

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Interim Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

2 January 2024

To: MEMBERS OF THE CABINET  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at an extraordinary meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 10th January, 2024 commencing at **8.00 pm or on the rising of the extraordinary meeting of the Overview and Scrutiny Committee, whichever is later.**

Members of the Cabinet are required to attend in person. Other Members may attend in person or participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

**(NB: Background papers to items referred from Scrutiny Select Committees and Committees have been omitted from printed agenda packs.)**

Yours faithfully

ADRIAN STANFIELD

Interim Chief Executive

## A G E N D A

1. Guidance for the Conduct of Meetings

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## **PART 1 - PUBLIC**

2. Apologies for absence 9 - 10
3. Declarations of interest 11 - 12

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk).

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting.

## **Decisions to be taken in accordance with Part 3 of the Constitution**

### **Executive Non-Key Decisions**

4. Call In of Decision Notice D230106CAB - Future of the Angel Centre, Tonbridge 13 - 34

Cabinet will note the outcome and/or consider the recommendation of the Overview and Scrutiny Committee in respect of the call-in of decision D230106CAB. As the extraordinary meeting of Cabinet will follow the extraordinary meeting of the Overview and Scrutiny Committee, a verbal update will be provided.

Annex 1 to the report to the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023 contains private/confidential information and is attached to the agenda under Part 2 - Private.

5. Urgent Items 35 - 36

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

### **Matters for consideration in Private**

6. Exclusion of Press and Public 37 - 38

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

### **Matters submitted for Information**

7. Future of the Angel Centre, Tonbridge - Annex 1 39 - 40  
(Reason: LGA 1972 - Sch 12A Paragraph 3 – Financial or business affairs of any particular person)
8. Urgent Items 41 - 42  
Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## MEMBERSHIP

Councillor M D Boughton, (Leader)  
Councillor R P Betts, (Climate Change, Regeneration and Property)  
Councillor M A Coffin, (Transformation and Infrastructure)  
Councillor D Keers, (Community Services)  
Councillor K B Tanner, (Finance and Housing)  
Councillor M Taylor, (Planning)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

## **GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) in the first instance.

### **Attendance:**

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

- Members of the public addressing an Area Planning Committee should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact [committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk) for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

### **Ground Rules:**

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

### **Voting:**

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

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Apologies for absence

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Declarations of interest

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# Agenda Item 4

Cabinet will note the outcome and/or consider the recommendation of the Overview and Scrutiny Committee in respect of the call-in of decision D230106CAB. As the extraordinary meeting of Cabinet will follow the extraordinary meeting of the Overview and Scrutiny Committee, a verbal update will be provided by the Scrutiny Officer and any recommendations tabled (if required).

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# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

10 January 2024

### Report of the Scrutiny Officer

#### Part 1- Public

#### **1 CALL IN – DECISION NOTICE – D230106CAB – FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

**The above decision (attached at Annex 1) has been called in. In accordance with “Call In” procedure, five members of the Overview and Scrutiny Committee have raised a valid “Call In” in respect of this decision.**

#### **1.1 Background**

1.1.1 On 5 December 2023 Cabinet Decision Notice D230106CAB was published in relation to the future of the Angel Centre, Tonbridge.

1.1.2 In accordance with Overview and Scrutiny – Cabinet Protocol, requests for call in can be made by any five Members of the Overview and Scrutiny Committee. In this case, Councillors Hood, Hines, Cope, Hoskins and Thornewell, have made this request. The grounds for the call-in request (dated 15 December 2023) are set out below:

“We disagree with the principle of demolishing the Angel Centre until a specific or shortlist of locations for its replacement has been agreed and call on the Cabinet to reconsider their decision.”

1.1.3 Pending further consideration by the Overview and Scrutiny Committee at this meeting, the decision at Annex 1 stands deferred.

1.1.4 If having considered the decision, the Overview and Scrutiny Committee wishes to make recommendations to the Cabinet, then it may refer back to the Cabinet for reconsideration, setting out in writing the nature of those recommendations. If referred to the Cabinet they shall then reconsider it, amending the decision or not, before adopting a final decision.

1.1.5 If following a call in of the decision, the Overview and Scrutiny Committee does not refer the matter back to Cabinet, the decision shall take effect on the date of this Overview and Scrutiny Committee i.e. 10 January 2024.

