

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## CABINET

Thursday, 14th February, 2019

**Present:** Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr P J Montague and Cllr H S Rogers

Councillors Mrs J A Anderson, O C Baldock, M C Base, D J Cure, Mrs A S Oakley, M Parry-Waller, M R Rhodes and A K Sullivan were also present pursuant to Access to Information Rule No 23.

### PART 1 - PUBLIC

#### **CB 19/1 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **CB 19/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 10 October 2018 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 19/3 RISK MANAGEMENT STRATEGY**

The report of the Management Team invited Members to review the Risk Management Strategy and accompanying Risk Management Guidance which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. The report also provided an update on the risk management process and the Strategic Risk Register.

It was noted that the Audit Committee at its meeting on 21 January 2019 had endorsed the strategy and commended it for adoption by the Council.

**RECOMMENDED:** That the Risk Management Strategy and accompanying Risk Management Guidance be adopted by the Council.  
**\*Referred to Council**

#### **CB 19/4 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY**

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine

months of the current financial year and an introduction to the 2019/20 Treasury Management and Annual Investment Strategy. Members were invited to recommend adoption of the Strategy by the Council.

It was noted that the Audit Committee at its meeting on 21 January 2019 had reviewed and endorsed the matters covered by the report.

The Cabinet acknowledged the work of officers involved in the Council's treasury management.

**RECOMMENDED:** That

- (1) the treasury management position as at 31 December 2018 and the higher level of income incorporated in the 2018/19 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2019/20, as set out at Annex 4 to the report, be adopted.

**\*Referred to Council**

#### **CB 19/5     SETTING THE BUDGET 2019/20**

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2019/20. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee and the suggested reviews of Disabled Facilities Grants, Public Health and Community Safety Partnerships.

The Director of Finance and Transformation explained that the final local government settlement had now been received and did not differ significantly from the multi-year settlement except for removal of the "negative RSG" payment for one year. She indicated that this contributed to the relatively positive position for Tonbridge and Malling together with the fact that the baseline for payment of New Homes Bonus would remain at 0.4%, and the Secretary of State's decision to maintain the threshold for triggering a referendum on council tax increase at the higher of 3% or £5. However, Members were advised that the settlement should be viewed in the context of a lack of information about future years' funding and impact on the funding gap which would have to be revisited in the light of the outcome of the 2019 Spending Review and Fair Funding Review. In addition, the Kent and Medway authorities' bid for the next pilot in respect of 75% business rates retention had failed despite the success of the previous pilot.

The report also suggested a mechanism for responding to two further

consultation papers on the review of relative needs and resources and business rates retention reform published alongside the provisional settlement.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2019 which had been incorporated in the draft estimates. Members were reminded of the approach to preparation of the Capital Plan, an updated summary of which was set out at Annex 7 to the report.

The report then described the remaining procedure to be followed in setting the budget for 2019/20 and calculating the council tax. For the purposes of updating the MTFS a council tax increase of around 3% in 2019/20 had been assumed, followed by an increase of £5 year on year thereafter. The Cabinet deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFS for the next ten year period and setting the council tax for 2019/20. Members were advised of details of special expenses for 2019/20.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected “funding gap”. Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on latest projections of £550,000 would be delivered.

**RECOMMENDED:** That

- (1) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to respond to the two further papers published alongside the provisional settlement, as supported by the Finance, Innovation and Property Advisory Board and detailed at paragraph 1.2.11 of the report.
- (2) the Overview and Scrutiny Committee be asked to review the service areas Disabled Facilities Grants, Public Health and Community Safety Partnership, as detailed at paragraph 1.5.2 of the report;
- (3) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D190005CAB to D190013CAB);
- (4) the Capital Plan be updated as set out in paragraph 1.7.15 to the report and adopted accordingly and the Scape Minor Works Framework, Kier Construction Limited, being the framework

contractor, be used to procure the planned major programme of works at Larkfield Leisure Centre;

- (5) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 9 January and the Overview and Scrutiny Committee on 22 January 2019 be endorsed and adopted by the Council;
- (6) the prudential indicators listed in paragraphs 1.8.7 and 1.8.11 of the report be endorsed and adopted;
- (7) for the financial year 2019/20 the Council's Minimum Revenue Provision, as set out at paragraph 1.8.14 of the report, be noted as nil;
- (8) the proposed increase in the minimum General Revenue Reserve balance from £2.0m to £3.0m, as detailed at paragraph 1.10.5 of the report, be noted and endorsed;
- (9) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, be noted and endorsed;
- (10) the Council be recommended to approve a council tax increase of 2.99% or £6.08 per annum as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2019/20;
- (11) the updated Savings and Transformation Strategy detailed at Annex 11c to the report, including the proposed scale and timing of each of the required savings and transformation contributions set out at paragraph 1.11.6 of the report, be noted and endorsed;
- (12) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed; and
- (13) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed.

**\*Referred to Council**

## **CB 19/6     SETTING THE COUNCIL TAX FOR 2019/20**

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2019/20 by the major precepting authorities.

Consideration was given to a draft resolution identifying the processes to

be undertaken in arriving at the levels of council tax applicable to each part of the Borough to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 19 February 2019.

**RECOMMENDED:** That the resolution be noted and the Council be recommended to approve a 2.99% or £6.08 per annum increase in the Borough Council's element of the council tax for 2019/20, representing a notional "average" charge at Band D of £209.50.

