

TONBRIDGE AND MALLING BOROUGH COUNCIL

FINANCE AND PROPERTY ADVISORY BOARD

Wednesday, 26th September, 2012

Present: Cllr A K Sullivan (Chairman), Cllr A W Allison (Vice-Chairman), Cllr T Bishop, Cllr D W P Evans, Cllr P J Homewood, Cllr Mrs F A Kemp, Cllr Miss A Moloney, Cllr C P Smith and Cllr R Taylor.

Councillors Mrs Anderson, Baldock, Balfour, Coffin, N Heslop, Luker, Mrs Murray and Rhodes.

Apologies for absence were received from Councillors Mrs Bates and Sayer.

PART 1 - PUBLIC

**FP
12/044** **DECLARATIONS OF INTEREST**

Councillor Miss Moloney declared an Other Significant Interest in respect of the item on Easement for Gas Main, Snodland Car Park on the grounds of being the Chairman of Snodland Town Council which was involved in the negotiations, and withdrew from the meeting during its consideration.

**FP
12/045** **MINUTES**

RESOLVED: That the notes of the meeting of the Finance and Property Advisory Board held on 18 July 2012 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

**FP
12/046** **APPLICATIONS FOR DISCRETIONARY RATE RELIEF**

Decision Notice D120117MEM

The joint report of the Director of Finance and Cabinet Member for Finance gave details of new and renewal applications for discretionary rate relief which were considered in accordance with the previously agreed guidance for the grant of such relief.

RECOMMENDED: That

(1) the new applications be determined as follows:

Royal British Legion Industries Ltd, Unit 7 Somerfield Site, Station Road, Aylesford – 20% discretionary rate relief be awarded time-limited

to 31 March 2013;

Kenward Trust, 7 Castle Street, Tonbridge – 20% discretionary rate relief be awarded backdated for the period 1 April 2010 to 31 March 2012;

Crime Reduction Initiatives, 7 Castle Street, Tonbridge and 1st, 2nd and 3rd Floor, 133 High Street, Tonbridge – no discretionary relief be granted; and

(2) the renewal application be determined as follows:

Cobdown Sports & Social Club, Station Road, Ditton – 10% discretionary rate relief be awarded time-limited to 31 March 2013.

**FP
12/047**

RURAL RATE RELIEF - RURAL SETTLEMENT LIST

Decision Notice D120118MEM

The report of the Director of Finance referred to the requirement to review the Council's rural settlement list and recommended that the current list should be retained unaltered for the financial year 2013/14.

RECOMMENDED: That the current rural settlement list should remain in force for the year 2013/14.

**FP
12/048**

FINANCIAL PLANNING AND CONTROL

Decision Notice D120119MEM

The report of the Director of Finance 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 explanation was given of the factors leading to the net favourable variance of £132,500.

An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Reference was made to a recent survey by the Forum of Private Business in which the Council was the best performing authority in terms of prompt payments with 97% of invoices paid within 10 days.

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

FP
12/049

FINANCIAL ARRANGEMENTS WITH PARISH COUNCILS

The joint report of the Director of Finance and Cabinet Member for Finance provided details of the proposed allocations to individual parish councils under the Scheme of Financial Arrangements with Parish Councils for the financial year 2013/14. Reference was made to the methodology agreed in liaison with the Parish Partnership Panel in 2008 for the budget to be increased or decreased by the same percentage as that in the Borough Council's Revenue Support Grant settlement in the previous year. It was noted that the Council's Revenue Support Grant for 2012/13 had been cut by 11.9% and the Annex to the report set out the allocations to individual parish councils in accordance with the agreed methodology.

RECOMMENDED: That

(1) the agreed methodology be adopted in calculating the allocations to parish councils under the Scheme of Financial Arrangements with Parish Councils for the year 2013/14; and

(2) Parish Councils be notified of their allocations as set out in Annex 1 to the report.

