

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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Kent ME19 4LZ  
West Malling (01732) 844522

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

11 May 2021

To: MEMBERS OF THE FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Finance, Innovation and Property Advisory Board to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 19th May, 2021 commencing at 7.30 pm.

Members of the Committee are reminded that social distancing measures will be in place for this meeting. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

## AGENDA

1. Guidance for the Conduct of Meetings - Coronavirus Regulations

5 - 6

## **PART 1 - PUBLIC**

2. Apologies for absence 7 - 8

3. Declarations of interest 9 - 10

*Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting*

4. Minutes 11 - 20

To confirm as a correct record the Notes of the meeting of the Finance, Innovation and Property Advisory Board held on 6 January 2021

### **Matters for recommendation to the Cabinet**

5. Application for Discretionary Rate Relief 21 - 32

*The report provides details of a new application for discretionary rate relief.*

*Attached at Annex 1 is the Council's policy in respect of discretionary rate relief*

6. Financial Planning and Control 33 - 54

*The report provides information on a number of key budget areas, sets out a provisional outturn position for 2020/21 and updates on capital expenditure and variations that have been agreed in relation to the Capital Plan for the year ended March 2021.*

*Details of an agreement reached with the Tonbridge and Malling Leisure Trust on the transfer of responsibility for all telephony hardware and systems and its replacement to the Trust is also provided for information.*

7. Community Asset Transfer Policy 55 - 60

*This report sets out a proposed Community Asset Transfer Policy for Members consideration*

8. Proposed Disposal of Land to Borough Green Parish Council 61 - 68

*This report details the proposed disposal of two areas of public open space in Borough Green to Borough Green Parish Council*

9. Website Update 69 - 72

*Members are updated on the progress with the new website as we approach the launch date in June 2021.*

10. Special Expenses Consultation 73 - 80

*Members are advised of a consultation to be launched in June/July regarding a potential update to the Special Expenses Policy.*

### **Matters submitted for Information**

11. Publication of Allowances Paid to Members in the Financial Year 2020/21 81 - 84

*Publication of the Statement is required in accordance with regulation 15 (3) of the Local Authorities (Members Allowances) (England) Regulations 2003.*

12. Urgent items 85 - 86

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

### **Matters for consideration in Private**

13. Exclusion of Press and Public 87 - 88

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

### **PART 2 - PRIVATE**

#### **Matters for Recommendation to the Cabinet**

14. Proposed Disposal of Land at Welland Road, Tonbridge 89 - 94

*This report sets out the proposed disposal of land to Hilden Oaks School*

15. Urgent items 95 - 96

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr M C Base (Chairman)  
Cllr K B Tanner (Vice-Chairman)

Cllr T Bishop  
Cllr G C Bridge  
Cllr C Brown  
Cllr R I B Cannon  
Cllr A E Clark  
Cllr M O Davis  
Cllr D W King

Cllr K King  
Cllr Mrs R F Lettington  
Cllr H S Rogers  
Cllr Mrs M Tatton  
Cllr Miss G E Thomas  
Cllr F G Tombolis  
Cllr C J Williams

**Measures under which all meetings of the Council will be conducted after 7 May 2021 to comply with coronavirus regulations and/or guidance in place at the time.**

As it is necessary to maintain social distancing to limit the spread of infection the way meetings are conducted will change. This page summarises the process. If you have any questions, please contact Democratic Services via the contact details provided on the agenda.

## **Attending Meetings**

- All meetings of the Council will be held in the Council Chamber, Gibson Drive, Kings Hill until social distancing requirements are no longer necessary.
- To help contain the virus, Members of the public (including anyone exercising a right to speak e.g. at an Area Planning Committee) are encouraged to participate remotely via MS Teams if possible.
- Meetings will also be live streamed via our [YouTube channel](#) to minimise the need for the public to attend in person.
- Any members of the public wishing to attend in person at the Gibson Building can view proceedings via video link in the Committee Room (maximum capacity of 10).
- Prior notification on a “first come first served” basis for entry to the Committee Room will be adopted. Anyone wishing to ‘reserve’ a place in the Committee Room should contact [committee.service@tmbc.gov.uk](mailto:committee.service@tmbc.gov.uk)
- Public speakers for planning committees will be hosted in a separate area and escorted into the Council Chamber for their allocated time. There will be a limit on the number of public speakers at planning committees due to capacity issues arising from social distancing guidelines.
- Public speakers are asked to remain standing to address the Committee to avoid having to clean or change seats between speakers.
- Staff will be available to escort public speakers into the meeting room and to manage any crowd control issues.
- Doors and windows will remain open throughout all meetings to ensure circulation of fresh air. Attendees are advised to dress appropriately.
- All participants are required to wear face coverings when not speaking at meetings.
- Hand sanitiser will be available at entrances.
- All attendees must have the Test and Trace app and scan the QR code at the entrance to the building/meeting room if they wish to participate. Contact details will be requested on arrival for those who do have the app.
- The toilet facilities at Gibson Building will be open but may be used by only one person at a time.
- Car parking: Attendees are asked to leave a parking space free between vehicles.
- Refreshments will not be available, and all participants are advised to bring their own water or other refreshments.

**Anyone with covid symptoms should not come to the Council offices.**

**Thank you for your assistance.**

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD

Wednesday, 6th January, 2021

**Present:** Cllr M C Base (Chairman), Cllr Miss G E Thomas (Vice-Chairman), Cllr T Bishop, Cllr J L Botten, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M O Davis, Cllr K King, Cllr Mrs R F Lettington, Cllr H S Rogers, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr F G Tombolis and Cllr C J Williams

Councillors Mrs J A Anderson, Mrs P A Bates, Mrs S Bell, R P Betts, V M C Branson, M A Coffin, M A J Hood, N J Heslop, F A Hoskins, J R S Lark, D Lettington, B J Luker, Mrs A S Oakley, W E Palmer, M R Rhodes, R V Roud, J L Sergison and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

### PART 1 - PUBLIC

#### **FIP 21/1 DECLARATIONS OF INTEREST**

Councillor M Tatton declared an Other Significant Interest in the item on the Covid Winter Grant Fund in that she was a Trustee of the East Malling Centre. She withdrew from the online meeting during consideration of the item and took no part in the discussion and voting thereon. Councillor N Heslop declared an Other Significant Interest in the same item in that he was a Trustee of The Bridge Trust. He withdrew from the online meeting during consideration of this item.

Councillors T Bishop and M Davis each declared an Other Significant Interest in the item on the Leybourne Lakes Country Park Lease on the grounds that they were the Borough Council's appointees to the Tonbridge and Malling Leisure Trust. Councillor Bishop further declared that he was appointed to the Leybourne Lakes Country Park User Panel. They withdrew from the online meeting during consideration of the item and took no part in the discussion and voting thereon.

In the interest of transparency, Councillor T Bishop referred to the item on the Proposed Transfer of Public Conveniences and advised that he was the Chairman of the Amenities Committee of East Malling and Larkfield Parish Council. Councillor M Taylor referred to the same item and advised that he was the Chairman of Borough Green Parish Council. Reference was made to both parish councils within the report.

## **FIP 21/2 MINUTES**

**RESOLVED:** That, subject to the amendment of item FIP 20/34 (Declaration of Interest) to record that Councillor G Thomas had advised that she volunteered as an advisor at 'Crosslight Debt Advice' and not 'Crossroads Care Kent', the notes of the meeting of the Finance, Innovation and Property Advisory Board held on 16 September 2020 be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

## **FIP 21/3 REVENUE ESTIMATES 2021/22**

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial proposals in respect of the Budget. Reference was made to the role of the Advisory Board in assisting the Cabinet and Council in the preparation of the budget within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities. The report outlined the process for referring the Advisory Board's recommendations to the Overview and Scrutiny Committee prior to consideration by the Cabinet on 11 February and thereafter by the Council at its Budget meeting.

Attention was drawn to the difficulties experienced within the budget setting process of incorporating an estimate of the scale of the impact of the Covid-19 pandemic on the Borough Council's finances in 2020/21 and 2021/22 and over the medium term.


**RECOMMENDED:** That

- (1) the draft Revenue Estimates contained at Annex 1 to the report, be endorsed for consideration by Cabinet at its special meeting on 11 February 2021; and
- (2) the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

**\*Referred to Cabinet**

## **FIP 21/4 CAPITAL PLAN**

Consideration was given to the report of the Director of Finance and Transformation which reviewed the current position of the existing Capital Plan (List A). It also recommended schemes for addition to List C, some existing List C schemes for deletion or evaluation and schemes for inclusion on List B from those List C schemes previously selected for evaluation or in certain circumstances identified for Fast-Track evaluation.


