

TONBRIDGE AND MALLING BOROUGH COUNCIL

FINANCE AND PROPERTY ADVISORY BOARD

Tuesday, 24th May, 2011

Present: Cllr A K Sullivan (Chairman), Cllr A W Allison (Vice-Chairman), Cllr Mrs P Bates, Cllr T Bishop, Cllr P J Homewood, Cllr S R J Jessel, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr A G Sayer and Cllr R Taylor.

Councillors Ms Atkinson, Baldock, Bolt, Coffin, Evans, Mrs Holland Mrs Oakley, Parry-Waller, Rhodes, Rogers and Worrall were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs Murray and C Smith.

PART 1 - PUBLIC

**FP
11/013 DECLARATIONS OF INTEREST**

Councillor Worrall declared a personal and prejudicial interest in the item relating to Applications for Discretionary Rate Relief on the grounds of being Director of Age Concern (Malling) and Trustee of Town Malling Cricket Club. He took no part in the discussion or voting thereon.

Councillors Allison, Ms Atkinson and Mrs Bates declared personal and prejudicial interests in the item relating to Lease Renewal of Six in One Club, Tonbridge, on the grounds respectively of being a member of the Club, having assisted in the funding of the Club and holding a licence in respect of the Six in One Club. They withdrew from the meeting during consideration of the matter.

**FP
11/014 MINUTES**

RESOLVED: That the notes of the meeting of the Finance and Property Advisory Board held on 5 January 2011 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

**FP
11/015 APPLICATIONS FOR DISCRETIONARY RATE RELIEF**

Decision Notice D110064MEM

The report of the Director of Finance gave details of renewal and new applications for discretionary rate relief which were considered in accordance with the revised guidelines for the grant of such relief. It

was noted that the application in respect of East Malling Village Hall had been withdrawn.

RECOMMENDED: That

(1) with reference to the re-applications for relief set out at Annex 4 to the report 20% discretionary relief be awarded in respect of each property with the exception of Eccles Over 50s Club and Snodland Historical Society where 80% discretionary relief be granted and Margaret McMillan House where 5% relief be granted, all with effect from 1 April 2011, time limited to 31 March 2013;

(2) in respect of Relate West & Mid Kent, Suite 2, 9 High Street, West Malling – 20% discretionary relief be granted, time limited to 31 March 2013;

(3) in respect of the renewal applications for rural rate relief set out at Annex 5 to the report, 80% relief be awarded to East Peckham Post Office and the General Store, Hadlow and 40% relief to West Malling Post Office, time limited to 31 March 2013; and

(4) organisations be advised that the Council may need to review the way it awards relief in the future.

**FP
11/016**

FINANCIAL PLANNING AND CONTROL

Decision Notice D110065MEM

The Director of Finance's report provided information on the Council's key budget areas of salaries, major income streams, investment income and the trading position of the Leisure Services Business Unit. It also gave an update on the variations agreed in relation to the revenue budget and areas identified through budgetary control. This was summarised to provide an indicative overall budget position. An update was also given on capital expenditure and variations agreed in relation to the capital plan.

RECOMMENDED: That the contents of the report be noted and endorsed.

**FP
11/017**

BENEFIT INVESTIGATION SECTION - OUTTURN 2010/11 AND BUSINESS PLAN FOR 2011/12

Decision Notice D110066MEM

The report of the Director of Finance gave details of the outcome of investigations carried out by the Benefits Investigation Section during the year 2010/11. It also presented for approval the proposed Business Plan for 2011/12.

RECOMMENDED: That the proposed Benefits Investigation Section Business Plan 2011/12 set out at Annex 2 to the report be endorsed.

MATTERS SUBMITTED FOR INFORMATION

FP 11/018 PUBLICATION OF ALLOWANCES PAID TO MEMBERS DURING THE FINANCIAL YEAR 2010/11

The Board received a copy of the statement of the actual allowances paid to Members during the course of the financial year 2010/11 which had been published in accordance with regulation 15(3) of the Local Authorities (Member Allowances) (England) Regulations 2003. Members requested that in future the previous year's figures be provided for comparison purposes.

FP 11/019 COUNCIL TAX AND BUSINESS RATES UPDATE REPORT

The report gave details of recent developments in respect of council tax and business rates including the final collection rate for 2010/11. It was noted that subject to receipt of the final externally audited figures, the Council was second in Kent in terms of collection of council tax and first for business rates. The Board was also advised that the Government had announced that the small business rate relief scheme would be extended by a further year to 30 September 2012.

