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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 13th February, 2020

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors M C Base, A E Clark, N Foyle, Mrs A S Oakley, W E Palmer and J L Sergison were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 20/4 DECLARATIONS OF INTEREST

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

CB 20/5 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 16 October 2019 be approved as a correct record and signed by the Chairman.

CB 20/6 MINUTES OF EXTRAORDINARY MEETING


RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 6 January 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 20/7 RISK MANAGEMENT

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. Members noted that the entry in relation to the Waste Contract had been escalated to 'high risk' following the performance issues since 30 September when the new recycling arrangements were rolled out.

It was noted that the Audit Committee at its meeting on 20 January 2020 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 20/8 TREASURY MANAGEMENT UPDATE AND ANNUAL INVESTMENT STRATEGY 2020/21

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 2020/21 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 20 January 2020 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 2019 and the higher level of income incorporated in the 2019/20 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2020/21, as set out at Annex 5 to the report, be adopted.

***Referred to Council**

CB 20/9 SETTING THE BUDGET FOR 2020/21

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 2020/21.

Members noted that all figures contained in the report were based on the provisional local government financial settlement received in December 2019. Although the final settlement figures had been notified to local authorities by the Ministry of Housing, Communities and Local Government, a debate and vote regarding the final financial settlement had been deferred by Government until after the Parliamentary recess. It was noted that the final settlement figures for Tonbridge and Malling

Borough Council were the same as the provisional settlement figures. As the full Council meeting to set the council tax for 2020/21 was due to take place on 18 February, before the reconvening of Parliament, the Director of Finance and Transformation advised that there was a very small risk that the approved final settlement figures might differ from those included in the report.

It was also noted that the settlement figures included funding in 2020/21 for “Negative RSG” and funding for New Homes Bonus remained for 2020/21 although its long term future was uncertain. The Cabinet was also reminded that the Fair Funding Review had been delayed and a consultation was now expected in the Spring 2020.

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 2020 which had been incorporated in the draft Estimates. Particular reference was made to the recommendation of the Finance, Innovation and Property Advisory Board that the budget for Borough Christmas Lighting be capped at £40,000.

The report then described the remaining procedure to be followed in setting the budget for 2020/21 and calculating the council tax. For the purposes of updating the MTFs a council tax increase of £5 in 2020/21 had been assumed and for each 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 2020/21. Members were advised of details of special expenses for the same period.

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”. Members were also reminded that the funding gap set out in the report assumed that all the recommendations made by Advisory Boards and Committees, such as the transfer of public conveniences to parish councils, were delivered. If for whatever reason these were found not to be deliverable, the funding gap and therefore the savings and transformation target would increase.

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 £320,000 would be delivered.

RECOMMENDED: That

- (1) the budget for Borough Christmas Lighting be capped at £40,000 be endorsed;
- (2) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D200009CAB to D200015CAB) other than item SSE 19/25 (Review of Car Parking Fees and Charges) which had been endorsed at the extraordinary meeting on 6 January (D200001CAB);
- (3) the Capital Plan be updated as set out in paragraph 1.6.15 to the report and adopted accordingly;
- (4) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 8 January and the Overview and Scrutiny Committee on 15 January 2020 be endorsed and adopted by the Council;
- (5) the prudential indicators listed in paragraphs 1.7.7 and 1.7.12 of the report be endorsed and adopted;
- (6) for the financial year 2020/21 the Council's Minimum Revenue Provision, as set out at paragraph 1.7.15 of the report, be noted as nil;
- (7) subject to review each year, the maximum 'annual capital allowance' be increased from £200,000 to £250,000;
- (8) a Budget Stabilisation reserve be established in the sum of £3,500,000 to manage risk, assist in meeting future savings and transformation contributions and/or fund in full or in part an appropriate commercial investment opportunity as detailed at paragraph 1.9.10 of the report;
- (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 £5 per annum at Band D as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2020/21;
- (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 1.10.6 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;
- (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; and
- (14) the requirements of the CIPFA FM Code be noted and compliance demonstrated by way of a self-assessment to be reported to a future meeting of the Finance, Innovation and Property Advisory Board, and the outcome of the review of the CIPFA Financial Resilience Index.