**RECOMMENDED:** That the following be endorsed for consideration by the Cabinet 

- (1) the Capital Plan (List A) position as shown in Annex 1 to the report be endorsed;
- (2) the amendment of List C as detailed in paragraph 1.5.3 of the report;
- (3) the selection of those schemes listed in paragraph 1.6.4 of the report for evaluation including the scheme recommended for Fast-Track evaluation (electric/hybrid pool car);
- (4) the transfer of the schemes listed in paragraph 1.7.3 of the report from List C to List B; and
- (5) the Capital Strategy as set out at Annex 4 to the report be endorsed for adoption and publication on the Council's website.

**\*Referred to Cabinet**

**FIP 21/5 KINGS HILL PARISH COUNCIL - REQUEST FOR ADVANCE OF PRECEPT MONIES**

The joint report of the Chief Executive and the Director of Finance and Transformation set out details of a request received from Kings Hill Parish Council for an advance of £60,000 from part of the 2021/2022 local precept. The request, dated 17 December 2020 and attached at Annex 1, indicated that income from usage of community facilities had been decimated due to the coronavirus pandemic. It was noted that an 'interest free' advance of the sum requested would have minimal financial implications for the Borough Council and that the Parish Council had suggested that this would be repaid in two instalments in April and September. The report confirmed that the advance would be automatically recovered through the biannual payment of precept and, therefore, there was no risk to the Borough Council.

**RECOMMENDED:** That the request from Kings Hill Parish Council for an advance of £60,000 and repayment as set out in the report be endorsed for consideration by the Overview and Scrutiny Committee and recommended to Cabinet for approval. 

**\*Referred to Cabinet**

**FIP 21/6 REVIEW OF FEES AND CHARGES 2021/22**

The report of the Management Team brought forward for consideration, as part of the Budget setting process for 2021/22, proposals in respect of those fees and charges that were the responsibility of the Cabinet Member for Finance, Innovation and Property or not reported elsewhere.

**RECOMMENDED:** That

- (1) in respect of the recovery of legal fees payable by third parties, the Council's charges remain the same for 2021/22 and continue to reflect existing practices as highlighted in paragraph 1.2 of the report;
- (2) the proposed scale of fees for local land charges searches and enquiries set out at Annex 1 to the report be adopted with effect from 1 April 2021;
- (3) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;
- (4) the fee Schedule for Street Naming and Numbering set out in section 1.5 of the report be adopted with effect from 1 April 2021;
- (5) the amount of council tax and business rates Court costs recharged remain the same for the 2021/22 financial year (as set out at paragraph 1.6.4 of the report); and
- (6) the fees and charges 2021/22 related to Tonbridge Castle tours (as set out at paragraph 1.7.2), fees for schools (as set out at paragraphs 1.7.6 and 1.7.7) and the fee models for ceremonies (as set out at paragraphs 1.7.8 to 1.7.12 of the report) be approved.

**\*Referred to Cabinet**

**FIP 21/7 APPEALS - EXPANDED RETAIL DISCOUNT**

Decision Notice D210001MEM

The report of the Director of Finance and Transformation gave details of businesses appealing the decision to not award the Expanded Retail Discount for the 2020/21 financial year and invited determination of these appeals. Guidance from the Ministry of Housing, Communities and Local Government (MHCLG) was attached at Annex 1.

**RECOMMENDED:** That

- (1) the appeal from Countryside Properties PLC be dismissed for the reasons set out in the report;
- (2) the appeal from Watts Farm Catering Limited be dismissed for the reasons set out in the report; and
- (3) the appeal from Green Parking Limited be dismissed for the reasons set out in the report.

**FIP 21/8 REVISION TO THE IT STRATEGY (2018-2022)**

Decision Notice D210002MEM

The report of the Director of Finance and Transformation set out details of a number of revisions made to the IT Strategy (2018-2022) to reflect the changing environment the Borough Council operated within. Particular reference was made to the Digital Strategy, adopted in 2019, which continued until 2023. It was recommended that the Strategies should have aligned timescales to underpin the Borough Council's Corporate Strategy.

**RECOMMENDED:** That the revised IT Strategy, attached as Annex 1 to the report, be approved and extended until 2023 to align with the Digital Strategy.

**FIP 21/9 PROGRESS WITH NEW COUNCIL WEBSITE**

Decision Notice D210003MEM

The joint report of the Director of Finance and Transformation and the Director of Central Services provided an update on the progress made with the technical implementation and the preparation of content for the new website and advised that, in liaison with the Member Working Group, the launch of the new website had been deferred until June 2021. The delay would mitigate the risk related to local County Council and Police and Crime Commissioner Elections in May 2021 and allow sufficient time for the development of website content and enhanced digital services for local residents.

**RECOMMENDED:** That:

- (1) the progress in delivering the technical aspects of the website be noted;
- (2) the deferral of the launch of the website until June 2021 for the reasons set out in the report be endorsed; and
- (3) the additional costs of the deferral of the launch of the website be built into draft Estimates for 2021/22.

**FIP 21/10 COVID WINTER GRANT FUND**

Decision Notice D210004MEM

The joint report of the Chief Executive and the Director of Finance and Transformation provided details of the new Winter Grant Fund and set out a process to ensure that vulnerable households, particularly those with children, were not struggling to pay for food or fuel over the winter

months. Full guidance for the grant was attached at Annex 1 to the report.

Groups and organisations working in the community had been invited to submit bids based on a number of requirements, as detailed in 1.1.3 of the report. A summary of the applications received was set out in 1.2.1 of the report. The report highlighted that the application by Aylesford Parish Council had not met the scheme criteria but could be incorporated with the application submitted by St Peter and St Paul's Church, Aylesford in respect of a new food bank.

**RECOMMENDED:** That:

- (1) Covid Winter Grants be awarded in accordance with the approved bids listed in 1.2 of the report, with the exception of the Aylesford Parish Council bid of £3,000 which was to be added to the bid from St Peter and St Paul's Church; and
- (2) the balance of £5,600.55 be held on reserve for use as necessary within the parameters of the Scheme under direction of the Chief Executive or the Director of Finance and Transformation.

#### **FIP 21/11 PROPOSED TRANSFER OF PUBLIC CONVENIENCES**

Decision Notice D210005MEM

The report of the Director of Central Services and Deputy Chief Executive set out the proposed terms of the freehold disposal of public conveniences to Parish and Town Councils. It was noted that West Malling Parish Council had indicated that it did not wish to proceed with the transfer but that this had yet to be formally confirmed. It was also noted that Borough Green Parish Council had requested the transfer to them of two areas of public open space and that this matter would be investigated and reported to a future meeting of the Advisory Board.

**RECOMMENDED:** That

- (1) subject to the receipt of formal confirmation from West Malling Parish Council as to whether or not it wishes to proceed with the transfer, the public conveniences at Borough Green, East Malling and Larkfield, East Peckham and West Malling be transferred to the respective Parish Councils in line with the terms outlined in the report;
- (2) the request by Borough Green Parish Council regarding the transfer of land at Crowhill and Staleys Acre, Borough Green be investigated and a report submitted to a future meeting of the Advisory Board; and



- (3) options for the disposal/alternative use of any public convenience sites not transferred to Parish/Town Councils be investigated.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **FIP 21/12 TEST AND TRACE SUPPORT PAYMENTS**

The report of the Director of Finance and Transformation provided details of the local introduction and operation of the National Government Test and Trace Support Payment Scheme.

#### **FIP 21/13 BUSINESS GRANT SCHEMES**

The report of the Director of Finance and Transformation provided details of the latest Government schemes to assist businesses and charities affected by the Covid-19 lockdown and 'tiered' measures. It was noted that 9 schemes were being operated within the Borough with approximately £1.72 million paid out since 1 December 2020. Members commended the officer teams for their exceptional administrative work and speed of delivery of funding and support to local businesses.

#### **FIP 21/14 REVENUE AND BENEFITS UPDATE REPORT**

The report provided details of recent developments in respect of council tax, business rates, council tax reduction and housing benefits.

#### **FIP 21/15 BUSINESS CONTINUITY INCIDENT - IT DISASTER RECOVERY**

The report of the Director of Finance and Transformation provided a record of the issues arising from the disruption of the Council's IT systems for part of the day on 26 November 2020. A detailed timeline of the incident was set out at Annex 1 to the report.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **FIP 21/16 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**

**FIP 21/17 DEBTS FOR WRITE-OFF**

(Reasons: LGA 1972 Sch 12A Paragraph 2 – Information which is likely to reveal the identity of individual)

Decision Notice D210006MEM

The report of the Director of Finance and Transformation sought approval to the writing-off of debts considered to be irrecoverable.

