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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

7.30 PM TUESDAY 11 FEBRUARY 2025 IN COUNCIL CHAMBER, GIBSON DRIVE, KINGS HILL

SUPPLEMENT (2)

The following papers that were unavailable when the agenda for Cabinet of 11 February 2025 was published are now attached for consideration.

Item		Page (s)
14.	MHCLG Consultation: Local Authority Funding Reform - Objectives and Principles	3 - 8
	The draft response to the consultation is set out at Annex 1.	
15.	Waste Services Contract - Strategic Approach to Service Provision	9 - 10
	Recommendations of the Communities and Environment Scrutiny Select Committee of 5 February 2025.	
16.	Corporate Complaints Policy Review	11 - 12
	Recommendations of the Communities and Environment Scrutiny Select Committee of 5 February 2025.	
18.	Notice of Forthcoming Key Decisions	13 - 18
	The Notice setting out Key Decisions anticipated to be taken during March and April 2025.	

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ANNEX 1

MHCLG Consultation “Local Authority Funding Reform: Objectives and Principles”

Question 1: Do you agree with the government’s objective to allocate grant and retained business rates income in a way which accounts for differences between local authorities in demand for services, the cost of delivering them and ability to raise Council Tax locally?

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Whilst we agree with this principal, the accuracy and validity in using the recent information is key, in that these details should be no more than two years old.

Question 2: In addition to the areas included in this consultation, are there elements of the local government finance system that are not fit for purpose and require improvement and reform? If so, please provide information on what reforms are required and why.

If you have views, please share these and any supporting explanation or evidence. (Free text)

Regional variations in employment and housing costs need to be reflected within settlement areas. London Authorities have received additional funding on this basis for a number of years, however, the South East are now in direct competition for employment and housing need and this should be reflected accordingly.

Question 3: Do you agree that the suggested principles should inform our approach to updating local authority funding allocations?

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 4: Do you agree with our proposal to use the best available evidence and most up-to-date data in the assessment of need, including using the most recent census data?

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 5: Do you agree with our proposal to simplify the assessment by reducing the number of Relative Needs Formulae? If you disagree, please explain why and which service areas you are concerned about.

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Whilst we agree with the proposals, the supporting evidence for such a calculation should be transparent but also open to challenge and if necessary correction.

Question 6: For the children, young people and family services formula, do you agree that the variables set out are the right ones to consider in an assessment of relative need? If you recommend the addition or removal of variables, please provide supporting evidence and recommend a suitable dataset.

Agree – Neither agree nor disagree – Disagree – **No view** (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 7: Do you agree that the government should consider updating the data in the fire and rescue services Relative Needs Formula?

Agree – Neither agree nor disagree – Disagree – **No view** (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 8: Do you agree we should assess differences in cost using an Area Cost Adjustment based on the structure of 2024 ACA? If not, please provide evidence for alternative approaches.

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 9: Do you agree that (other than locally retained business rates) we should only adjust for Council Tax when assessing local resources? If you do not agree, please include details of what other sources of income you think should be included (if any), and how the government should adjust for them.

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 10: Do you agree that we should measure Council Tax income by making uniform assumptions on the Level of Council Tax charged by local authorities and factors which determine their ability to raise Council Tax?

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 11: To what extent should we adjust for Council Tax when determining local authority allocations (i.e. what assumption should we make on Council Tax Level)?

Fully – **Partially** – Not at all – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

In recent years the Government's Core Spending Assessment has assumed that authorities have achieved the growth levels estimated and that they will increase Council Tax to the maximum referendum limit. The question that is begged is how is this then leaving scope for elected councillors to make financial decisions on the levels of Council Tax that could be charged?

Question 12: Do you agree Transitional Arrangements should account for a Business Rates Reset? If not, please explain why.

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Whilst the system has its flaws the reset of the baseline is overdue. However, a partial reset may be appropriate given that some local authorities have worked hard to achieve the economic growth in their areas and the risk is that a full reset could take it all away. Over this time those authorities who have been above this baseline have used these funds to supplement 'normal' revenue expenditure. The transitional arrangements proposed in the paper only give 3 years of transition and could give rise to difficulties for local authorities in this position.

Question 13: Do you agree or disagree we should enable and encourage local authorities to support housebuilding in their areas through the Local Government Finance Settlement? Please provide any explanation or supporting evidence for your view.