Congratulations were recorded to the staff involved for the successful collection rates achieved during the difficult economic conditions over the past year.

FP 11/020 BENEFITS UPDATE

Members were advised of current issues arising in the benefits field including performance and workload of the Benefits Service and progress in respect of changes to housing and council tax benefits. It was noted that a briefing session would be held on the Universal Credit on the evening of the next meeting of the Advisory Board on 20 July 2011.

FP 11/021 THE LOCALISM BILL

The report gave details of issues relating to council tax and non-domestic rating contained in the Localism Bill currently progressing through Parliament. Particular attention was drawn to the clauses dealing with the granting of discretionary rate relief and referenda on council tax increases.

Members expressed concern about the timescale for alerting local authorities to the target ceiling which would trigger the requirement for a referendum and its impact on the budget setting process, payment instalments and cash flow. The Advisory Board therefore requested that the Director of Finance and Cabinet Member for Finance make representations to the Government to bring forward the date for issuing the principles expected of councils to avoid the need for a referendum and that this be front-loaded to the budget setting exercise. It was also requested that a copy of the letter be sent to the local Members of Parliament and local authority associations.

MATTERS FOR CONSIDERATION IN PRIVATE

FP 11/022 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE CABINET

FP 11/023 DEBTS FOR WRITE OFF (Reason: LGA 1972 Sch 12A Para 2 - Information likely to reveal information about an individual)

Decision Notice D110067MEM

Consideration was given to the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts written-off in the current and previous financial years and information on budgeted bad debt provision.

RECOMMENDED: That the 13 items shown in the schedule totalling £84,778.33 be written off for the reasons stated.

FP 11/024 PROPOSED LEASE RENEWAL OF SIX IN ONE CLUB, TONBRIDGE (Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs of any particular person)

Decision Notice D110068MEM

The report of the Central Services Director gave details of the proposed terms and conditions for a new lease to the Six in One Club, Tonbridge.

RECOMMENDED: That the proposed lease be granted under the terms and conditions outlined in the report.

FP 11/025 PROPOSED LEASE RENEWAL OF SHOP UNIT AT DERWENT ROAD, TONBRIDGE (Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs of any particular person)

Decision Notice D110069MEM

Consideration was given to the report of the Central Services Director which gave details of the proposed lease renewal of shop premises at Derwent Road, Tonbridge.

RECOMMENDED: That the proposed new lease, as outlined in the report, be approved.

**FP
11/026**

**PROPOSED LEASE OF SOVEREIGN WAY MID CAR PARK FOR USE AS A SUNDAY FARMERS MARKET
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs of any particular person)**

Decision Notice D110070MEM

The Central Services Director gave details of a proposal to grant a lease of Sovereign Way mid car park for use as a Sunday Farmers Market. It was noted that the market would be required to operate in accordance with the Kent Farmers Market Standards.

RECOMMENDED: That the proposed new lease, as outlined in the report, be approved.

**FP
11/027**

**PROPOSED LEASE RENEWAL OF 1 RIVER WALK, TONBRIDGE
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs of any particular person)**

Decision Notice D110071MEM

The report of the Central Services Director gave details of a proposed lease renewal of 1 River Walk, Tonbridge.

RECOMMENDED: That the proposed new lease, as outlined in the report, be approved.

The meeting ended at 2106 hours

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: **CABINET MEMBER FOR
Finance**

Decision No: **D110064MEM**

Date: **24th May 2011**

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance)

(Annex 1)

(Annex 2)

(Annex 3)

(Annex 4)

(Annex 5)

Details were given of renewal and new applications for discretionary rate relief which were considered in accordance with the revised guidelines for the grant of such relief. It was noted that the application in respect of East Malling Village Hall had been withdrawn.

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Finance resolved that:

- 1) with reference to the re-applications for relief set out at Annex 4 to the report 20% discretionary relief be awarded in respect of each property with the exception of Eccles Over 50s Club and Snodland Historical Society where 80% discretionary relief be granted and Margaret McMillan House where 5% relief be granted, all with effect from 1 April 2011, time limited to 31 March 2013;
- 2) in respect of Relate West & Mid Kent, Suite 2, 9 High Street, West Malling – 20% discretionary relief be granted, time limited to 31 March 2013;
- 3) in respect of the renewal applications for rural rate relief set out at Annex 5 to the report, 80% relief be awarded to East Peckham Post Office and the General Store, Hadlow and 40% relief to West Malling Post Office, time limited to 31 March 2013; and
- 4) organisations be advised that the Council may need to review the way it awards relief in the future.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 24 May 2011.

