatre were not realistic.
- The cost to cancel the scheme was the cheapest and safest option.

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

- The issue at stake would affect the Borough for many years.
- There remained disapproval from the public for the Calverley Square project.
- There was a belief that senior Council Officers had guided Members in the wrong direction.
- The Calverley Square project was a flawed concept and should be stopped.

Mrs Angela Funnell had registered to speak, which included the following points:

- Since its concept the cost of the scheme had risen substantially. The cost was now £108m. This cost, plus interest was a disproportionate amount of money to spend on one scheme.
- The Council had always been a prudent authority. This was not a prudent decision. It would burden a future generation and was a danger to future prosperity.
- Strongly advised against proceeding with the scheme. But, if that was not possible, the scheme should at least be delayed so that time could be taken to consider and explore viable alternatives.

Mr Peter Rolling had registered to speak, which included the following points:

- Fully supported the proposal for an up to date theatre in Tunbridge Wells. It would revitalise the town and bring economic benefits. However, Calverley Grounds was not the right location.
- Residents were firmly opposed to the building of 2 large structures in this park. They would be dominant and very visible.
- Various petitions and surveys had been undertaken that confirmed residents would like a new theatre but not in Calverley Grounds and this should be acknowledged and respected by the Council. The new theatre needed to be located at the top of the town where the increased footfall would be far more beneficial.
- Cross party debates and the Town Forum concluded that the only suitable town centre site was the existing Town Hall and Assembly Hall theatre. A working party to develop a working plan was proposed.
- The Council's estimate to refurbish the buildings was £41m (as at 5 September 2019). It was later revised to £65m and then £95m.
- A major rebuild of the existing properties would not be easy but it was achievable. It would deliver what was wanted and a lower cost.

Mr Rod Dunk had registered to speak, which included the following points:

- Director of the Symphony Orchestra which would celebrate its 100th year in 2022. It had had a relationship with the Assembly Hall Theatre since the theatre opened.
- The orchestra was the only large scale orchestral provision in Tunbridge Wells.
- At least half the tickets were sold in advance via an annual subscription.
- The cost to perform each year was between £130-£140k.
- The new theatre would be an asset to the orchestra. The opposite would be the case with a refurbishment of the existing theatre. Any improvement would be insufficient to create a real commercial advantage or enhance the appeal to touring productions.
- A shut down of several years with no viable alternative during this period would kill off the orchestra and significantly damage the heritage of Tunbridge Wells.

Mr Julian Leefe-Griffiths had registered to speak, which included the following points:

- Owner of the Tunbridge Wells Hotel and organiser of Jazz events that took place in the Pantiles.
- Respect the views of previous speakers. Important to see people who care about the Town and any proposed changes.

- Change was difficult, but to ignore it resulted in stagnation. Doing nothing would put the town and community in reverse.
- Canterbury had built the Marlow Theatre, Margate, the Turner Contemporary and Hastings had the Jerwood Gallery. This demonstrated where towns had been proactive and understood that cultural investment was good for the economy.
- Manufacturing and retail were horribly challenged. Culture and art were now big business. Theatres, arts and events were now the growth industries. The biggest tourist attraction in London was the Tate Modern.
- The business plan produced by the Council showed the benefit to the community. £2.3m appeared to be an affordable option to achieve those benefits.
- With a catchment area of 4.5 million people, the new theatre would be the major attraction needed for Tunbridge Wells.

County Councillor Peter Oakford had registered to speak, which included the following points:

- Deputy leader of Kent County Council and speaking on their behalf.
- Kent County Council fully supported the Calverley Square development and appreciated the significant role it would play in making a real step change in improving the cultural provision in Tunbridge Wells and the surrounding area.
- It would further fulfil the objectives of the Kent and Medway Cultural Strategy and economic development objectives as set out the Kent and Medway Growth and Infrastructure Framework.
- Culture played a major role in both the improvement of peoples lives and the promotion of economic growth.
- It was the view of Kent County Council that the Calverley Square project coupled with the delivery of the new cultural and learning hub, the Amelia at the Amelia Scott, would bring culture, economic and social benefits to Tunbridge Wells and the wider County.
- Kent County Council had included a bid for £5m to be submitted for inclusion in the Kent County Council 's capital programme for 2023. With the financial implications to be included within the revenue budget. The process would be completed in January 2020, to be presented to Full Council in February 2020.