***Referred to Council**

CB 20/10 SETTING THE COUNCIL TAX 2020/21

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 2020/21 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 18 February 2020.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a £5 per annum increase (or 2.4%) at Band D in the Borough Council's element of the council tax for 2020/21, representing a notional 'average' charge at Band D of £214.50.

***Referred to Council**

CB 20/11 REVIEW OF PUBLIC HEALTH

Item OS 20/3 referred from Overview and Scrutiny Committee minutes of 15 January 2020.

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding the review of the Public Health Function and noted the concerns raised regarding the level of funding contribution for the One You Service.

RECOMMENDED: That 

- (1) a formal request for an increased contribution to cover management costs to enable delivery of the One You Service on a cost neutral basis be submitted to Kent County Council; and
- (2) a further review of the Public Health Function be undertaken by the Overview and Scrutiny Committee to take account of the responses regarding funding contributions.

***Referred to Council**

CB 20/12 REVIEW OF DISABLED FACILITIES GRANTS

Item OS 20/4 referred from Overview and Scrutiny Committee minutes of 15 January 2020

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding the future provision of the Disabled Facilities Grant programme and Better Care initiatives within Tonbridge and Malling and noted the funding concerns expressed by the Overview and Scrutiny Committee regarding the hospital discharge service.

RECOMMENDED: That 


- (1) a decision regarding the future provision of the Disabled Facilities Grant Programme and Better Care initiatives within Tonbridge and Malling be deferred to enable:
 - the Maidstone and Tunbridge Wells NHS Trust to respond to the formal request for a funding contribution towards the hospital discharge service; and
 - the impact of the options for the OT Service within Tonbridge and Malling Borough Council, presented at the Overview and Scrutiny Committee by Kent County Council, to be further explored.
- (2) a report addressing these issues in more detail to be presented to a future meeting of the Overview and Scrutiny Committee for consideration.

***Referred to Council**

CB 20/13 CORPORATE STRATEGY 2020-2023

Item OS 20/5 referred from Overview and Scrutiny Committee minutes of 15 January 2020

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding a revised Corporate Strategy for the period 2020-2023.

RECOMMENDED: That the updated Corporate Strategy 2020-2023 be approved, subject to the following amendment: 

- The second theme under 'Our Values and Priorities' be amended to read 'Embracing Effective Partnership Working and Funding'.

***Referred to Council**

CB 20/14 CLASS C EMPTY PROPERTY COUNCIL TAX DISCOUNT AND LONG TERM EMPTY HOMES PREMIUM

Item FIP 20/6 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding the removal of the Class C empty property discount and increases to the Council Tax long term empty homes premium from 1 April 2020 and April 2021 as allowed by regulations.

RECOMMENDED: That 

- (1) the change to the Class C discount be continued from 1 April 2020; and
- (2) the long term empty homes premium of 200% be applied from 1 April 2020 and 300% be applied from 1 April 2021.


***Referred to Council**

CB 20/15 LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21

Item FIP 20/7 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding the consultation on the Council's Local Council Tax Reduction Scheme and reviewed the changes proposed to the Scheme from 1 April 2020.

However, as a result of increases to the Minimum Wage, state benefits and Tax Credits recently announced by Government, the Cabinet was advised that it was necessary to amend the income bands within the banded discount table previously reported to the Advisory Board. This would avoid losses for households and redress the original objectives of the review of fairness, simplification and to remain cost neutral. The revised table was attached as Annex 1 to the supplementary report of the Director of Finance and Transformation. Members were informed that a Scheme had been prepared and could be viewed at: <https://www.tmbc.gov.uk/services/advice-and-benefits/council-tax/council-tax-reduction-scheme>

RECOMMENDED: That the proposed changes set out below be written into the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2020/21: 

(1) Proposed change 1 – Paragraph 1.5.1 of the report

- To stop posting decision letters to working age LCTRS claimants
- To stop posting decision letters to pension age LCTRS claimants
- To introduce online applications as the primary method to make a claim for LCTRS for pension and working age claimants
(Subject to paper forms being available on an exception basis);

(2) Proposed change 2 – Paragraph 1.5.7

- To introduce a minimum income floor for self-employed income after one year of making a new claim or starting a business, at a rate of 35 hours per week x national minimum wage;

(3) Proposed change 3 – Paragraph 1.5.14


- To introduce a banded discount scheme utilising thresholds as set out in Annex 1 to the supplementary report of the Director of Finance and Transformation.