***Referred to Cabinet**

FP
12/050

BUSINESS RATES RETENTION: TECHNICAL CONSULTATION

Decision Notice D120120MEM

The report of the Director of Finance referred to a consultation by the Department for Communities and Local Government on a range of detailed technical issues concerning practical implementation of the proposed Business Rates Retention scheme. Details were given of a response to the questions asked in the consultation paper which had been agreed with the Leader, Cabinet Member for Finance and Chairman of the Advisory Board in order to meet the deadline of 24 September 2012.

Considerable concern was expressed about the potential impact on the Council of the proposed scheme and Members suggested a means of lobbying for the Council's stance at the highest levels of government.

RECOMMENDED: That

(1) the final response to the consultation, as previously agreed with the Leader, the Chairman of the Advisory Board and the Cabinet Member for Finance, be endorsed; and

2) support for the response to the proposals be sought from the local Members of Parliament and neighbouring MPs, requesting their assistance in robustly lobbying for the Council's stance at the highest levels of government.

**FP
12/051**

LOCALISING SUPPORT FOR COUNCIL TAX

Decision Notice D120121MEM

Further to Decision No D120083CAB, the report of the Director of Finance gave an update on progress of the consultation exercise in respect of the Council's draft council tax reduction scheme. It also gave details of a recent consultation by the Department for Communities and Local Government on the calculation of the council tax base for local precepting authorities (parishes). Since the deadline for response to the consultation was 9 October 2012, it was requested that the urgency provisions under Overview and Scrutiny Procedure Rule 15(i) be invoked so that the decision was not subject to call-in.

Members expressed their appreciation to all involved in undertaking the consultation exercise.

RECOMMENDED: That

(1) the draft response set out at paragraph 1.2.7 of the report be approved for submission to the Department for Communities and Local Government; and

(2) in accordance with Overview and Scrutiny Procedure Rule 15(i), and with the agreement of the Chairman of the Overview and Scrutiny Committee and Group Leaders, the normal call-in procedure be set aside in order that the Council's ability to respond by the return deadline of 9 October 2012 is not prejudiced.

**FP
12/052**

UPDATE ON THE WORK OF THE BENEFITS INVESTIGATION SECTION

Decision Notice D120122MEM

The report of the Director of Finance provided an update on the work undertaken by the Benefits Investigation Section. Details were given of an EU bid for funding to create a Fraud Hub which had been prepared in consultation with the Leader and Cabinet Member for Finance in order to meet the August 2012 deadline.

RECOMMENDED: That confirmation be given to the action taken in submitting the EU bid for funding to set up the Fraud Hub.

MATTERS SUBMITTED FOR INFORMATION

**FP
12/053**

COUNCIL TAX AND BUSINESS RATES UPDATE REPORT

The report updated the position on the collection of council tax and business rates for 2012/13. It was also reported that, as a follow-up to the National Fraud Initiative single person discount data match exercise, consideration was being given to the imposition of a penalty

on tax payers who failed to notify the Council that they were no longer entitled to a discount.

**FP
12/054**

BENEFITS UPDATE

The report provided information on current issues arising in the benefits field including performance and workload of the Benefits Service and progress of the 2011/12 benefit subsidy claim audit.

In view of the numerous changes taking place to the welfare benefit system, the Advisory Board received a presentation updating the position on Universal Credit, personal independence payments, direct payments, over accommodation, benefit cap and associated issues. Members asked a number of questions and expressed concern particularly in respect of the impact of changes in payments from weekly to monthly in arrears. It was accordingly agreed that the attention of the local Members of Parliament be drawn to potential difficulties for people needing to pay rent in advance with receipt of benefits monthly in arrears.

MATTERS FOR CONSIDERATION IN PRIVATE

**FP
12/055**

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
12/056**

DEBTS FOR WRITE OFF

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

Decision Notice D120123MEM

Consideration was given to the writing-off of debts considered to be irrecoverable. Details were also given, and updated at the meeting, 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 eight items shown in the schedule totalling £14,365.98 be written off for the reasons stated.

