

## **Sale of the Pantiles, Tunbridge Wells and Rusthall Commons and Title of Lord of the Manor of Rusthall**

**To:** Cabinet

25<sup>th</sup> October 2007

**Main Portfolio Area:** Leader & Corporate Services

**Author of report:** Robert Cottrill

**Classification:** Non-Exempt

**Ward:** Broadwater, Pantiles and St Marks

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### **Executive Summary**

This report (071025/CAB012) updates Members on the sale of the Tunbridge Wells & Rusthall Commons, The Pantiles and the Title of The Manor of Rusthall. It is being considered as an urgent item as the marketing information has just been made available and there is a short timetable within which the Council needs to make a decision on its position. It is recommended that authority is given to continue negotiations with the selling agents in respect of the possible purchase of the Commons & Title, but not in respect of The Pantiles.

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### **Corporate Priorities**

Promote & maintain a thriving & diverse local economy.  
Care for our environment.  
Ensuring we are well-managed, proactive and deliver value for money services.

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### **Report status**

For decision.

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### **Route to Implementation/Timetable:**

Following negotiations and due diligence, a further report will be considered by Cabinet in November / December. Any decision made then to acquire assets outside the budgetary framework will require Council approval.

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## Report of Director of Planning and Development Continued

### Background/Introduction

1. The Council was informed in August of the intention of the trustees of the Manor of Rusthall to dispose of the Pantiles, Commons and title. The Trustees appointed agents, CBRE, to oversee the sale. The Trustees met on 15<sup>th</sup> October and gave approval for the marketing process to begin. The process will last for six weeks and consequently the Council needs to have considered its options and responded to the agents within this period.

### Context

2. The properties in question are a key part of the fabric, history, economy and environment of Tunbridge Wells. The Pantiles is a destination drawing visitors from around the world and therefore contributing the whole Borough's attraction as a tourist destination. The Commons are an integral part of what defines Tunbridge Wells as a quality environment.
3. Given the unique role of the Pantiles and Commons in the town, the Borough Council was concerned when it first learned of the proposals. Consequently, a meeting was arranged with the agents for the Manor, CBRE, their legal advisors and managing agents attended by the Leader of the Council, the Portfolio Holder for Corporate Services and the Director of Planning and Development.
4. During the meeting it was stressed that the Pantiles and Commons are unique assets and that the Borough Council, local residents and businesses would want to make sure that their use, maintenance and management contribute to the character and vitality of the town in future. It was also pointed out that the Borough Council also makes a significant contribution to the maintenance of the Commons which this year amounts to £112,000.
5. Following the announcement of the sale process, there was media coverage and correspondence offering a range of views, the majority of which were urging that the Council seek to ensure that the Pantiles and Commons are preserved to continue their contribution to the character of the Town.
6. There are a number of ways that the Council can influence the future of the properties. For example, the majority of the buildings on the Pantiles are Listed Buildings. This means that there is a very high level of statutory protection against any alteration and, as local planning authority, the Borough Council carries out this safeguarding role.
7. The Commons hold a number of designations - for example all of the Commons are within the Metropolitan Green Belt and Conservation Areas. Most areas are Sites of Nature Conservation Importance (now known as Local Wildlife Sites) and some areas are Sites of Special Scientific Interest and priority habitats under the UK and Kent Biodiversity Action Plan. They are also, of course, Common Land. With such a number of very restrictive designations, the Borough Council, as local planning authority can, and intends to, exercise its powers to maintain the character and landscape value of the Commons.
8. In addition to its statutory role as local planning authority, the Council also has the option to consider purchasing any of the assets currently being marketed. Ownership of the assets would give the Council greater control over the future. However it would obviously require capital expenditure. In this context any purchase needs to be assessed against other priorities and value for money.