**RECOMMENDED:** That the 4 items shown in the schedule of amounts over £5,000 (as set out in Annex 1 to the report), totalling £28,733.95 be written off the reason stated within the schedule.

**FIP 21/18 USE OF SCAPE FRAMEWORK**

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Decision Notice D210007MEM

The report of the Director of Central Services and Deputy Chief Executive set out the proposed use of the Scape Minor Works Framework to deliver the conversion of properties at Pembury Road, Tonbridge for use as temporary accommodation.

**RECOMMENDED:** That the conversion scheme at Pembury Road, Tonbridge be progressed via the Scape Minor Works Framework.

**FIP 21/19 LEYBOURNE LAKES COUNTRY PARK LEASE**

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Central Services and Deputy Chief Executive set out the proposed terms of a lease to the Tonbridge and Malling Leisure Trust in respect of Leybourne Lakes Country Park.

**RECOMMENDED:** That a lease for Leybourne Lakes Country Park be granted to the Tonbridge and Malling Leisure Trust as detailed in the report of the Director of Central Services and Deputy Chief Executive.

**\*Referred to Cabinet**

**FIP 21/20 ANGEL INDOOR BOWLS ASSOCIATION LEASE**

(Reasons: LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

Decision Notice D210008MEM

The current position regarding a lease to the Angel Indoor Bowls Association was outlined and options to progress the matter were set out for consideration in the report of the Director of Central Services and Deputy Chief Executive.

**RECOMMENDED:** That delegated authority be given to the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, to set out the proposed terms for a new lease in a Section 25 notice (or by way of a response to the purported s26 notice if it is deemed to be valid) and that a further report be brought back to the Finance, Innovation and Property Advisory Board to agree the final terms of any lease renewal.

The meeting ended at 8.41 pm  
having commenced at 6.30 pm

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Report of the Director of Finance and Transformation

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

#### **1 APPLICATION FOR DISCRETIONARY RATE RELIEF**

**A report giving details, at paragraph 1.1, of a new application for discretionary rate relief.**

**The Council's policy in respect of discretionary rate relief is attached at [ANNEX 1].**

#### **1.1 New application for discretionary rate relief**

- 1.1.1 Since the last meeting of the Board, I have one new application for rate relief that has reached a stage where it is ready for Members' consideration. I give below further details of this application.
- 1.1.2 **Keyboard Print Solutions Limited, Unit 9 Mill Place, Platt Industrial Estate, Maidstone Road, Platt, Sevenoaks, Kent, TN15 8JL. Rateable Value £ 26,750**
- 1.1.3 The applicant is applying for relief for the period 1 April 2020 to 15 October 2020, at which point the unit was vacated and operations were moved to their other premises in Swanley.
- 1.1.4 The applicant's business is to supply printing for retail events and exhibitions. The property at Platt is a workshop, and therefore, was not eligible for the Expanded Retail Discount for the period in question as the property was not used wholly or mainly for retail purposes by visiting members of the public.
- 1.1.5 As the applicant was not entitled to any rate relief, they could not apply for a Retail, Hospitality and Leisure Grant. However, they applied for a grant from the Council's Discretionary fund and were subsequently awarded the sum of £25,000.
- 1.1.6 The applicant has stated that this grant was used to pay their rent. Since then, they have made over 15 people redundant, and do not have the money to pay their rates bill of £7,240.97.

- 1.1.7 The applicant has stated that the company's turnover has reduced in the last 12 months from £3.5M to £400,000 and had to vacate the property in Platt to keep the business going. Their full submission is attached at **[ANNEX 2]**.
- 1.1.8 Under Section 69 of the Localism Act 2011, a local authority is allowed to grant discretionary relief in any circumstances where it feels fit.
- 1.1.9 The policy states the Council is unlikely to grant relief unless there is some specific benefit to the residents of Tonbridge & Malling Borough Council over and above the benefit to the residents of other areas in which the business operates.
- 1.1.10 In this case, the applicant is asking for relief on a debt that is due for the period before the property was vacated. Therefore, Members may feel an award of relief is not appropriate, as there is no benefit to our residents with the company now situated in the Sevenoaks District Council area. Members should also note the applicant received the maximum grant from our discretionary fund last year.
- 1.1.11 Should Members decide to treat this application as a 'special case', any amount can be awarded up to the maximum £7,240.97.
- 1.1.12 Members are **REQUESTED** to consider the application and make an appropriate **RECOMMENDATION** to Cabinet regarding discretionary rate relief.

## **1.2 Legal Implications**

- 1.2.1 As the granting of relief is a discretionary action, the only implication would be a challenge by way of judicial review if an organisation were unhappy with a decision. Such a challenge can succeed only when the Council behaves unreasonably.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 In respect of all applications for rate relief, the financial considerations of granting relief are as set out in the body of the report. If relief is not granted, there is a beneficial impact on the Council's finances. This should not prevent each application being considered on its own merits however, as there must be some degree of consistency to prevent a legal challenge.

## **1.4 Risk Assessment**

- 1.4.1 The only risk that I am aware of is a legal challenge to the Council's decisions (see above). This is unlikely.

## **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.6 Recommendations

- 1.6.1 Members are **REQUESTED** to consider the application from Keyboard Print Solutions Limited and make an appropriate **RECOMMENDATION** to Cabinet regarding discretionary rate relief.

The Director of Finance & Transformation confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

contact: Glen Pritchard  
01732 876146

Application for relief from the organisation referred to in the main body of the report received since February 2021 and held in Financial Services.

Sharon Shelton  
Director of Finance and Transformation

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## **DISCRETIONARY RATE RELIEF POLICY 2021/22**

### **Background**

The Council is empowered to award Discretionary Rate Relief (DRR) under S.47 of the Local Government Finance Act 1988. This may be awarded as a 'top-up' to those organisations qualifying for Mandatory rate relief (mandatory relief amounts to 80% of the rates due) or up to 100% DRR to other organisations who do not qualify for mandatory relief.

The Council wishes to promote equality between organisations when granting discretionary rate relief. In deciding whether to award rate relief it will take into account previous awards that have been made to similar organisations/bodies.

Awards of rate relief will be reviewed on an annual basis by Members of the Finance, Innovation & Property Advisory Board unless a longer award date has been previously agreed.

The Council may also award relief to any local ratepayer to encourage new business and investment as well as to support local shops or community services.

Any relief granted is used to reduce the amount that the organisation is required to pay in Non-Domestic Rates, commonly known as Business Rates.

### **Charity Relief – Mandatory Relief (80%)**

Section 43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. From 1st April 2008 Section 45A of the Local Government Finance Act 1988, as amended, allows for no charge to be made in respect of unoccupied premises where it appears that when next in use it will be wholly or mainly used for those purposes.

### **Charity registration**

Charities are defined by s.67 (10) of the Local Government Finance Act 1988 as being an institution or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.

### **Community Amateur Sports Club (CASC) – Mandatory Relief (80%)**

The legislation was amended by the Local Government Act 2003 to include a club/organisation with CASC (Community Amateur Sports Club) status. They automatically receive 80 per cent mandatory relief which is fully paid for by the Government.

### **Non profit-making bodies - Discretionary Relief (20% Top-up)**

**Registered as a charity or CASC - up to 20% top-up relief can be granted to:**

- Sports clubs if registered as Community Amateur Sports Clubs (CASC)
- Recreational facilities, sports grounds and playing fields occupied by charities
- Applications where special considerations may apply

**Discretionary 'Top-up' – up to 20% paid by:**

- 40% TMBC
- 9% Kent County
- 1% Kent Fire
- 50% Government

### **Discretionary Relief (up to 100%)**

Section 69 of the Localism Act 2011 allows a local authority to grant discretionary relief in any circumstances where it feels fit.

The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Tax payers.

The Council has a duty to carefully consider every application on its merits, taking into account the contribution that the organisation makes to the amenities of the area.

**Discretionary – up to 100% paid by:**

- 40% TMBC
- 9% Kent County
- 1% Kent Fire
- 50% Government

It is acknowledged that if a club or organisation has no recognised accreditation it is still entitled to apply for up to 100% discretionary rate relief and the officers will use this criteria to assess whether there are specific circumstances which should be taken into account in making a decision to award rate relief to such an applicant.