**FP
12/057**

**EASEMENT FOR GAS MAIN, SNODLAND CAR PARK
(Reason: LGA 1972 Sch 12A Para 3 - Financial or business affairs
of any particular person)**

Decision Notice D120124MEM

The report of the Central Services Director gave details of a proposal to formalise an easement for the existing gas main located in the Council's car park at Snodland.

RECOMMENDED: That the proposal for granting an easement to Southern Gas Networks for an underground gas main on land at Snodland Car Park be approved on the basis set out in the report.

**FP
12/058**

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

Decision Notice D120125MEM

Consideration was given to the report of the Central Services Director regarding the proposed disposal of a small area of land at River Walk, Tonbridge to the adjoining owner.

RECOMMENDED: That the proposal for the disposal of land at River Walk, Tonbridge be approved on the basis set out in the report, subject to no substantial objections being received in response to the public notice.

The meeting ended at 2135 hours

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: **D120117MEM**

Date: **26th September 2012**

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

**(Joint report of Director of Finance and Cabinet Member for
Finance)**

(Annex 1)

(Annex 2)

**Details were given of new and renewal applications for
discretionary rate relief which were considered in accordance with
the previously agreed guidelines for the grant of such relief.**

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

1) the new applications be determined as follows:

Royal British Legion Industries Ltd, Unit 7 Somerfield Site, Station Road,
Aylesford – 20% discretionary rate relief be awarded time-limited to 31
March 2013;

Kenward Trust, 7 Castle Street, Tonbridge – 20% discretionary rate
relief be awarded backdated for the period 1 April 2010 to 31 March
2012;

Crime Reduction Initiatives, 7 Castle Street, Tonbridge and 1st, 2nd and
3rd Floor, 133 High Street, Tonbridge – no discretionary relief be
granted;

2) the renewal application be determined as follows:

Cobdown Sports & Social Club, Station Road, Ditton – 10%
discretionary rate relief be awarded time-limited to 31 March 2013.

Reasons: As set out in the report submitted to the Finance and Property
Advisory Board of 26 September 2012.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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: D120118MEM

Date: 26th September 2012

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance)

The report referred to the requirement to review the Council's rural settlement list and recommended that the current list should be retained, unaltered, for the financial year 2013/14.

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Finance resolved that:
The current rural settlement list should remain in force for the year 2013/14.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 26 September 2012.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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: **D120119MEM**

Date: **26th September 2012**

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 explanation was given of the factors leading to the net favourable variance of £132,500.

An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Reference was made to a recent survey by the Forum of Private Business in which the Council was the best performing authority in terms of prompt payments with 97% of invoices paid within 10 days.

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 26 September 2012.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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: **D120120MEM**

Date: **26th September 2012**

Decision(s) and Reason(s)

Business Rates Retention: Technical Consultation

(Report of Director of Finance)

(Annex 1a)

(Annex 1)

(Annex 2)

(Annex 3)

The report referred to a consultation by the Department for Communities and Local Government on a range of detailed technical issues concerning practical implementation of the proposed Business Rates Retention scheme. Details were given of a response to the questions asked in the consultation paper which had been agreed with the Leader, Cabinet Member for Finance and Chairman of the Advisory Board in order to meet the deadline of 24 September 2012.

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

- 1) the final response to the consultation as previously agreed with the Leader, the Chairman of the Advisory Board and the Cabinet Member for Finance, be endorsed; and
- 2) support for the response to the proposals be sought from the local Members of Parliament and neighbouring MPs, requesting their assistance in robustly lobbying for the Council's stance at the highest levels of government.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 26 September 2012.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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: D120121MEM

Date: 26th September 2012

Decision(s) and Reason(s)

Localising Support for Council Tax

**(Report of Director of Finance)
(Annex)**

Further to Decision No D120083CAB, the report gave an update on progress of the consultation exercise in respect of the Council's draft council tax reduction scheme. It also gave details of a recent consultation by the Department for Communities and Local Government on the calculation of the council tax base for local precepting authorities (parishes).