9. The agents have confirmed that the assets will be sold in two packages:
  - a. The Pantiles;
  - b. The Commons and the Title of the Manor of Rusthall, including the following properties;
    - 26 London Road Forecourt,
    - 12/16 London Road,
    - Rusthall Cricket Ground,
    - Linden Park Cricket Ground,
    - Fir Tree Car Park,
    - Fairground Car Park.
10. The agents are seeking offers in excess of £10 million for the Pantiles, and offers in excess of £850,000 for the Commons, Title of the Manor of Rusthall and associated properties.
11. In terms of Council priorities, although the Pantiles is a unique part of the town, there are a number of reasons which mitigate against the Council purchasing the buildings. As stated earlier, the properties for sale are listed and are therefore covered by a very high degree of statutory protection. It follows that the Pantiles will not become an area of change or opportunity in any forthcoming Town Centre Masterplan or development strategy.
12. They are also predominantly in commercial use. It is considered that companies or organisations with the experience and expertise in the investment and management of such properties would be far more effective in securing the long term vitality of the Pantiles. Finally, the asking price in excess of £10 million would have a significant impact on the Council's reserves and would be more difficult to justify in terms of value for money.
13. In contrast, the Commons, title and associated properties, as a package, is a much less commercial asset. The size of the Commons and its position in the centre of Tunbridge Wells defines the character and form of the Town Centre. The Borough Council is required by statute to contribute to the maintenance of the Commons which, for this financial year, amounts to £112,000. It also includes car parks and sporting facilities which contribute to the local economy and stronger communities respectively.
14. Any new owner may have the ability to nominate Commons Conservators, the persons responsible by statute to maintain and manage the Commons. It is considered that the Council should investigate further the implications of a change in ownership and how it may affect the future management and maintenance of the Commons. If it is considered that there is a case for purchasing the Commons, Title and associated properties then a further report could be considered by Cabinet, and any recommendation by Full Council as required. At this point, it is requested that authority is given to negotiate with the agents on that basis.

## **Cross cutting issues**

### *Legal*

15. The Council has common law and statutory powers to acquire, own and maintain land, which can include common land. The County of Kent Acts regulate the composition of the Commons Conservators and may require revision in the event of a sale of the Common land and the Title. Negotiations conducted by Officers will not commit the Council to expenditure. As there is no sum set aside in the current year's budget for the purchase of

the Commons and associated property, the full Council would be required to approve any expenditure on acquisition of the land etc. A further report seeking a resolution to spend such money would be presented to Council if the Officer investigations and negotiations indicate that purchase of the Commons, Title and other properties would be in the Council's interests.

#### *Finance and other resources, including ICT*

16. At this stage there are minimal implications. Fees to appoint external consultants to advise the Council may be required. These can be found from existing budgets. The wider financial implication will be reported when Cabinet considers a further report following the marketing process.

#### *Staffing*

17. There are no implications arising from this report.

#### *Value for money*

18. The Value for Money aspects will be considered in carrying out due diligence during the sale process and will be reported back to Cabinet when a further report is considered.

#### *Risk Management*

19. The risks associated with any purchase will be assessed during the evaluation of the marketing information. At this stage the risks associated with the purchase and the alternative levels of statutory protection have been assessed leading to the recommendation.

#### *Equalities*

20. There are no implications arising from this report.

#### *Safer & Stronger Communities*

21. There are no implications arising from this report.

#### *Environment / Sustainability*

22. There are no implications arising from this report.

#### *Human Rights Act*

23. There are no implications arising from this report.

#### *Communication and Consultation*

24. The Council will issue a press release associated with the decision and consult with interested parties during the sale process.

### **Conclusion**

25. The Pantiles and Commons are unique assets. The Borough Council, local residents and businesses would want to make sure that their use, maintenance and management contribute to the character and vitality of the Town in future. The Borough Council also makes a significant contribution to the maintenance of the Commons which this year amounts to £112,000. It is considered that there is justification for the Council to carry out further assessment of the sale of the Commons, Title of Lord of the Manor of Rusthall, and associated properties.

### **Recommendation(s):**

1. That the Director of Planning and Development, in consultation with the Leader of the Council and Portfolio Holder for Corporate Services negotiate on behalf of the Council on the possible purchase of the Commons, Title of the Lord of the Manor of Rusthall, and associated properties;

2. That a further report detailing the substantive issues is considered by Cabinet in November / December;

**Reason(s) for recommendation(s):**

25. The Commons is a unique asset to the character and vitality of Tunbridge Wells and that the Borough Council should seek to influence its future management and maintenance in the most effective way.

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**Appendices: None**

**Background Papers:** CBRE Marketing Information 16<sup>th</sup> October 2007