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Whilst the development of more homes does allow for further Council Tax yield, the position of getting to the point of development is massively underfunded through the national setting of planning fees. The New Homes Bonus has assisted with the compensation of this underfunding.

Question 14: What measures should we use to support local authorities to move to their updated funding allocations?

We would suggest a minimum 5 year transition period to allow for dampening of the gains previously accrued.

Blend in updated allocations over several years – Other transitional arrangements
(Check options that apply)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 15: Do you agree we should keep funding allocations up-to-date dynamically by using the most up-to-date data possible? If so, how?

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation or evidence for your response. (Free text)

Question 16: What are the most excessively burdensome activities or requirements for councils, which if changed, could significantly free up local government capacity?

If you have views, please share these and any supporting explanation or evidence.
(Free text)

Question 17: Do you agree with our proposals to reduce the number of grants and New Burdens payments issued to local government?

Agree – **Neither agree nor disagree** – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation and evidence.
(Free text)

Question 18: Do you agree or disagree that the government should provide local authorities with greater control over Sales, Fees and Charges? Please provide supporting evidence, considering specific fees where greater control would be of most benefit, and expected impacts on charge-payers.

Agree – Neither agree nor disagree – Disagree – No view (Choose one option)

Please provide any additional information, including any explanation and evidence.
(Free text)

As with all things the devil will be in the detail. At a district council level the biggest element of fees and charges 'in scope' is Planning Fees. Greater control over the setting of such fees would help councils to better support the significant costs of the planning function.

Question 19: Do you have any views on the potential impacts of the proposals in this consultation on persons who share a protected characteristic?

If you have views, please share these and any supporting explanation or evidence.
(Free text)

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WASTE SERVICES CONTRACT – STRATEGIC APPROACH TO SERVICE PROVISION

Item CE 25/4 referred from Communities and Environment Scrutiny Select Committee of 5 February 2025

Consideration was given to a number of commissioning options for the future delivery of the Borough Council's Waste Services Contract, which was currently delivered in partnership with Tunbridge Wells Borough Council and provided household waste and recycling collection services as well as street cleansing throughout Tonbridge and Malling.

An external industry consultant had provided a detailed costed report assessing the options and which considered changes in interest rates, reduction in CPI, current market conditions, pay rates and specifically the anticipated annual operating costs of each commissioning option and their relative strengths and weaknesses. A summary was provided at paragraph 10.6 with the full detailed report attached as a restricted Annex 1 due to its commercial sensitivity.

Due regard was given to the commissioning options report, the partnership arrangement with Tunbridge Wells Borough Council, the financial and value for money considerations and the legal implications. The risks, advantages and disadvantages associated with contracting out, direct service ownership and LATco were given careful consideration.

The report also drew attention to the modelled financial figures within the restricted Annex 1 which highlighted that service costs, regardless of which commissioning option was selected, would be significantly higher than the current costs. An increase in such costs was factored into the Medium-Term Financial Strategy from 1 April 2027 onward with an increase of £2.4m. It was noted that even the lowest costs highlighted exceeded the financial allocation and would need to be considered through either service reductions, increased charges or an increase in the Borough Council's savings target (or a contribution of all three).

A further report on the contract specification, preferred procurement route, length of contract, timescale and the evaluation criteria for the contract award would be considered at the next meeting of the Communities and Environment Scrutiny Select Committee.

Particular reference was made to the uncertainty arising from the Government's intention to re-organise local government and drive devolution. However, it was important that the Borough Council continued to operate business as usual to ensure that there was no interruption to service. Members were assured that the Borough Council would continue to explore all options arising from any re-organisation and establishment of a unitary authority.

The strong and effective working relationship with Tunbridge Wells Borough Council was recognised and the continuation of the partnership arrangement was supported.

***RECOMMENDED:** That

- (1) the Borough Council remained in partnership with Tunbridge Wells Borough Council for the delivery of the provision of the household waste and recycling collection and street cleansing service;
- (2) the contracting out model remained the Borough Council's preferred commissioning model for the delivery of the provision of the household waste and recycling collection and street cleansing services; and
- (3) a further report be presented to this Committee to allow for the consideration of key service specification issues and the proposed procurement process for the delivery of the provision of the household waste and recycling collection and street cleansing services.