- 1.1.6 In accordance with paragraph 15(h) of the Overview and Scrutiny Procedure Rules, Cabinet can be required to reconsider any particular decision only once. No further call-ins are permitted of that particular decision.

## **1.2 Legal Implications**

- 1.2.1 In compliance with Overview and Scrutiny Procedure rules, 15 (c) states:

During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.

Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request, within five working days of publication, the Chief Executive shall notify the decision taker of the call in and a meeting of Overview and Scrutiny Committee shall be called to take place where practicable within 10 working days of receipt of a valid call in. Pending that meeting the decision shall stand deferred and not be implemented.

- 1.2.2 The appropriate legal references relating to the future of the Angel Centre are set out in the initial Report to Cabinet (Annex 2).
- 1.2.3 Members are asked to note that Annex 1 to the original report to the Finance, Regeneration and Scrutiny Committee was exempt from publication under paragraph 3 of Part 1 to Schedule 12A of the Local Government Act 1972. Should members of the Overview & Scrutiny Committee wish to consider any matter arising in respect of Annex 1 to the original report then it will be necessary for the Committee to consider excluding the press and public from that part of the meeting.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 As set out in Annex 2

## **1.4 Risk Assessment**

- 1.4.1 As set out in Annex 2

## **1.5 Equality Impact Assessment**

- 1.5.1 As set out in Annex 2

## **1.6 Policy Considerations**

- 1.6.1 As set out in Annex 2



## 1.7 Recommendations

1.7.1 Members to **CONSIDER** the decision set out in Decision Notice D230106CAB regarding the Future of the Angel Centre, Tonbridge, and the request for call in, and;

1.7.2 Following further consideration, if Members remain concerned about any aspects of the decision **REFER** the decision back to Cabinet for reconsideration.

Background papers:

Nil

contact: Gill Fox  
Policy, Scrutiny &  
Communities Manager

Adrian Stanfield  
Interim Chief Executive

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**TONBRIDGE & MALLING BOROUGH COUNCIL****RECORD OF DECISION****Decision Taken By: Cabinet****Decision No: D230106CAB****Decision Type: Non Key****Date: 05 December 2023****Decision(s) and Reason(s)****Future of the Angel Centre, Tonbridge**

Consideration was given to recommendation FRP 23/27 of the Finance, Regeneration and Property Scrutiny Select Committee in respect of the future of the existing Angel Centre building.

Due regard was given to the operational, building fabric and climate change considerations, together with the views expressed by the Leisure Trust and the Scrutiny Select Committee. The financial implications and advantages and disadvantages of both refurbishment and new facility options were also taken into account.

Members recognised that, due to the age, design and changing nature of leisure provision, the Angel Centre was no longer fit for purpose without significant investment in both plant and equipment. In addition, substantial investment would be required to reduce the carbon footprint of the building to achieve the Borough Council's carbon neutral aspirations for its leisure facilities. At this stage, any decision was 'in-principle' only to allow phase 2 of the Tonbridge Town Centre asset review work to progress.

On the grounds of providing clarity regarding the Borough Council's review of its assets in Tonbridge, supporting climate change and ensuring that leisure facilities in the town were fit for purpose and represented value for money, the Leader proposed that the Angel Centre be demolished and replacement leisure facilities be provided; and in-principle, all options be kept on the table for the future location of the replacement leisure facilities within Tonbridge and the nature of such replacement facilities. This was seconded by Cllr Betts and supported unanimously.

**RESOLVED:** That

- (1) the Angel Centre be demolished and replacement leisure facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure facilities within Tonbridge.

Reasons: As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023.

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 08 December 2023

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

## **FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

### **Item FRP 23/27 referred from Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023**

Members' in-principle views were sought on the future of the existing Angel Centre building as part of the Borough Council's work to review its land and property assets in Tonbridge town centre.

Members recognised that, due to age, design and the changing nature of leisure provision, the Angel Centre had reached the point of requiring substantial investment in both plant and equipment and building fabric to remain fit for purpose in the long term. In addition, significant further investment would be required to reduce the carbon footprint of the building to achieve the Council's carbon neutral aspirations for its leisure facilities. From a cost saving perspective, actions needed to take place as soon as possible in view of the huge ongoing maintenance expenses.

It was emphasised by the Cabinet Member for Climate Change, Regeneration and Property that it was only a preference on the in-principle option that was sought from Members at this stage, which information would then be incorporated into the option appraisals to be developed by the consultant company MACE as part of their Phase 2 report, to be presented to the Committee for consideration at a future meeting.