### **Factors to be used in determining awards of Discretionary Rate Relief**

In determining awards of relief, the Council will bear in mind all the facts of each case including the following factors;

- The hereditament must be used wholly or mainly for the purpose of the organisation.
- There must be evidence in the Constitution or Articles of Association that the organisation is non-profit making.
- Membership or access is open to all sections of the community. Membership fees should be set so as to be accessible to people on low incomes.
- The facilities are made available to other sections of the community, e.g. schools.

- The organisation provides training/education or coaching to its members and/or the local community.
- There is suitable evidence of safeguarding and equality measures in place for its members or those using the facilities, e.g. for safeguarding children or vulnerable adults and an inclusion policy.
- Consideration will be given to the income and expenditure accounts for as many financial years as deemed necessary and must be provided on request or the application will be refused. Surpluses must be reinvested in the organisation and there must be no substantial reserves which would suggest that support is not necessary.
- Consideration will be given to all sources of income.
- If the organisation operates a bar, it will need to prove that its profits are used solely for the benefit of the organisation and its members.
- The organisation must be a local organisation.
- Consideration will be given to the impact of the organisation on other local businesses.
- Consideration will be given to the use of the property and if it appears to be proportionate to the size of the property.
- The ratepayer must occupy the premises (no discretionary rate relief will be granted for unoccupied premises)
- The organisation must directly benefit Tonbridge & Malling residents and must relieve the Council of providing similar facilities.

In addition, relief may also be granted if the applicant body caters for special needs (see below).

### **Meaning of 'special needs'**

Does the organisation cater for a section of the community which the Authority considers particularly deserving of support, e.g. persons with disabilities, persons with learning difficulties, the very young or the very old?

Where the applicant body provides such special needs or supplies facilities that would not otherwise be available in the area or supports the Council's key priorities, the maximum amount of relief will generally be awarded, subject to the following;

### **Restrictions on the granting of relief**

In determining whether relief should be awarded, the Council will be inclined not to grant relief or to limit the amount of relief awarded in the following cases.

- As a general rule, the Council is unlikely to grant relief to national charities located within the Council's area unless there is some specific benefit to the residents of Tonbridge & Malling Borough Council over and above the benefit to the residents of other areas in which the charity operates;
- The Council is unlikely to grant relief to charity shops or shops operated by the trading arms of charities;
- Where an applicant body is a national organisation but operates only in part of the Council's area, any relief that may be awarded will generally be reduced pro rata the population of the area of the Borough that receives benefit from that

organisation. This restriction will not generally apply if the body is not a national body and has been established to benefit only a part of the Council's area;

- Membership of the organisation is restricted by the amount of the subscription or other limiting factors which preclude the whole of the public from having effective access to the organisation's activities;
- A substantial portion of the organisation's income comes from bar receipts (unless profits are used solely for the benefit of the organisation and its members);
- A club is run for political purposes;
- There would be duplication of financial assistance where grant aid of any other kind is being given by the local authority directly or under Section 48 of the Local Government Act 1985;
- The applicant is a Housing Association.

### **Special cases**

The Council recognises that there will be occasions when an applicant body does not satisfy the above criteria. The criteria are not restrictive and nothing in them shall be taken as restricting the Council's ability to depart from its general policy as to the granting of relief if it sees fit to do so bearing in mind the facts of the case

### **Application Process**

Ratepayers will be obliged to make a written application to the Council, for which forms are provided.

All awards of Discretionary Rate Relief will be subject to Member approval.

In all cases, the Council will notify the ratepayer of decisions made.

Where an application is successful, the following will be notified to them in writing;

- the amount of relief granted and the date from which it has been granted;
- the date on which any relief granted will end;
- the new chargeable amount;
- the details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
- a requirement that the applicant should notify the authority of any change in circumstances that may affect entitlement to relief.

Where relief is not granted then the following information will be provided, again in writing;

- an explanation of the decision within the context of the authority's statutory duty; and
- an explanation of the appeal rights

Relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made.

Under the Local Government Finance Act 1992, there is no right of appeal against the Council's use of discretionary powers. However, the Council operate an internal review process and will accept a customer's request for an appeal of its decision.

All requests must be made in writing to the Revenues Manager, within one month of the Council's decision, and should state the reasons why the ratepayer is aggrieved with the decision of the council. New information may be submitted at this stage to support the ratepayer's appeal. Requests will be considered by Members of the Finance, Innovation & Property Advisory Board.

If an unsuccessful applicant decides to make a request for an internal review they will still need to continue to pay their rates bill. If the request is successful, the rates bill will then be adjusted.

For ratepayers who remain aggrieved and wish to pursue the matter further, the next step is to make an application for judicial review.

### **Affordability**

Discretionary Relief is not a matter of right. The Council is entitled through this policy to determine different levels of discretionary relief according to the nature and circumstances of individual organisations.

The above criteria will be subject to budgetary provision being available. Although the Council will aim to achieve equality between organisations in terms of the level of relief that it grants, this might not always be possible. The Council has the right, subject to giving the requisite notice required by law, to vary the level of relief that it has previously granted either in respect of a particular organisation or in respect of a class of organisation or to all organisations in receipt of relief. The Council also has the right to apportion rate relief based on the levels of budget available at the time of applying.

**Decision Form**

**Name of Organisation:**

**Reason for Application:**

**Liability**.....

**Discretionary Rate Relief Awarded**

**YES**

**NO**

**If yes Amount Awarded**.....

Awarding Discretionary Rate Relief – Factors Considered by Members of the Finance, Innovation & Property Advisory Board

Reason for refusing Discretionary Rate Relief, if applicable

Signed.....

Dated.....

Keyboard are a supplier to the B to C and B to B Retail and Experiential and Event Market and as the Government shut our market down, we applied for a grant and rate relief from Tonbridge and showed evidence of companies that traded exactly as us and produced all their paperwork supplied directly from them and although Tom Tugenhat supported us and Tonbridge agreed to give it to us they didn't agree we qualified and suggested that we would be challenged at a later date, as a straight forward family business we wanted to do things correctly albeit we were struggling.

We are a family business of 31 years and decided that we were going through enough as a family and business that we wouldn't be able to afford to pay it back if challenged. Our rent was £40k and our rates £11k and we had staff of 27 and bills mounting up that in October our Platt landlord said we had to pay the rent or he had someone else to move in, if we had been supported by Tonbridge we would have been able to cover the costs as we would have been given the space to survive. So at the end of October we had to hand the property back as we just couldn't afford it and unfortunately we had to make more people redundant.

We live in Platt and some of staff are from Tonbridge and Malling and we have another personal business in Platt and Borough Green.

The only 2 Directors in Keyboard are myself and my Wife and we have been unable to take a salary from Keyboard for 12 months as we are directors and paid on dividends and our turn over has reduced from £3.5m to 400k with monthly costs to keep what is left of our business going.

We are asking for the period of time that we were based at Platt and no more to have the Rate relief applied, we just don't have the money and we are on our knees, we are local residents we cried out for help to stay in Platt and now we are asking for the period of time to have the Rate Relief applied.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Report of the Director of Finance and Transformation

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

#### **1 FINANCIAL PLANNING AND CONTROL**

The report provides information on the following key budget areas: salaries, major income streams, and investment income, together with approved variations, virements and issues identified via revenue budget monitoring for the year ended March 2021. This information is then aggregated to provide a provisional outturn position for 2020/21.

The report also updates Members on capital expenditure and variations that have been agreed in relation to the Capital Plan for the year ended March 2021.

Details of an agreement reached with the Tonbridge and Malling Leisure Trust on the transfer of responsibility for all telephony hardware and systems and its replacement to the Trust is also provided for information.

#### **1.1 Salaries Monitoring Statement 2020/21**

1.1.1 Appended for information at **[Annex 1]** is a budgetary control statement that compares actual expenditure on basic salaries, temporary staff, overtime, superannuation and national insurance for the year ended March 2021, with the revised estimate for 2020/21.

1.1.2 Members will note that management savings to the end of March 2021 are **£213,868 more** than anticipated.

#### **1.2 Income Monitoring Statement 2020/21**

1.2.1 Appended for information at **[Annex 2]** is a budgetary control statement that compares our major sources of income from fees and charges for the year ended March 2021, with the revised estimate for 2020/21.

Members will note that overall income for the year ended March 2021 is **£26,944 more** than the revised estimate with planning application fee income performing above budget in the sum of £205,592. If this was excluded overall income would be circa £179,000 below budget.