[Councillor Worrall declared a personal and prejudicial interest in this item on the grounds of being Director of Age Concern Malling and Trustee of Town Malling Cricket Club and he took no part in the discussion or voting thereon.]

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110065MEM

Date: 24th May 2011

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance)

(Annex 1)

(Annex 2)

(Annex 3)

The report provided information on the Council's key budget areas of salaries, major income streams, investment income and the trading position of the Leisure Services Business Unit. It also gave an update on the variations agreed in relation to the revenue budget and areas identified through budgetary control. This was summarised to provide an indicative overall budget position. An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Finance resolved that the contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 24 May 2011.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110066MEM

Date: 24th May 2011

Decision(s) and Reason(s)

Benefit Investigation Section - Outturn 2010/11 and Business Plan for 2011/12

(Report of Director of Finance)

(Annex 1)

(Annex 2)

The report gave details of the outcome of investigations carried out by the Benefits Investigation section during the year 2010/11. It also presented for approval the proposed Business Plan for 2011/12.

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Finance resolved that the proposed Benefits Investigation Section Business Plan 2011/12 set out at Annex 2 to the report be endorsed.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 24 May 2011.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110067MEM

Date: 24th May 2011

Decision(s) and Reason(s)

Debts for Write Off

(Reason: LGA 1972 Sch 12A Para 2 - Information likely to reveal information about an individual)

(Report of Director of Finance)

(Annex)

Approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts written-off in the current and previous financial years and information on budgeted bad debt provision.

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Finance resolved that the 13 items shown in the schedule totalling £84,778.33 be written-off for the reasons stated.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 24 May 2011 (contains exempt information).

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110068MEM

Date: 24th May 2011

Decision(s) and Reason(s)

**Proposed Lease Renewal of Six in One Club, Tonbridge
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs
of any particular person)**

(Report of Central Services Director)

**The report gave details of the proposed terms and conditions for a
new lease to the Six in One Club, Tonbridge.**

Following consideration by the Finance and Property Advisory Board,
the Cabinet Member for Finance resolved that the proposed lease be
granted under the terms and conditions outlined in the report.

Reasons: As set out in the report submitted to the Finance and Property
Advisory Board of 24 May 2011 (contains exempt information).

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110069MEM

Date: 24th May 2011

Decision(s) and Reason(s)

**Proposed Lease Renewal of Shop Unit at Derwent Road, Tonbridge
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs
of any particular person)**

(Report of Central Services Director)

**The report gave details of the proposed lease renewal of shop
premises at Derwent Road, Tonbridge.**

Following consideration by the Finance and Property Advisory Board,
the Cabinet Member for Finance resolved that the proposed new lease,
as outlined in the report, be approved.

Reasons: As set out in the report submitted to the Finance and Property
Advisory Board of 24 May 2011 (contains exempt information).

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110070MEM

Date: 24th May 2011

Decision(s) and Reason(s)

**Proposed Lease of Sovereign Way Mid Car Park for Use as a
Sunday Farmers Market
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs
of any particular person)**

**(Report of Central Services Director)
(Annex)**

**The report gave details of a proposal to grant a lease of Sovereign
Way mid car park for use as a Sunday Farmers Market. It was
noted that the market would be required to operate in accordance
with the Kent Farmers Market Standards.**

Following consideration by the Finance and Property Advisory Board,
the Cabinet Member for Finance resolved that the proposed new lease,
as outlined in the report, be approved.

Reasons: As set out in the report submitted to the Finance and Property
Advisory Board of 24 May 2011 (contains exempt information).

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Finance**

Decision No: D110071MEM

Date: 24th May 2011

Decision(s) and Reason(s)

**Proposed Lease Renewal of 1 River Walk, Tonbridge
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs
of any particular person)**

(Report of Central Services Director)

**The report gave details of a proposed lease renewal of 1 River
Walk, Tonbridge.**

Following consideration by the Finance and Property Advisory Board,
the Cabinet Member for Finance resolved that the proposed new lease,
as outlined in the report, be approved.

Reasons: As set out in the report submitted to the Finance and Property
Advisory Board of 24 May 2011 (contains exempt information).

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: M Worrall

Signed Chief Executive: D Hughes

Date of publication: 27 May 2011

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.