Having regard to the operational, building fabric and climate change considerations, as well as views expressed by the Leisure Trust and the financial implications, Members noted the pros and cons of both refurbishment and new facility options respectively and took into account the legal implications set out in Annex 1.

**RECOMMENDED\*:** That

- (1) in principle, all options be kept on the table for the future of the leisure centre, including demolishing and rebuilding it elsewhere.

**\*Recommended to Cabinet**

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**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE**

**14 November 2023**

**Joint Report of the Director of Central Services,  
the Director of Street Scene, Leisure & Technical Services,  
the Cabinet Member for Climate Change, Regeneration & Property and  
the Cabinet Member for Community Services**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision**

**1 FUTURE OF THE ANGEL CENTRE, TONBRIDGE**

The aim of this report is to ascertain Members' in-principle views on the future of the existing Angel Centre building as part of the Council's work to review its land and property assets in Tonbridge town centre.

Due to its age, design and the changing nature of leisure provision, the Angel Centre has reached the point of requiring substantial investment in both plant and equipment and building fabric to remain fit for purpose in the long term. In addition, significant further investment will be required to reduce the carbon footprint of the building to achieve the Council's carbon neutral aspirations for its leisure facilities.

Members are asked to provide their in-principle recommendations to Cabinet on whether they feel the existing building should be retained and refurbished or whether the Council should replace leisure provision at an alternative location in the town.

**1.1 Introduction**

- 1.1.1 As Members are aware, the Council has been progressing a review of its land and property assets in Tonbridge town centre to determine how they can best be utilised.
- 1.1.2 The Council has been working with the company Mace to deliver this work with Phase 1 focused on establishing Members' aims and objectives of the review, the outcome of which was reported to Cabinet at its meeting on 5<sup>th</sup> July 2022.

- 1.1.3 Cabinet agreed to continue the work into phase 2, which is focussing on the overall governance and programme objectives across the range of work streams identified in Phase 1, as well as giving priority to explore options on the potential development area east of the High Street.
- 1.1.4 The Angel Centre is one of the Council's largest assets in the town centre and is included within the area of potential development being explored through Phase 2. Members recently approved the inclusion of the Angel Centre, as well as the surface car parks in the surrounding area, for potential development as part of the new Local Plan process.
- 1.1.5 While completing their work, Mace have made clear that a decision on whether to refurbish the Angel Centre or seek to move facilities elsewhere is essential to best advise the Council on the wider redevelopment options on land East of the High Street. Due to its size and location the future of this building forms a key part of this work.
- 1.1.6 At the next meeting of this Committee, the outcomes of the phase 2 report will be reported to Members on the potential development area east of the High Street. It is important in the context of the future report to be presented to Members to know Members' in-principle views on whether they would like to see the existing building retained and refurbished, or whether a replacement facility to serve the town would be the preference.

## **1.2 The Angel Centre**

- 1.2.1 The Angel Centre was originally constructed in 1981 as part of the development of the former Angel football ground which saw the construction of the existing Sainsbury's store and surface car parks. The Angel Centre replaced community facilities in Lyons Crescent together with a large sports hall and squash courts.
- 1.2.2 The Angel Centre is divided into two sides. The community side includes a suite of meeting rooms, a function suite and a community hall with stage. On the sports side there is a 6 badminton court sports hall, dance studio, pre-school and gym. There is a reception area serving both sides of the building.
- 1.2.3 Since the building was constructed, the Council has delivered a wide range of leisure services and activities from the facility and has continuously invested in both equipment and the building in an attempt to keep the building fit for purpose.
- 1.2.4 By way of some examples, the Council has spent approximately £687,000 over the last 10 years in maintaining the building and invested approximately £2.5m since the year 2000 on capital improvement schemes and equipment.