### **1.3 Treasury Management 2020/21**

#### *Core Funds*

- 1.3.1 The Council achieved a return of 0.53% on its core fund investments for the year ended March 2021, compared to the 3-month LIBID benchmark of 0.02%. Investment income achieved for the year ended March 2021 is £91,955.
- 1.3.2 At the end of March 2021 the value of core funds stood at £16.0m. This was invested at an average rate of 0.39% and an average maturity of 132 days.

#### *Cash Flow Funds*

- 1.3.3 The Council achieved a return of 0.13% on its cash flow investments for the year ended March 2021, compared to a 7-day LIBID benchmark of minus 0.07%. Investment income achieved for the year ended March 2021 is £36,821.
- 1.3.4 At the end of March 2021 the value of cash flow investments stood at £15.8m. This was invested at an average rate of 0.04% and an average maturity of 7 days.

#### *Property Investment Funds*

- 1.3.5 At the start of the year the sum of £5m was invested in property investment funds and no further sums were invested during the year.
- 1.3.6 Investment income achieved from property funds for the year ended March 2021 is £172,177 which represents a return of 3.42%.

#### *All Investments*

- 1.3.7 The combined return figure for core, cash flow and property investment funds is compared with the revised estimate for 2020/21 later in this report.

### **1.4 Approved Variations to the Revenue Budget 2020/21**

- 1.4.1 There were no approved variations to the 2020/21 revised revenue estimates reported to Council on 23 February 2021.

### **1.5 Virements 2020/21**

There were no virements made to the 2020/21 revised revenue estimates reported to Council on 23 February 2021.

### **1.6 Revenue Budget Summary 2020/21**

- 1.6.1 We are currently working on closing the accounts for 2020/21 and an examination of spend to date compared with the 2020/21 revised revenue estimates would suggest a net favourable variance in the order of £965,000 across all budget areas including that separately identified above.

1.6.2 The intention is to transfer most of the favourable variance initially to the budget stabilisation reserve to allow time to consider how we might best make use of the positive outturn position. By way of an example, one option could be to establish a budget for the purchase of temporary accommodation funded in large part from the positive outturn position. This of course only one option of many, there being multiple demands on the Council's finances.

1.6.3 The table below provides a broad overview of the provisional outturn for the year ended March 2021 at the time of writing. A more detailed analysis of the outturn position to be found in the Revenue and Capital Outturn report and accompanying documents reported to Cabinet later in the cycle.

<b>Description</b>	<b>Budget to March £</b>	<b>Actual to March £</b>	<b>Variance £</b>
Salaries Monitoring Statement	10,613,600	10,399,732	(213,868)
Income Monitoring Statement	(4,978,600)	(5,005,544)	(26,944)
Treasury Management	(288,000)	(300,953)	(12,953)
Business Rates Retention Scheme	(2,119,716)	(1,056,743)	1,062,973
Business Rates Retention Scheme Reserve	-	422,800	422,800
Legal Expenses	50,000	161,985	111,985
Housing Benefits (Net)	87,000	(20,433)	(107,433)
Business Grants New Burdens Grant Funding	-	(166,800)	(166,800)
Business Grants / KCC Covid-19 Grant Funding	-	(218,280)	(218,280)
Income Compensation Scheme	(1,200,000)	(1,559,164)	(359,164)
Tax Income Guarantee Scheme	(200,000)	(1,587,717)	(1,387,717)
Other Net Changes	8,610,280	8,540,894	(69,386)
<b>Net Favourable Variance</b>	<b>10,574,564</b>	<b>9,609,777</b>	<b>(964,787)</b>

## **1.7 Savings and Transformation Strategy**

1.7.1 Alongside the Medium Term Financial Strategy sits a Savings and Transformation Strategy. The purpose of the Strategy is to provide structure, focus and direction in addressing the financial challenge faced by the Council. In so doing, it recognises that there is no one simple solution and as a result we will need to adopt a number of ways to deliver the required savings and transformation contributions within an agreed timescale. A number of key themes have been identified, together with outline targets and timescales.

- 1.7.2 When the budget was set in February 2021 the projected funding gap was £475,000 with a savings and transformation contribution of £100,000 to be identified and implemented by 1 April 2022. Not forgetting, this, in addition to delivering on the savings already reflected in the Medium Term Financial Strategy and totalling in excess of £500,000.
- 1.7.3 Progress on meeting this year's savings target and the latest projected funding gap more widely will be reported to future meetings of the Board.

## **1.8 Capital Monitoring Statement 2020/21**

- 1.8.1 Appended for information at **[Annex 3]** is a capital monitoring statement which compares actual capital expenditure for the period 1 April 2020 to 31 March 2021 with the 2020/21 Capital Plan. The Capital Plan for 2020/21 is based on the 2020/21 budgets that were approved by Council on 23 February 2021.
- 1.8.2 Prior year's expenditure is only shown for finite schemes for which there is a budget in 2020/21. Where schemes are of a rolling programme nature, prior year's expenditure has not been shown in order to avoid large, generally meaningless, totals building up.
- 1.8.3 Capital Plan schemes which are scheduled to start in 2021/22 and beyond have not been shown. The budget profile for these schemes can be found in the 2021/22 Revenue and Capital Budgets Book.
- 1.8.4 Members will note a Capital Plan spend net of specific government grants and other contributions of £1,164,000 against a budget provision of £2,271,000. Factors that contributed to the net underspend are given below.
- Capital renewals budgets totalling £433,000 with actual capital renewals expenditure totalling £116,000. Capital renewals provisions reflect predictions as to when assets will need to be replaced. Underspend can largely be attributed to a lower than anticipated spend on capital renewals at our leisure facilities; and in respect of information technology.
  - The very nature of capital expenditure and funding can see the rescheduling, reprofiling and review of future budget provision. The measures taken in response to the Covid-19 pandemic has also had an impact on the level of spend in 2020/21. Scheme budget provisions that are to be rescheduled, reprofiled or subject to review include the Temporary Accommodation, Pembury Road, Tonbridge adaptation works in year underspend £604,000 and CMS Website Solution – in year underspend £58,000.

## **1.9 Approved Variations to the Capital Plan**

There were no approved variations to the 2020/21 Capital Plan reported to Council on 23 February 2021.

## **1.10 Capital Plan Issues**

The capital plan monitoring statement, as presented to this Board, is essentially aimed at monitoring the financial performance of the capital plan overall and on a Service and scheme basis. Notes have been provided to supply further information where this is felt to be particularly relevant. Other monitoring reports, which provide greater information about individual schemes, are presented by the Services to the relevant Advisory Board.

## **1.11 Tonbridge and Malling Leisure Trust Telephony System**

- 1.11.1 Under the current Management Agreement the Council is obliged to provide a telephony system at all the sites managed by the Trust. The Council's commitment to provision of these services is reflected in its capital renewals provision which currently allows £35,300 for telephony replacement at all the sites over the next 10 year period.
- 1.11.2 A proposal from the Trust whereby the Council pay a capital grant equal to the capital renewals provision in return for the transfer of responsibility for all telephony hardware and systems and its replacement to the Trust has recently been agreed; delivering an annual revenue saving of £3,530.

## **1.12 Legal Implications**

- 1.12.1 This report fulfils the requirement of the Local Government Act 2003 which places a statutory duty on the authority to monitor income and expenditure against budget and to take action if overspends or shortfalls in income emerge. If monitoring establishes that the budget situation has deteriorated, authorities are required to take such action as they consider necessary. This might include action to reduce spending in the rest of the year, to increase income or to finance all or part of the shortfall from reserves.

## **1.13 Financial and Value for Money Considerations**

- 1.13.1 The budget year 2021/22 and review and update of medium term financial planning assumptions now the focus of attention.
- 1.13.2 The positive outturn position is clearly welcome, but does not unfortunately change what is a difficult financial outlook. The latest projected funding gap including those initiatives already built into the MTFS standing at £975,000 notwithstanding the assumption that income and expenditure impacted by Covid-19 will largely return to levels pre the pandemic over the short to medium term.

## **1.14 Risk Assessment**

- 1.14.1 Budgetary control is a prerequisite of good financial management, financial planning and control and needs to be kept under review to ensure it remains effective and relevant.