Mr Brian Bissel had registered to speak which included the following points:

- Had been involved with the Assembly Hall Theatre for nearly 30 years.
- The scheme had generated a high level of debate but the opportunity to build a new theatre would provide for the future and it should therefore be strongly supported.

The Mayor noted that the report contained a number of exempt appendices but given that the report had been considered at several committee stages previously, the matter could be dealt with without going into an private session.

The debate on the motion included the following points:

- There had been a decisive number of residents that had voted against the scheme in May and continued to do so.

- The cost of the scheme had increased significantly. It now totalled £108m and building had not yet started.
- The current Assembly Hall Theatre had received £450,000 in subsidy and it was suggested that the new theatre would need a similar amount for its first 6 years. It would also require a payment of £1m for the next 50 years. It was further suggested that the new theatre would sell more than double the amount of tickets and attract top West End shows. The economic forecast had not convinced voters. Speculative investment in the entertainment business was not the business of the Council. It was further suggested the Council had got its priorities wrong. It was a misconceived project that would be a burden to the Council for a considerable number of years.
- There was appreciation of the work that had been undertaken and that Members were committed to the enhancement of the town and Borough.
- It was recognised that a 'do nothing' was not an option. To agree that the current scheme was no longer fit for purpose and should be halted, the Council should engage with all stakeholders to determine what the town and Borough wanted.
- The drivers of this initiative were culture and leisure not economic value. It was therefore necessary to establish whether this scheme met the needs of the residents in this regard.
- The remit was to provide a theatre, it did not specify that the theatre should be new. As such, there was a case for renovation.
- The additional funding required was not guaranteed and should therefore not be included in the budget. If funding could not be secured, additional borrowing would be required.
- Civic Complex could be sold in order to generate income.
- The Development Advisory Panel had not met as required.
- The report detailed next steps for the project but did not include any engagement with the public.
- The Calverley Square site was already in the Council's ownership so removed the need for more costly investment should alternative land assets been necessary. Development on these sites allowed for continuity of service.
- The location of nearby car parks and the train station made the site more accessible.
- The loss of trees would be temporary. There would be more trees and more openness of the north west sector of the park.
- The new theatre could provide opportunities to host theatre productions that were previously not possible. The cost would be less allowing the opportunity for a wider audience to benefit. The seating capacity of 1200 could allow the theatre to be subsidy free.
- The new Civic Centre would offer commercially attractive space and generate a good income stream for the Borough.
- The decisions were not taken lightly and were soundly based.
- There was concern about the governance and scrutiny arrangements for the scheme. The budget for the project had increased, the contingency funds did not cover change requests which increased the risk. Details were reported to the Leader, but it appeared no action was taken and councillors were not informed.