- 1.2.5 In 2013 the Council established the Tonbridge & Malling Leisure Trust to operate its leisure facilities, the Angel Centre being one. The decision to outsource to a Trust resulted in significant financial benefit to the Council including both business rate exemption and the preferential exempt VAT status of the Trust. This advantage was enhanced by a decision that the Council would retain responsibility for the cost of plant and equipment for which it could reclaim VAT thus reducing the service fee demands of the Trust and further cost saving for the Council.
- 1.2.6 In recent times it has become clear that for the building to be considered fit for purpose in the long term, either substantial investment would be required in the existing building, or a replacement facility would be required. The main issues being decarbonising the building as well as maintaining and updating the building fabric, plant and equipment, more details of which are provided in section 1.4.
- 1.2.7 This is as a result of the changing face of leisure provision and how it is delivered. When the building opened in 1981 there would have been very limited public access to high quality leisure facilities. However now there are a range of facilities available for public use across a range of settings within the town particularly by local state and private schools. These include:

#### Sports Halls

- Hayesbrook Academy
- Huge Christie School
- Judd School
- Tonbridge Grammar School
- Weald of Kent School

#### Fitness

- Snap Fitness
- Anatomy 37
- Tonbridge School

#### Meeting/function Rooms

- Schools
- Churches
- Colleges

- Sports clubs
- Tonbridge Castle

1.2.8 In 2013/14 the Council were in advanced negotiations with Sainsbury's regarding the development of the area east of the High Street, which would have seen the construction of a new leisure centre on the site of the Bradford Street car park. Sainsbury's withdrew from the scheme and so the current Angel Centre building remained.

### **1.3 Tonbridge Town Centre Work**

1.3.1 As mentioned in the introduction, due to its size and location the existing Angel Centre building is a key issue in the work the Council are progressing in liaison with Mace to review its assets in the town, specifically in the area east of the High Street.

1.3.2 Due to the breadth and depth of the work associated with the option appraisals in this area, it would be incredibly helpful to get a sense from Members whether their preference, in principle, would be to refurbish the existing building or look to provide a replacement facility. This information will then be incorporated into the option appraisals developed by Mace which will be presented to Members at an appropriate meeting.

1.3.3 From a place shaping perspective, the current Angel Centre building does not easily fit into wider redevelopment options due to its size, location, design and range of facilities. If Members recommend, in principle, not to consider a refurbishment option then it will unlock additional opportunities in the area East of High Street, especially in relation to the area running alongside the Botany Stream where more could be made of the water frontage.

### **1.4 Current Situation**

1.4.1 The Angel Centre was included in the portfolio of buildings leased to the Tonbridge & Malling Leisure Trust when it was created in 2013. The current lease of the Angel Centre is due to expire in October 2033, along with the other buildings leased to the Trust.

1.4.2 Outlined below is some information which may assist Members in reaching a recommendation to Cabinet.

### Operational Considerations

- 1.4.3 The Angel Centre has always been a difficult building to manage and operate and its design, layout and mix of facilities does not meet the current needs of the market. This is evidenced by the fact the Angel Centre operates at a net loss compared to the other facilities operated by the Leisure Trust, which contribute a net profit to the Leisure Trust's overall bottom line. In the Leisure Trust's Business Plan 2023-2025 the forecast for 2023/24 is that the Angel Centre would operate at a loss of £265,500.
- 1.4.4 The facilities on the community side are not well used and better quality alternative facilities are available in the town operated by others. The usage of the community facilities in particular has declined since the covid pandemic. The Leisure Trust report that usage statistics and income analysis show the Medway Hall is utilised to a far lesser degree than pre-covid and that this decline may be traced back further. Major events like the Dance Festival and Christmas Panto no longer take place, along with the regular cinema screenings. It further reports that casual large hires are fewer and the Medway Hall is now used far more for regular group exercise classes linked to fitness membership and that a suite of six meeting rooms is not required with one now being permanently used for storage and the smallest room rarely hired.
- 1.4.5 Whilst on the sports side the gym performs well with the Leisure Trust reporting membership significantly ahead of pre-covid levels. Compared to pre-covid, membership is up 44% and income for 2022/23 was 49% above pre-covid levels.
- 1.4.6 In terms of group exercise and dance studios, the existing facilities, which are a mix and match of a refurbished squash court, the Riverside function room, Medway Hall and Sports Hall are variously ill-equipped to deliver a quality service due to a lack of air-conditioning, sprung floor, mirrors, high quality sound and light and poor acoustics. The fact that exercise classes are having to be run from these facilities supports the position that there are inadequate, fit for purpose dance studios to meet demand. There are no catering facilities on the site.
- 1.4.7 The Angel Centre operates a successful GP Referral Programme and Phase IV Cardiac Rehabilitation Programme. This involves a combination of prescribed exercise and lifestyle and dietary advice. Medical professionals refer patients to the programme.
- 1.4.8 In the past the Council has attempted to improve the layout and accessibility of the building via numerous internal reconfigurations, including moving the entrance to the side of the building and converting underutilised areas, for example conversion of squash courts to fitness studios and the gym.
- 1.4.9 Although these previous works have been successful, it always presents challenges when delivering services in areas which have not been originally designed for that purpose.