### 1.15 Equality Impact Assessment

1.15.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### 1.16 Recommendations

1.16.1 Members are asked to **note** and **endorse** the contents of the report.

The Director of Finance and Transformation confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

contact: Neil Lawley

Nil

Sharon Shelton  
Director of Finance and Transformation

**Salaries Budgetary Control Monitoring Statement**

Annex 1

**Period Ended Last Day of March 2021****2020/21 Financial Year**

	<b>Revised Budget 2020/21 (a)</b>	<b>Provisional Outturn 2020/21 (b)</b>	<b>Above (Below) Budget (b - a)</b>
<b>Service</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Central</b>			
Administration & Property	808,450	744,550	(63,900)
Legal	544,300	534,785	(9,515)
Personnel	492,400	488,374	(4,026)
<b>Executive</b>	515,500	515,425	(75)
<b>Finance &amp; Transformation</b>			
Finance	1,847,500	1,796,906	(50,594)
Information Technology	923,450	894,519	(28,931)
<b>Planning, Housing &amp; Environmental Health</b>			
Environmental Health & Housing	1,483,650	1,469,807	(13,843)
Planning	1,969,800	1,895,083	(74,717)
<b>Street Scene, Leisure &amp; Technical</b>			
Street Scene & Leisure	1,401,400	1,380,283	(21,117)
Technical	698,650	698,183	(467)
Management Savings	10,685,100	10,417,915	(267,185)
Shared Working Arrangements	(20,850)	(20,838)	12
Sub-total	10,664,250	10,397,077	(267,173)
Establishment Reviews (Ring-fenced sums)	49,350	0	(49,350)
Budgeted management savings to the end of March			100,000
Non-budgeted spend on recruitment & other expenses to the end of March			2,655
<b>Net Management Savings</b>			<b>(213,868)</b>

Financial Services  
15 April 2021

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**Income Budgetary Control Monitoring Statement**

Annex 2

**Period Ended Last Day of March 2021****2020/21 Financial Year**

	<b>Revised Budget 2020/21 (a) £</b>	<b>Provisional Outturn 2020/21 (b) £</b>	<b>(Above) Below Budget (b - a) £</b>
<b>Service</b>			
<b>Central</b>			
Land Charges	(185,000)	(226,618)	(41,618)
Licensing	(305,400)	(268,417)	36,983
Sub-Total	(490,400)	(495,035)	(4,635)
<b>Planning, Housing &amp; Environmental Health</b>			
Planning Fees	(792,000)	(997,592)	(205,592)
Building Regulations	(290,000)	(333,503)	(43,503)
Sub-Total	(1,082,000)	(1,331,095)	(249,095)
<b>Street Scene, Leisure &amp; Technical</b>			
Garden Waste Collection	(995,000)	(966,610)	28,390
Recycling Performance Payment	(450,000)	(438,471)	11,529
Short Stay Car Parking	(1,040,000)	(869,502)	170,498
Long Stay Car Parking	(380,000)	(315,712)	64,288
Penalty Charge Notices	(219,000)	(217,412)	1,588
Car Parks Season Tickets	(79,000)	(74,716)	4,284
Residents Parking Permits	(113,000)	(117,825)	(4,825)
Country Parks Parking	(130,200)	(179,166)	(48,966)
Sub-Total	(3,406,200)	(3,179,414)	226,786
<b>Grand Total</b>	<b>(4,978,600)</b>	<b>(5,005,544)</b>	<b>(26,944)</b>

Financial Services  
15 April 2021

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**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**SUMMARY OF SERVICES**

	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021
	£'000	£'000	£'000
<b>Capital Plan Schemes</b>			
Planning, Housing & Environmental Health	1,453	736	36
Street Scene, Leisure & Technical Services	1,778	900	913
Corporate	5	202	99
Sub-total	3,236	1,838	1,048
<b>Capital Renewals</b>			
Planning, Housing & Environmental Health	n/a	0	0
Street Scene, Leisure & Technical Services	n/a	205	81
Corporate	n/a	228	35
Sub-total	n/a	433	116
<b>Total</b>	3,236	2,271	1,164

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**PLANNING, HOUSING AND ENVIRONMENTAL HEALTH**

	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021
	£'000	£'000	£'000
<b>Capital Plan Schemes</b>			
Housing			
Grants	n/a	30	(30)
Temporary Accommodation	1,452	682	38
Environmental Health	1	24	28
Sub-total	1,453	736	36
<b>Capital Renewals</b>	n/a	0	0
Total Planning, Housing and Environmental Health	1,453	736	36

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**PLANNING, HOUSING AND ENVIRONMENTAL HEALTH**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Housing</b>					
(a) Disabled Facility Grants					
(i) Mandatory Grants Less repayments	P03AC	n/a n/a	900 (10)	728 (39)	
(ii) Government Grant		n/a	(890)	(689)	
Sub-total		n/a	0	0	
(b) Housing Assistance Less repayments	P03AD	n/a n/a	60 (30)	38 (68)	
Sub-total		n/a	30	(30)	
<b>Total Grants to Summary</b>		n/a	30	(30)	
(c) Temporary Accommodation					
(i) 4 Dwellings Pembury Road, Tonbridge Less Developer Contributions	P03AX	1,958 (506)	799 (157)	38	
Sub-total		1,452	642	38	
(ii) Ground Floor Unit High Street, Tonbridge	P03AY		40		
<b>Total Temporary Accommodation to Summary</b>		1,452	682	38	

Government grant support of £689,000 attributed to 2020/21 excludes £510,000 grant deferred to next financial year and a further £102,000 of grant funding applied to related revenue initiatives in 2020/21.

Refurbishment works delayed to 2021/22.

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**PLANNING, HOUSING AND ENVIRONMENTAL HEALTH**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Environmental Health</b>					
(a) Air Quality Monitoring Station	P02EN	1	24	28	
Total Environmental Health to Summary		1	24	28	

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**STREET SCENE, LEISURE & TECHNICAL SERVICES**

	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021
	£'000	£'000	£'000
<b>Capital Plan Schemes</b>			
<b>Street Scene</b>	n/a	150	175
<b>Leisure</b>			
Larkfield Leisure Centre	1,638	690	690
Sports Grounds	40	19	0
Open Spaces	0	0	5
Other Leisure Schemes	100	16	19
<b>Technical Services</b>			
Car Parking	n/a	25	24
Sub-total	1,778	900	913
<b>Capital Renewals</b>	n/a	205	81
Total Street Scene, Leisure & Technical Services	1,778	1,105	994

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**STREET SCENE, LEISURE & TECHNICAL SERVICES**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Street Scene</b>					
(a) Green Waste Bins Growth / Replacement	P02BC	n/a	45	68	
(b) Refuse Bins Growth / Replacement	P02DA	n/a	81	68	
(c) Garden Waste Bin Replacement	P03CF	n/a	24	39	
Total Street Scene to Summary		n/a	150	175	
<b>Larkfield Leisure Centre</b>					
(d) Ventilation, Boiler & Pool Hall Roof	P05LP	1,638	690	690	Scheme completed.
Total Larkfield Leisure Centre to Summary		1,638	690	690	
<b>Sports Grounds</b>					
(e) Tonbridge School Athletics Track Improvements Less Developer Contribution	P05DC	140 (140)	21 (21)	20 (20)	Scheme completed.
Sub-total		0	0	0	
(f) Racecourse Sports Ground Riverside Revetment Less Grants	P05DD	18 (14)		3 (3)	Further consideration being given to most effective option to address bank erosion. Bulk of scheme budget attributed to 2021/22.
Sub-total		4	0	0	
(g) Racecourse Sportsground Rugby Pitch Drainage Less Developer Contributions	P05DE		10 (10)	10 (10)	Further works planned for 2021/22.
Sub-total		0	0	0	
(h) Racecourse Sportsground Swimming Pool Bridge Less Developer Contributions	P05DN	100 (64)	20 (1)		Scheme completed.
Sub-total		36	19	0	
Total Sports Grounds to Summary		40	19	0	



**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**STREET SCENE, LEISURE & TECHNICAL SERVICES**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Open Spaces</b>					
(a) Haysden Country Park Sewage Treatment Less Developer Contributions	P05FC	100 (100)	30 (30)	35 (30)	Scheme completed.
Sub-total		0	0	5	
(b) Leybourne Lakes Country Park Facility Improvements Less Grants & Developer Contributions	P05FF		43 (43)	34 (34)	
Sub-total		0	0	0	Final design currently at cost certainty stage. Report to July meeting of CHAB. Bulk of scheme budget attributed to 2021/22.
Total Open Spaces to Summary		0	0	5	
<b>Other Leisure Schemes</b>					
(c) Ton Cemetery / Closed Churchyards - Memorial Safety Less Developer Contributions	P05KV	103 (3)		3	Scheme completed.
Sub-total		100	0	3	
(d) Tonbridge Cemetery Memorial Garden Vaults	P05KC		16	16	
Total Other Leisure Schemes to Summary		100	16	19	
<b>Car Parking</b>					
(d) Existing Car Parks Improvement Rolling Programme Less Grants & Contributions	P01AB	n/a	25	23 (7)	Scheme budget attributed to 2021/22.
Sub-total		n/a	25	16	
(e) Car Parking Improvement Works	P01AD			8	
Total Car Parking to Summary		n/a	25	24	