- Concern was raised regarding the RAG status for the scheme which remained green for some considerable time. A delay in design stage 4 moved the scheme into red, but it was noted that this made no mention of the increase in cost.
- Bundling the individual elements of the scheme together made for an all or nothing package. It was suggested there was general consensus that a new car park was unacceptable. But the case for a new theatre and council offices could have merit.
- The Bonnar Keenleyside report cited the break even point for the theatre was 400,000 paying guests. The Report stated that in order to get to this figure, there would need to be 400 performances per year. The report also stated that attendance would be 73%. The figures did not add up. It was suggested that the Theatre would instead need approximately 460 shows to break even.
- There was comment that this sort of scheme was best left to the private sector who would be able to deliver to time and budget. Where the public purse was involved there seemed to be a tendency to overspend and overrun.
- The design of the proposed new theatre was questioned. Suggesting it was not flexible and not able to be adapted for multiple uses, e.g. conferences, workshops, dance studios etc. The Borough may not have the demographic to fill the theatre.
- The Council was reminded that the Assembly Hall had never intended to be a theatre. It was a dance hall. The Marlow theatre was contentious at the time of building but was now endorsed.
- The scheme fell foul of a lot of untruthfulness. Leisure and tourism needed to be included in Tunbridge Wells to make it an attractive destination.
- British Land's decision to invest in Royal Victoria Place was in part predicated on the Calverley Square scheme. Their decision was also based on the understanding that Tunbridge Wells was a growth area and worthy of investment. The Belvedere project invested for similar reasons.
- The welfare and expertise of the staff and officers in the Council should not be ignored.
- There had been a discussion about a pop up theatre as an alternative. As an example, the Geneva pop up theatre cost £9m. For Tunbridge Wells there was also likely to be the additional cost of acquiring the land needed for this.
- Pop up theatres were also likely to have time constrictions and were likely to be smaller. So it would not resolve issues such as the staging of a Pantomime or have sufficient space to accommodate an orchestra.
- The Trinity theatre was not a viable alternative as it had a specific purpose as a studio theatre.
- Discussions related to the replacement of the town hall and associated building due to increasing costs to maintain the buildings had been going on for a considerable number of years. The scheme had received cross party support at all the previous stages.
- The financial details were reiterated, that although costs had increased, the price was now fixed with the contractor. In addition interest rates had fallen so there would be no increase in the level of repayment by the Council.

- A new Overview and Scrutiny working group had been set up to better the communication and engagement with the public.
- A suggestion was put forward to build the offices which would generate an income, to not build the car park as this was considered a waste of money and redesign the Assembly Hall. If this was considered a reasonable proposal an expansion of the Great Hall car park could be considered. Calverley Grounds would remain untouched, less money would be required but with the objectives still met.
- The town should have a legacy but it should not be this scheme. 3 things wrong with the current scheme: car parks should no longer be built as they were not needed, time had moved on; parks should never be built on; and the Theatre design was inflexible. Better proposals were available and needed to be explored further.
- There were significant consequences of not proceeding with the project:
 - £11m in sunk costs.
 - The refurbishment of the existing buildings would conservatively cost between £50-60m. This would be an unaffordable amount to borrow as there would be no income stream.
 - Services would have to decant for between 3-4 years. Decisions would need to be taken as to where and what this would involve
 - Similarly, Assembly hall would also be closed for between 3-4 years.
 - A delay would also increase the cost and the amount would then become unaffordable.
 - A change in design would require new planning permissions which would cause further delays.
- Refurbishment always resulted in unknown costs as issues arose during the refurbishment process. A new building was a more stable prospect with less risk involved.
- There were many opportunities for improved income streams with new buildings including leasing and retail. This would in turn provide funding for other schemes.

Councillor Chapelard questioned whether the motion should be taken as separate items. The Mayor, on the advice of the Chief Executive, noted that there was precedence for such.

Councillor McDermott requested a recorded vote.

Members who voted in favour of recommendation 1 of the motion: Councillors Backhouse, Bailey, Bland, Mrs Cobbold, Dawlings, Hamilton, Mackonochie, March, McDermott, Scott, Mrs Soyke and Woodward. (12)

Members who voted against recommendation 1 of the motion: Councillors Atkins, Atwood, Bruneau, Chapelard, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Morton, Poile, Pound, Rands, Scholes, Simmons, Warne and Willis. (23)

Members who abstained from voting: Councillors Barrington-King, Neve, Noakes Ms Palmer, Podbury, Stanyer, Mrs Thomas and Williams. (8)

RECOMMENDATION 1 OF THE MOTION NOT CARRIED

Members who voted in favour of recommendations 2-8 of the motion: Councillors Backhouse, Bailey, Bland, Mrs Cobbold, Dawlings, Hamilton, Mackonochie, March, McDermott, Scott, Mrs Soyke and Woodward. (12)