- 1.4.10 The internal layout of the building includes numerous corridors and rooms which restricts movements around the facility and does not create a particularly positive customer experience. This also reflects in higher maintenance costs.

#### Building Fabric Considerations

- 1.4.11 The building is now over 40 years old and therefore costs to maintain both the building fabric, as well as plant and equipment, are increasing. In terms of plant and equipment, it has reached the stage where entire systems that have reached the end of their serviceable lives need to be completely replaced, for example mechanical ventilation systems and boilers.
- 1.4.12 In terms of building fabric, we are aware of issues with items such as the sports hall floor, which will need to be completely replaced in the short to medium term due to reaching the end of its serviceable life, and underground drainage pipes, which are deteriorating to the extent the site are experiencing regular blockages.
- 1.4.13 A specific area of concern is the roof, which is a combination of felt covered roof, with the felt reaching the end of its serviceable life, and asbestos containing roof tiles.

#### Climate Change Considerations

- 1.4.14 In addition to the above, a key consideration is the Council's aspiration to become carbon neutral by 2030 and Cabinet's pledge to have carbon neutral leisure centres by 2027.
- 1.4.15 Across the Council's owned estate, energy consumption at the Angel Centre is only outstripped by the two sites with swimming pools, Larkfield Leisure Centre and Tonbridge Swimming Pool. For comparison, energy consumption and carbon emissions from the Angel Centre are close to double those from the Council's Gibson East and West office buildings combined. Reaching carbon neutral in operational terms for the Angel Centre would mean removing emissions of approximately 315 tonnes of CO<sub>2e</sub> per year.
- 1.4.16 The building's Display Energy Certificate (DEC) and Energy Performance Certificate (EPC) provide information on current energy efficiency and potential additional measures. DEC's are required for buildings frequently visited by the public which have a total useful area greater than 250 sqm and have been produced for the Angel Centre since 2015. The DEC rates the actual or operational energy performance of a building against established benchmarks and takes into consideration the ways in which occupant use the building. A is the highest rating, and G the least energy efficient.
- 1.4.17 An EPC is similar in that it gives information about the energy efficiency of a building to owners, prospective buyers and tenants. The ratings run from A+ to G, with A+ being better than carbon neutral and G being the poorest energy rating.

- 1.4.18 From 1<sup>st</sup> April 2023 all commercial properties must have an EPC rating of E or above to continue to be let. If they score an F or G then the building owner will need to carry out improvement works in order to achieve an E or higher rating. The government are expected to increase the minimum EPC threshold to a C rating by April 2027 and then a B rating by April 2030. Financial penalties can be levied on building owners who do not comply, up to a maximum of £150,000.
- 1.4.19 Taking into account the Council's aspiration to become carbon neutral by 2030, and Cabinet's pledge to have carbon neutral leisure centres by 2027, the aim should be to have DEC and EPC ratings of A.
- 1.4.20 The Angel Centre's current DEC rating is E and EPC rating is C. The EPC notes that a rating of D is typical for buildings of similar type to the Angel Centre, whereas a new build of similar type typically has an EPC A rating.
- 1.4.21 The EPC recommendation report sets out measures that could improve a building's energy efficiency. For the Angel Centre, these recommendations are limited to potential improvements to insulation and some operational efficiencies, all with a low or medium impact. As pointed out elsewhere in this report, the building fabric, previous re-designs and co-option of space for new purposes limits what else can be done within the property short of complete over-haul. Retrofit that would be extensive enough to make a more significant reduction in operational energy use and carbon emissions would come at high financial cost. Significant carbon emissions would also be expected from the scale of works needed to address the fabric of a building of this size.
- 1.4.22 If new provision were provided, the emissions from any new build element would need to be accounted for and minimised using up-to-date design, materials, manufacture and construction processes. Plans for provision in any alternative location would need to take account of both the Council's own carbon neutral 2030 aspiration, as well as looking ahead to the UK 2050 Net Zero target, given that the life of such a facility would likely exceed 20 years. A building with a minimum 'A' EPC rating would be consistent with these goals.
- 1.4.23 For any building, emissions are produced during the design, manufacture and build process; while the building is in operation; and at 'end of life' when the building is dismantled and materials disposed of. During the operational life of a building emissions will be produced by energy consumption, but also through emissions associated with further retrofit measures. New design methods and construction standards can ensure buildings, including leisure centres, can already operate at net zero, minimising the need for future retrofit. Whether the decision is to invest in deep retrofit, or to move to an alternative location, efforts should be made to minimise emissions at every point.