***Recommended to Cabinet**

CORPORATE COMPLAINTS POLICY REVIEW

Item CE 25/7 referred from Communities and Environment Scrutiny Select Committee of 5 February 2025

The report proposed the adoption of a new Corporate Complaints Policy which had been updated to reflect changes to the recommended handling of complaints by the Local Government and Social Care Ombudsman.

Adopting a new Policy would ensure that the Borough Council was able to respond efficiently to the needs of local residents, enable complaints to be resolved promptly and to identify and drive service improvements. If the Policy was adopted training for staff on the new processes would be delivered during April and May 2025.

***RECOMMENDED:** That

- (1) the new Corporate Complaints Policy (attached at Annex 3) be adopted; and
- (2) the new Corporate Complaints Policy be implemented from June 2025.

***Recommended to Cabinet**

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**TONBRIDGE AND MALLING BOROUGH COUNCIL
NOTICE OF FORTHCOMING KEY DECISIONS**

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, at least 28 days before a key decision is expected to be taken a Notice of Forthcoming Key Decisions will be published. A 'key decision' is an executive decision which is likely either

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or functions to which the decision relates.

'Significant' when applied to expenditure or savings shall mean a sum in excess of £100,000 or such other sum as may be specified in any enactment or other statutory provision.

or

- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

The Notice of Forthcoming Key Decisions sets out:

- (a) the matter in respect of which a key decision is to be made;
- (b) details of the decision taker and the date on which the key decision will be made;
- (c) a list of documents to be submitted to the decision taker for consideration in relation to the matter;
- (d) the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed is available and the procedure for requesting details.

All key decisions will be made by the Cabinet on the dates specified unless otherwise stated*. The agenda and documents to be submitted to the Cabinet (unless they contain exempt information) will be available for inspection at the Council Offices and on the website 5 clear working days before the meeting. Copies or extracts are available from committee.services@tmbc.gov.uk or Democratic Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

This document also gives notice of the Council's intention to hold a private meeting (or part thereof) of the Cabinet. It indicates any items where it is likely that the public will be excluded because public discussion would disclose confidential or exempt information and the reasons in each case. Any representations against the intention to hold a private meeting may be made to committee.services@tmbc.gov.uk or Committee Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

Members of the Cabinet and their areas of responsibility:

Councillor Matt Boughton (Leader)
Councillor Robin Betts (Climate Change, Regeneration and Property)
Councillor Martin Coffin (Transformation and Infrastructure)
Councillor Des Keers (Community Services)
Councillor Kim Tanner (Finance and Housing)
Councillor Mike Taylor (Planning)

(*Note: This Notice is subject to change as the reporting/governance timetable may change and it may become necessary to defer decisions until the next meeting of Cabinet)

NOTICE OF FORTHCOMING KEY DECISIONS – MARCH TO APRIL 2025

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
UK Shared Prosperity Fund 2025/26	4 Mar 2025	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Strategic Economic Regeneration Manager	Officers report	Public
Local Plan Budget Proposal	4 Mar 2025	Internal consultation via Housing and Planning Scrutiny Select Committee and Cabinet as detailed in the reports to be considered by Members.	Director of Planning, Housing and Environmental Health	Officers report	Public
Local Development Scheme	4 Mar 2025	Internal consultation via Housing and Planning Scrutiny Select Committee and Cabinet as detailed in the reports to be considered by Members.	Director of Planning, Housing and Environmental Health	Officers report	Public

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Software System - Future operating model	4 Mar 2025	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Director of Planning, Housing and Environmental Health	Officers report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Decisions relating to the Government Programme of Devolution and Local Government Re-organisation (if required)	4 Mar 2025 1 Apr 2025	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Chief Executive	Officers report	Public
Waste Contract - Specification and Procurement	1 Apr 2025	Internal consultation via Communities and Environment Scrutiny Select Committee of 5 March 2025 and Cabinet of 1 April 2025 as detailed in the reports to be considered by Members.	Head of Street Scene and Leisure Services	Officers report	Part exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Gibson East Refurbishment Tender	1 Apr 2025	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Head of Administrative and Property Services	Officers report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Contact: committee.services@tmhc.gov.uk

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