**\*Referred to Council**

#### **CB 19/7 BREXIT PREPAREDNESS**

The Cabinet received the recommendations of the Overview and Scrutiny Committee at its meeting of 22 January 2019 following consideration of a report on a range of initiatives being pursued to ensure that the Borough Council was prepared to maintain business continuity in response to the possible impact of Brexit.

**RECOMMENDED:** That

- (1) the report be noted and further updates be provided as more information becomes available; and
- (2) the current urgency provisions in the Council's Constitution and Policy Framework be extended to include "arrangements for decision making during a period of serious and/or unexpected disruption".

**\*Referred to Council**

#### **CB 19/8 CHERRY ORCHARD/BRAMPTON FIELD, DITTON**

Item SSE 18/20 referred from Street Scene and Environment Services Advisory Board minutes of 5 November 2018

The Cabinet received the recommendations of the Street Scene and Environment Services Advisory Board at its meeting of 5 November 2018 regarding concerns about the condition and excessive height of a row of conifer trees on Council owned land between Cherry Orchard and Brampton Field, Ditton.

**RECOMMENDED:** That

- (1) the existing row of conifers on Council owned land between Cherry Orchard and Brampton Field be removed as soon as is practicable;
- (2) suitable replacement trees be planted on the Council's open space, in liaison with the local Members; and

- (3) urgency proceedings be invoked to secure the required budget to progress the works, in accordance with Financial Rules 15.1 and 15.2, with reports from the Chief Executive submitted to future meetings of the Executive and the Overview and Scrutiny Committee.

**\*Referred to Council**

## **CB 19/9 REVENUES AND BENEFITS UPDATE REPORT**

Item FIP 19/10 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 regarding the adoption of schemes for Retail Discount and Council Tax Reduction for 2019/20, removal of Class C empty property discount and adoption of the long term empty homes premium of 100%.

**RECOMMENDED:** That

- (1) the change to the Class C discount be implemented from 1 April 2019 and a report be submitted during 2019/20 regarding any implications;
- (2) the long term empty homes premium of 100% be applied from 1 April 2019;
- (3) a local scheme be adopted for the retail discount to be awarded in line with the discretionary relief policy and MHCLG guidance from 1 April 2019 and the scheme be made available at the full Council meeting;
- (4) delegated authority be given to the Director of Finance and Transformation to grant relief in accordance with the adopted retail discount scheme, subject to any disputed entitlement to relief being referred to the Advisory Board; and
- (5) the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2019/20 (to be made available at the full Council meeting) be effective from 1 April 2019.

**\*Referred to Council**

## **CB 19/10 REVENUE ESTIMATES 2019/20**

Item FIP 19/8 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 in relation to the formulation of initial draft proposals in respect of the Budget. All

budgetary matters were considered in detail in the substantive item on Setting the Budget 2019/20.

**CB 19/11 CAPITAL PLAN REVIEW 2018/19**

Item FIP 19/9 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 in relation to the initial stage of the Capital Plan review process. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2019/20.

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)**

**CB 19/12 REVIEW OF FEES AND CHARGES - STREET SCENE AND ENVIRONMENT SERVICES**

Decision Notice D190005CAB

**CB 19/13 REVIEW OF CEMETERY CHARGES 2019/20**

Decision Notice D190006CAB

**CB 19/14 EXTENSION OF GROUNDS MAINTENANCE CONTRACT**

Decision Notice D190007CAB

**CB 19/15 REVIEW OF HOUSES IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENSING FEES FOR 2019/20**

Decision Notice D190008CAB

**CB 19/16 REVIEW OF THE PLANNING APPLICATION CHARGING REGIME**

Decision Notice D190009CAB

**CB 19/17 REVIEW OF FEES AND CHARGES 2019/20 - FINANCE, INNOVATION AND PROPERTY**

Decision Notice D190010CAB

**CB 19/18 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES**

Decision Notice D190011CAB

**CB 19/19 PROPOSED 3% SURCHARGE ON BUILDING CONTROL STANDARD CHARGES**

Decision Notice D190012CAB

**CB 19/20 FIXED PENALTY NOTICES FOR LITTERING**

Decision Notice D190013CAB

**CB 19/21 REVIEW OF PROVISION OF PUBLIC CONVENIENCES**

Decision Notice D190014CAB

**CB 19/22 ROAD CLOSURES REVIEW**

Decision Notice D190015CAB

**CB 19/23 PLANNING ENFORCEMENT PLAN**

Decision Notice D190016CAB

**CB 19/24 CYBER SECURITY**

Decision Notice D190017CAB

**MATTERS SUBMITTED FOR INFORMATION****CB 19/25 MATTERS REFERRED FROM ADVISORY BOARDS**

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Street Scene and Environment Services Advisory Board of 5 November 2018

Economic Regeneration Advisory Board of 6 November 2018

Communities and Housing Advisory Board of 12 November 2018

Planning and Transportation Advisory Board of 13 November 2018

Finance, Innovation and Property Advisory Board of 9 January 2019

Street Scene and Environment Services Advisory Board of 11 February 2019

**RESOLVED:** That the report be received and noted.

**CB 19/26 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS**

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being



incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 15 November 2018  
Joint Transportation Board of 26 November 2018

**RESOLVED:** That the report be received and noted.

**CB 19/27 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.41 pm