## 1.5 The Leisure Trust

- 1.5.1 The Leisure Trust were asked to provide its views on the current Angel Centre, which are:
- 1.5.2 *Despite investment over many years by the Council the fundamental failures in the original design of the Angel Centre have resulted in operational challenges for 40 years. Reconfiguration of the facilities have assisted in improvement of services but have never represented truly fit for purpose spaces and as public expectation of bespoke, clean, well-maintained and accessible facilities increases so does the challenge. Whilst investment has always been welcomed it has proved impossible to refurbish existing areas to the high standards of extensions/new build projects undertaken elsewhere, notably at Larkfield Leisure Centre where the gym, spa and studio facilities amongst others have largely been extensions rather than refurbishment of existing areas.*
- 1.5.3 *The customer journey at the Angel Centre militates against easy access and lack of dedicated changing spaces also deters customers from use of the gym in particular. The need to programme activities into areas not designed for purpose results in lower customer satisfaction and the continual need to move equipment around the site. This impacts on the ability of the Trust to provide services seen as competitive in the local market.*
- 1.5.4 *Day to day maintenance is challenging in an ageing building with many redundant spaces that contribute to a less attractive facility. Dry side facilities across the country generally attract higher operating costs to income ratios and the Angel Centre is no exception but this is worsened by the age of the building and time and money spent on cleaning and maintenance.*
- 1.5.5 *Notwithstanding the above the Trust has worked hard to develop gym membership and provides valuable health and wellbeing services to a very wide range of residents and visitors. It is the Trust's view that current growth in use since the pandemic needs to be capitalised upon by investment in new or refurbished facilities as outlined in this report and the Trust looks forward to a continued and progressive partnership with the Council for the physical and mental health and wellbeing of local people.*
- 1.5.6 Liaison has been taking place with the Leisure Trust so that they have been able to brief their staff on the content of this report. Being that it is a public document staff may have legitimate concerns over their future job security. The Council is keen to work with the Trust to ensure continuity for the workforce and the service it provides. Liaison will also take place with customers by the Trust so they are properly informed. This is being undertaken in liaison with the Council's Media and Communications team.

## **1.6 Financial Implications**

- 1.6.1 Being that Members are being asked to make an in-principle recommendation, officers have not incurred large costs associated with detailed financial appraisals of the options. However, we have looked at high level costs associated with an option to refurbish the current building and a replacement facility although at this stage no assumptions are being made about where any replacement facility would be located.
- 1.6.2 In terms of refurbishment, an estimated range of gross development costs (including building works, fees etc) is £8.6m - £14.58m.
- 1.6.3 The lower cost includes replacement of electrical and mechanical systems as well as internal alterations and reconfiguration, while the higher cost also includes replacements and upgrades to the building fabric with a view to providing a carbon neutral facility, hence the large range.
- 1.6.4 They also include a cost for lost revenue during the course of the works on the basis large areas of the building would be unavailable to customers. Whilst every effort would be made to retain core services this has been included as a one-off cost however it is not unreasonable to assume lost revenue may continue for some time as some customers will take out new membership elsewhere, for example. No allowance has been made for any loan repayment costs.
- 1.6.5 In terms of construction of a new building, costs are dependent on the size of the facility and the type of facilities being provided. Although a detailed assessment of the type of services which may be required has not yet been undertaken, an estimated range of gross development costs is £16.5m - £19.8m.
- 1.6.6 These high-level costs are based on a carbon neutral replacement facility which is approximately 15% smaller than the current Angel Centre, to take into account the inefficient layout of the current building. No allowance has been made for any loan repayment costs.
- 1.6.7 These costs do not include any increased revenue or operational savings which would result from the works as this will be dependent on the final scope. However initial estimates suggest this could range between £250,000 - £675,000 per annum.