Since the deadline for response to the consultation was 9 October 2012, the urgency provisions under Overview and Scrutiny Procedure Rule 15(i) were invoked so that the decision was not subject to call-in.

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

- 1) the draft response set out at paragraph 1.2.7 of the report be approved for submission to the Department for Communities and Local Government; and
- 2) in accordance with Overview and Scrutiny Procedure Rule 15(i), and with the agreement of the Chairman of the Overview and Scrutiny Committee and Group Leaders, the normal call-in procedure be set aside in order that the Council's ability to respond by the return deadline of 9 October 2012 is not prejudiced.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 26 September 2012.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

This decision is not subject to call-in since in the opinion of the Cabinet it is urgent and any delay would seriously prejudice the Council's or the public's interest. (Overview and Scrutiny Procedure Rule 15(i)).

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

Decision No: D120122MEM

Date: 26th September 2012

Decision(s) and Reason(s)

Update on the Work of the Benefits Investigation Section

(Report of Director of Finance)

The report provided an update on the work undertaken by the Benefits Investigation Section. Details were given of an EU bid for funding to create a Fraud Hub which had been prepared in consultation with the Leader and Cabinet Member for Finance in order to meet the August 2012 deadline.

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Finance resolved that:
Confirmation be given to the action taken in submitting the EU bid for funding to set up the Fraud Hub.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 26 September 2012.

Signed Cabinet Member for M Coffin
Finance:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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
Innovation and Service Delivery**

Decision No: D120123MEM

Date: 26th September 2012

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, and updated at the meeting, 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 Innovation and Service Delivery resolved that: The 8 items shown in the schedule totalling £14,365.98 be written off for the reasons stated.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 26 September 2012 (contains exempt information).

Signed Cabinet Member for M Balfour
Innovation and Service
Delivery:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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.

In accordance with Paragraph 2, Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Innovation and Service Delivery to take this decision in the absence of the Cabinet Member for Finance.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: CABINET MEMBER FOR
Innovation and Service Delivery**

Decision No: D120124MEM

Date: 26th September 2012

Decision(s) and Reason(s)

**Easement for Gas Main, Snodland Car Park
(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 formalise an easement for
the existing gas main located in the Council's car park at Snodland.**

Following consideration by the Finance and Property Advisory Board,
the Cabinet Member for Innovation and Service Delivery resolved that:
The proposal for granting an easement to Southern Gas Networks for an
underground gas main on land at Snodland Car Park be approved on
the basis set out in the report.

Reasons: As set out in the report submitted to the Finance and Property
Advisory Board of 26 September 2012 (contains exempt information).

Signed Cabinet Member for M Balfour
Innovation and Service
Delivery:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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.

In accordance with Paragraph 2, Annex 1 of the Executive Procedure Rules, the
Leader nominated the Cabinet Member for Innovation and Service Delivery to take
this decision in the absence of the Cabinet Member for Finance.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: **CABINET MEMBER FOR
Innovation and Service Delivery**

Decision No: **D120125MEM**

Date: **26th September 2012**

Decision(s) and Reason(s)

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

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

**Consideration was given to the proposed disposal of a small area
of land at River Walk, Tonbridge to the adjoining owner.**

Following consideration by the Finance and Property Advisory Board, the Cabinet Member for Innovation and Service Delivery resolved that: The proposal for the disposal of land at River Walk, Tonbridge be approved on the basis set out in the report, subject to no substantial objections being received in response to the public notice.

Reasons: As set out in the report submitted to the Finance and Property Advisory Board of 26 September 2012 (contains exempt information).

Signed Cabinet Member for M Balfour
Innovation and Service
Delivery:

Signed Leader: N Heslop

Signed Chief Executive: D Hughes

Date of publication: 28 September 2012

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.

In accordance with Paragraph 2, Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Innovation and Service Delivery to take this decision in the absence of the Cabinet Member for Finance.