Members who voted against recommendations 2-8 of the motion: Councillors Atkins, Atwood, Bruneau, Chapelard, Ellis, Everitt, Fairweather, Funnell, Dr Hall, Hayward, Hickey, Hill, Holden, Lewis, Lidstone, Morton, Ms Palmer, Podbury, Poile, Pound, Rands, Scholes, Simmons, Stanyer, Warne, Williams and Willis. (27)

Members who abstained from voting: Councillors Barrington-King, Neve, Noakes and Mrs Thomas. (4)

RECOMMENDATIONS 2-8 OF THE MOTION NOT CARRIED

MOTION TO REFER A MATTER TO AN APPROPRIATE BODY

FC54/19 Councillor Scott moved, and Councillor Hayward seconded, a motion without notice, in accordance with Council Procedure Rule 12.4, to refer a matter to an appropriate body. Specifically:
 “The Full Council recognises and supports the workings of the Cross-Party Group to date and asks that it continue its work, specifically to examine the business case and other aspects for options for the 4 key sites owned by the Council (the Town Hall, Assembly Hall Theatre, Mount Pleasant Car Park and the Great Hall Car Park) together with other sites which might become available. The Full Council asks that the Cross-Party Group should report to the Full Council meeting on 18 December 2019 and provide interim reports to Cabinet, Cabinet Advisory Boards and the Development Advisory Panel.”

Councillor Pound raised a Point of Order that a motion without notice was without debate. The Mayor, on the advice of the Chief Executive, confirmed that as the motion without notice was moved and seconded, that the motion could be debated.

The debate on the motion included the following points:

- There was a request to ensure that the end game was recognised in any future decisions.
- Concern was raised that a working party was not sufficiently formal for such an important issue.
- The Local Plan was a live consultation at the time of the meeting. Residents should be encouraged to take this opportunity to make their comments known.
- 18 December may be too early to provide a report.
- Important to ensure that the community was involved in any decision making process and to bring in expertise where needed.
- The working party would seek to expand the work of the cross party group. It would include external sources of expertise, other members of the Council and members of the public.
- It was confirmed that the working group was not a decision making group. It would seek to review and then submit to the relevant decision making committees.

Councillor Hamilton requested a recorded vote.

Members who voted in favour of the motion: Councillors Atkins, Atwood, Bailey, Barrington-King, Bland, Bruneau, Dawlings, Ellis, Everitt, Hamilton, Hayward, Hill, Lewis, Mackonochie, March, McDermott, Morton, Neve, Noakes, Ms Palmer, Podbury, Pope, Pound, Scott, Mrs Soyke, Mrs Thomas, Warne and Willis. (28)

Members who voted against the motion: Councillors Backhouse, Chapelard, Funnell, Hickey, Holden, Scholes and Williams. (7)

Members who abstained from voting: Councillors Mrs Cobbold, Fairweather, Dr Hall, Lidstone, Poile, Rands, Simmons, Stanyer and Woodward. (9)

RESOLVED – That the Full Council recognises and supports the workings of the Cross-Party Group to date and asks that it continue its work, specifically to examine the business case and other aspects for options for the 4 key sites owned by the Council (the Town Hall, Assembly Hall Theatre, Mount Pleasant Car Park and the Great Hall Car Park) together with other sites which might become available. The Full Council asks that the Cross-Party Group should report to the Full Council meeting on 18 December 2019 and provide interim reports to Cabinet, Cabinet Advisory Boards and the Development Advisory Panel.

MOTION ON NOTICE FROM COUNCILLOR EVERITT

FC55/19 The motion was not moved.

MOTION ON NOTICE FROM COUNCILLOR POUND

FC56/19 The motion was not moved.

MOTION ON NOTICE FROM COUNCILLOR ELLIS

FC57/19 The motion was not moved.

URGENT BUSINESS

FC58/19 There was no urgent business.

COMMON SEAL OF THE COUNCIL

FC59/19 **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.

EXEMPT APPENDICES TO CALVERLEY SQUARE DELIVERY STAGE 5-7 (ITEM 4)

FC60/19 The matter to which the exempt appendices relate was decided in public session taking the exempt information as read.

NOTES:

The meeting concluded at 9.35 pm.

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