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**STREET SCENE, LEISURE & TECHNICAL SERVICES**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Capital Renewals</b>					
Sports Grounds & Open Spaces	P05KGBC05	n/a	17		} Underspend / carry forward to 2021/22 to be reviewed Autumn 2021. }
<b>Technical Services</b>					
(a) CCTV Capital Renewals	P01BA	n/a	14	21	}
(b) Car Parking	P01JF	n/a	3		}
Sub-total			34	21	}
<b>Leisure Centres</b>					
(c) Angel Centre	P05KGBC01	n/a	35	3	}
(d) Larkfield Leisure Centre	P05KGBC02	n/a	88	33	}
(e) Tonbridge Swimming Pool	P05KGBC04	n/a	30	5	}
(f) Poult Wood Golf					}
Clubhouse	P05KGBC03	n/a	23	19	}
Course	P05KGBC07	n/a	6		}
Grounds Maintenance	P05KGBC06	n/a	46		}
Provision for inflation	P05KZ	n/a	228	60	}
Savings Target (assumes 25%)		n/a	(57)		}
Sub-total			171	60	}
<b>Total Capital Renewals to Summary</b>		n/a	205	81	}

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**CORPORATE**

	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021
	£'000	£'000	£'000
<b>Capital Plan Schemes</b>			
Information Technology Initiatives	5	202	99
Sub-total	5	202	99
<b>Capital Renewals</b>	n/a	228	35
Total Corporate	5	430	134

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**CORPORATE**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Information Technology Initiatives</b>					
(a) General IT Developments	P06DA	n/a	30		
(b) Revenues and Benefits IT Digital Solution	P06EW	5	15		
(c) CMS Website Solution	P06EX		140	82	
(d) Corporate Document Management Solution	P06EY		17	17	
Total Information Technology Initiatives to Summary		5	202	99	

**CAPITAL PLAN MONITORING STATEMENT 2020/21 TO 31 MARCH 2021**  
**CORPORATE**

	Code	Expenditure To 31/03/20	2020/21 Including Prior Year Slippage	2020/21 Actual to 31 March 2021	Notes
		£'000	£'000	£'000	
<b>Capital Renewals</b>					
(a) General :	P06FA				} Underspend / carry forward to 2021/22 to be reviewed Autumn 2021.
Departmental Administration	GR01	n/a	23	15	
Print Unit	GR03	n/a			
Telephones	GR05	n/a	9		
Elections	GR10	n/a	18		
Sub-total		n/a	50	15	
(b) Information Technology :	P06FB		178		
Desktop Hardware	FB10	n/a		17	
Mobile Hardware	FB20	n/a		2	
Computer Suite	FB30	n/a			
Other Hardware	FB40	n/a		1	
Network	FB50	n/a			
Corporate Software	FB60	n/a			
Operational Software	FB70	n/a			
User Software	FB80	n/a			
Sub-total		n/a	178	20	
<b>Total Capital Renewals to Summary</b>		n/a	228	35	

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Report of the Director of Central Services & Deputy Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

### 1 COMMUNITY ASSET TRANSFER POLICY

**This report sets out a proposed Community Asset Transfer Policy for Members consideration**

#### 1.1 Background

1.1.1 From time to time the Council receives enquiries from local groups and organisations as to whether they can take control or ownership of a particular Council owned asset. Often these involve areas of open space but can include other assets such as car parks.

1.1.2 In order to have a fair and transparent system in place when considering such enquiries, it was felt a Policy should be developed setting out the key objectives and criteria. A draft Community Asset Transfer Policy is attached at Annex 1 for Members to consider.

#### 1.2 Recent Example – Public Conveniences

1.2.1 A recent example of where facilities have been transferred to a Voluntary and Community Sector (VCS) body is the public conveniences at Larkfield and East Peckham. In this instance, the VCS was the respective Parish Council who took a transfer of the asset to maintain its viability, and which generated financial savings to the Borough Council.

1.2.2 If Members are minded to adopt the Policy, there are several other assets across the borough which it is felt may no longer have a borough-wide significance and the Council may look to engage with local VCSs regarding possible transfers, in line with the Policy.

#### 1.3 Legal Implications

1.3.1 Any transfer of assets will be undertaken in line with the Council's Constitution and reported to this Board for approval where necessary.

- 1.3.2 Legal Services would be instructed to progress any conveyance or lease of assets to ensure all relevant terms were included.

#### **1.4 Financial and Value for Money Considerations**

- 1.4.1 Members will be aware that the Council is required to achieve 'best value' when disposing of any assets. This of course does not necessarily mean the highest price as a number of different factors can be used to determine 'best value' such as economic, environmental and social value.

#### **1.5 Risk Assessment**

- 1.5.1 When considering the transfer of assets to VCSs there is always a risk that the VCS may fail, which may result in the asset returning to the Council's ownership and responsibility. In each case the Council will need to be assured the VCS has the appropriate experience and resources in place to effectively manage the asset for the long term.

#### **1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

#### **1.7 Policy Considerations**

- 1.7.1 Asset Management  
1.7.2 Community

#### **1.8 Recommendations**

- 1.8.1 It is **RECOMMENDED** to Cabinet that the Community Asset Transfer Policy be adopted.

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield  
Director of Central Services & Deputy Chief Executive



# **TMBC Community Assets Transfer Policy**

## **1. Introduction**

The Community Assets Transfer Policy aims to provide clear guidance when opportunities arise for the transfer of land or buildings in the ownership or local management of the Borough Council to a Voluntary and Community Sector (VCS) body. For the purposes of this policy, these bodies are limited to the following and must be located in the Borough of Tonbridge and Malling:

- (1) Town or Parish Council
- (2) Fully Constituted Community Group
- (3) Charitable Trust
- (4) Community Interest Company
- (5) Charitable Incorporated Organisation (CIO)

In addition, any VCS body should be non-profit distributing and must reinvest any surplus funds to further its social aims and community benefits.

## **2. Objectives of an Asset Transfer**

The Transfer of Assets held by the Borough Council to a VCS will aim to achieve one or more of the following outcomes:

- To maintain and improve the viability of the asset transferred
- To allow local management of the asset and meet the needs of the local community it serves
- To facilitate the delivery of support services in areas of need
- Promote local involvement in the management of the asset and encourage a wider range of residents to participate in the delivery of those services
- Promote local volunteering opportunities
- to generate financial savings and value for money for the Borough Council

- To encourage the further development of the asset as a community facility.

### **3. Proposed Uses for the Asset being Transferred**

Assets owned by the Borough Council will be transferred if this meets with the Council's priorities and that there are clear benefits to both the Borough Council and the VCS arising from that transfer.

### **4. Requirements to Enable a Transfer of Major Assets**

For more major assets such as larger buildings and facilities, transfers of Assets to a VCS body, either via a lease or full ownership transfer, will be considered where that body is able to satisfy the Borough Council that the following requirements can be met:

- (1) that there is a fully worked up and credible Business Plan which has been approved by the Borough Council and that appropriate insurances are in place;
- (2) The VCS Body can demonstrate that it has the skills and experience to run the Asset and/or is able to demonstrate that sufficient external support to operate the Asset in its place;
- (3) That, if necessary, the VCS has appropriate policies and permissions in place to operate the Asset (including health and safety, safeguarding, security measures etc) and that there are appropriate decision making processes in place;
- (4) That the VCS body agrees to the Borough Council retaining the ability to have influence over the future use of the Asset in the event that it is no longer needed for community use;
- (5) That the VCS body agrees that the Asset will revert to the ownership of the Borough Council in the event that the VCS body taking over the asset ceases to operate.
- (6) That the VCS body agrees to any specific terms and conditions set by the Borough Council in relation to the future management of the Asset.

The Borough Council will ensure the above requirements are met via a Service Level Agreement with the relevant CVS body.

## **5. Charges**

Any rent charged under the lease will be determined on a case-by-case basis and may range from nominal (£1 per annum if demanded) up to a full market rent. The assessment of rent will take account of the nature of the activities taking place at the Asset, and any financial and community benefit considerations.

The lease will normally contain a rent review clause that allows the Council to review the rent after the first three years of the term and thereafter at five yearly intervals in the event that a commercially viable and profitable operation is taking place from the asset.