## **1.7 Summary**

- 1.7.1 The two in-principle options we are asking Members to consider are whether the Council should look to refurbishment the existing facility, with the aim of making the facility fit for purpose for the long term (20-25 years) including the pledge to make it carbon neutral by 2027, or whether those aims would be more effectively achieved in a newly constructed facility.

Table 1 – Summary of pros and cons

|             | <b>Refurbishment Option</b>  | <b>New Facility Option</b>   |
|-------------|--|--|
| <b>Pros</b> | <ol style="list-style-type: none"> <li>1) Lower initial capital cost</li> <li>2) Generally speaking, less embodied carbon</li> </ol>   | <ol style="list-style-type: none"> <li>1) Existing Angel Centre could continue to operate while a new facility is constructed</li> <li>2) Design can ensure fit for purposes spaces are provided to meet customer needs</li> <li>3) Ensuring building is designed and constructed to carbon neutral standard</li> <li>4) Lower operating and maintenance costs</li> <li>5) Presents opportunities as part of the wider town centre work</li> </ol> |
| <b>Cons</b> | <ol style="list-style-type: none"> <li>1) Significant disruption to facility during works meaning customers may move elsewhere</li> <li>2) Difficulty in ensuring the existing building can be made fit for purpose for the future if working within the existing footprint</li> <li>3) Likely to be ongoing high operational and energy costs, despite refurbishment</li> <li>4) Limits options for the wider development of the area east of the High Street</li> <li>5) Significant challenges to make the building carbon neutral</li> </ol> | <ol style="list-style-type: none"> <li>1) Higher initial capital cost</li> </ol>   |

1.7.2 In either case an assessment of what facilities could be provided and, in the case of a new facility option, where those facilities could be located will be undertaken.



## **1.8 Next Steps**

- 1.8.1 Once a decision is made then officers can work with Mace to finalise the phase 2 Tonbridge Town Centre work with a view to providing Members with a report detailing the phase 2 work, including the implications of the in-principle decision made by Members.

## **1.9 Legal Implications**

- 1.9.1 This information can be found in a separate (Part 2) annex.

## **1.10 Financial and Value for Money Considerations**

- 1.10.1 Some high-level financial information in relation to the two options is provided above at section 1.6. Once an in-principle option is chosen further work will be undertaken and presented to Members setting out facility options, as well as some more detail on likely costs.
- 1.10.2 This may involve the need to instruct design and cost services with an appropriate budget being identified.
- 1.10.3 Options for how the Council could look to fund either option would be explored as part of the next phase of work.

## **1.11 Risk Assessment**

- 1.11.1 If an in-principle decision is not forthcoming in relation to the Angel Centre it will add uncertainty to the Council's work to review its assets in the town centre.
- 1.11.2 Due to the condition of plant and equipment, as well as the Council's carbon neutral aspirations, this decision is needed to provide direction so we can plan for the future. If that does not happen the Council will be forced to spend significant sums of money on the building and equipment with no clear direction as to what the future of the facility may be, resulting in likely abortive costs.
- 1.11.3 If there is ongoing uncertainty over the future of the facility it may lead to both staff and customers leaving, impacting on the Trust's ability to generate revenue.

## **1.12 Equality Impact Assessment**

- 1.12.1 Being that an in principle recommendation is being sought from Members, it is felt the decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. At the point final decisions are taken in relation to the provision of services then an equality impact assessment will be undertaken.

### **1.13 Policy Considerations**

1.13.1 Asset Management

1.13.2 Climate Change

1.13.3 Healthy Lifestyles

### **1.14 Recommendations**

1.14.1 It is **RECOMMENDED** to Cabinet that;

1.14.2 The preferred option chosen by Members of the Finance, Regeneration and Property Scrutiny Select Committee relating to the future of the Angel Centre set out in this report be taken into account, and;

1.14.3 Officers be instructed to proceed with further work on the preferred option, including what facilities could be provided and, in the case of a new facility option, where those facilities could be located, with a view to presenting a future report to Members with the details

The Director of Central Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Stuart Edwards  
Robert Styles

Adrian Stanfield  
Director of Central Services & Deputy Chief Executive

Robert Styles  
Director of Street Scene, Leisure & Technical Services

Robin Betts  
Cabinet Member for Climate Change, Regeneration & Property

Des Keers  
Cabinet Member for Community Services

# Agenda Item 5

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 6

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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