***Referred to Council**

CB 20/16 ASSET MANAGEMENT PLAN

Item FIP 20/8 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding a proposed Asset Management Plan 2020-2024 which set out the Borough Council's approach to managing land and property assets to ensure effective and efficient use and contributed to the delivery of services to residents.

RECOMMENDED: That the Asset Management Plan 2020-2024, set out in Annex 1 to the report, be approved. 

***Referred to Council**

CB 20/17 REVENUE ESTIMATES 2020/21

Item FIP 20/9 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2020 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 2020/21.

CB 20/18 CAPITAL PLAN REVIEW 2019/20

Item FIP 20/10 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2020 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 2020/21.

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

CB 20/19 REVIEW OF FEES AND CHARGES

Decision Notice D200009CAB

CB 20/20 REVIEW OF CEMETERY CHARGES 2020/21

Decision Notice D200010CAB

CB 20/21 REVIEW OF HOUSE IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENSING FEES 2020/21

Decision Notice D200011CAB

CB 20/22 REVIEW OF PLANNING APPLICATION CHARGING REGIME

Decision Notice D200012CAB

CB 20/23 REVIEW OF FEES AND CHARGES 2020/21

Decision Notice D200013CAB

CB 20/24 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D200014CAB

CB 20/25 REVIEW OF BUILDING CONTROL PARTNERSHIP FEES FOR 2020/21

Decision Notice D200015CAB

CB 20/26 PROVISION OF PUBLIC CONVENIENCES

Decision Notice D200016CAB

CB 20/27 PROVISION AND OPERATION OF BUS SHELTERS

Decision Notice D200017CAB

CB 20/28 UPDATE ON PUBLIC SPACE PROTECTION ORDER

Decision Notice D200018CAB

MATTERS SUBMITTED FOR INFORMATION**CB 20/29 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 30 October 2019

Economic Regeneration Advisory Board of 5 November 2019

Communities and Housing Advisory Board of 12 November 2019

Planning and Transportation Advisory Board of 13 November 2019

Finance, Innovation and Property Advisory Board of 8 January 2020

Members were advised that the notes of the Street Scene and Environment Services Advisory Board of 11 February, previously marked to follow, would be presented at the Cabinet meeting on 17 March 2020.

RESOLVED: That the report be received and noted.

CB 20/30 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 14 November 2019

Joint Transportation Board of 18 November 2019

Parish Partnership Panel of 6 February 2020

RESOLVED: That the report be received and noted.

CB 20/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.40 pm

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Bands (updated for April 2020)

Bands	Band 1	Band 2	Band 3	Band 4	Band 5
	80% Discount	65% Discount	50% Discount	35% Discount	20% Discount
Single	£0.00 – £87.20	£87.21 – £130.80	£130.81 – £174.40	£174.41 – £218.00	£218.01 – £261.60
Couple	£0.00 – £127.20	£127.21 – £170.80	£170.81 – £214.40	£214.41 – £258.00	£258.01 – £301.60
Lone Parent with 1 child	£0.00 – £142.20	£142.21 – £185.80	£185.81 – £229.40	£229.41 – £273.00	£273.01 – £316.60
Couple with 1 child	£0.00 – £182.20	£182.21 – £225.80	£225.81 – £269.40	£269.41 – £313.00	£313.01 – £356.60
Lone parent with 2+ children	£0.00 – £197.20	£197.21 – £240.80	£240.81 – £284.40	£284.41 – £328.00	£328.01 – £371.60
Couple with 2+ children	£0.00 – £237.20	£237.21 – £280.80	£280.81 – £324.40	£324.41 – £368.00	£368.01 – £411.60

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