## **6. Heritage Assets**

Heritage assets are defined as:

*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).”*

In the case of heritage assets, the VCS body must comply with the statutory duty to keep the asset in repair for the duration of the lease term. The Borough Council will normally grant a lease of no more than 25 years in respect of heritage assets.

Where the asset has no alternative use, an internal valuation will be carried out. In this case the market value will be based on its existing community use only which in most circumstances will be low. In certain circumstances there may be no need for a valuation if it does not involve the transfer of any benefits or liabilities to the Borough Council.

## **7. Valuations**

For the transfer of more major assets, a valuation of the asset will be carried out. In the case of certain assets that may have an alternative non-community use (resulting in a potentially higher land value) an independent valuation will be obtained that sets out the “under-value” – that is the difference between the restricted market value (of the asset in community use and subject to the proposed terms of transfer) and the unrestricted market value (of the asset in some alternative use without any restrictions imposed by way of proposed transfer terms).

## **8. Transfers of Minor Assets**

For transfers of more minor assets, for example, small areas of land/open space or smaller structures, the Borough Council encourage the transfer of the asset where there is a joint benefit for the Council and the CVS. Whilst circumstances may vary in each case, the preference of the Borough Council will be to transfer such smaller assets via a direct change of ownership.

## **9. Determining Applications for Asset Transfer**

VCS bodies interested in taking on an asset transfer must first register the interest in writing to the Borough Council’s Director of Central Services. The Director of Central Services will make an initial assessment of the interest and, if there is scope to consider this further, a formal application form will be sent the applicant.

From time to time, the Borough Council may approach a VCS with a proposal to transfer an asset held by the Borough Council to the VCS.

In both circumstances, formal agreement by the Borough Council’s Cabinet to the proposed transfer will be required.

## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Report of the Director of Central Services & Deputy Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

#### **1 PROPOSED DISPOSAL OF LAND TO BOROUGH GREEN PARISH COUNCIL**

**This report details the proposed disposal of two areas of public open space in Borough Green to Borough Green Parish Council**

#### **1.1 Background**

1.1.1 At the 6<sup>th</sup> January 2021 meeting of this Board, Members considered a report on the proposed transfer of certain public conveniences to Parish Councils.

1.1.2 One of those public conveniences was at Borough Green and the report stated the Parish Council had requested that the Borough Council transfer them an area of open space at Crowhill prior to any transfer of the public conveniences taking place. A verbal update was given at the meeting stating the Parish Council had also requested the transfer of a second area at Staleys Acre.

1.1.3 Members resolved that the request be investigated and a report on the matter be submitted to a future meeting of the Board.

#### **1.2 Proposed Transfer**

1.2.1 It is felt these areas have no borough wide significance and as local amenity areas would be best served by the Parish Council taking over responsibility for them.

1.2.2 The following terms have been agreed with the Parish Council, subject to Member approval, in respect of both areas:

- Freehold transfer of the open space at Crowhill, measuring approximately 11,974 sqm, (as shown at Annex 1) and Staleys Acre, measuring approximately 256 sqm, (as shown at Annex 2)
- Covenants – covenants will be included in the transfers stating the land can only be used as public open space
- Price - £1 each

- Legal fees – each side to meet their own legal fees

1.2.3 As required under the Local Government Act 1972 Section 123, there is a requirement for an advert to be placed in a local newspaper for 2 consecutive weeks to advertise any proposed disposal of an area of public open space. This advert has been placed and no objections have been received.

1.2.4 If approved by Members, it is anticipated that the transfer of the public convenience would take place at the same time as the transfer of the open spaces.

### 1.3 Legal Implications

1.3.1 Legal Services would be instructed to undertake the conveyancing process to ensure all relevant terms are included.

### 1.4 Financial and Value for Money Considerations

1.4.1 The proposal is to transfer the areas at £1 each which would reflect the fact the areas could only be used as public open space. A small saving will be generated by the Borough Council not having to maintain the areas in the future.

### 1.5 Risk Assessment

1.5.1 If these two areas are not transferred the Parish Council have indicated they would not be willing to take a transfer of the public conveniences, meaning they would be closed.

### 1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### 1.7 Policy Considerations

1.7.1 Asset Management

### 1.8 Recommendations

1.8.1 It is **RECOMMENDED** to Cabinet that the two areas of open space at Crowhill and Staleys Acre are transferred to Borough Green Parish Council as detailed in the report.

The Director of Central Services & Deputy Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

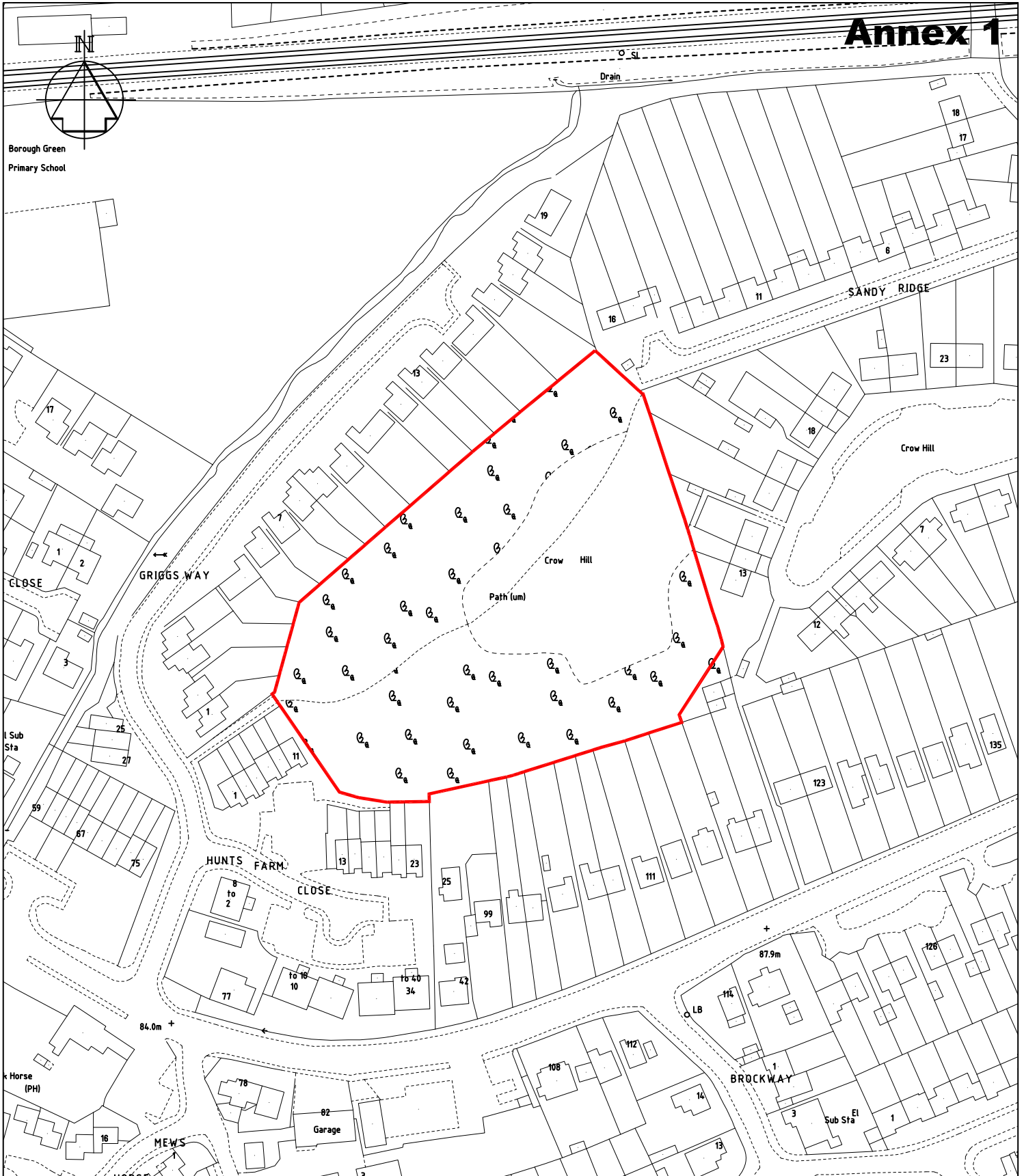
contact: Stuart Edwards

Nil

Adrian Stanfield  
Director of Central Services & Deputy Chief Executive

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**ADMINISTRATIVE  
& PROPERTY  
SERVICES**

Drawing Title

## Annex 1

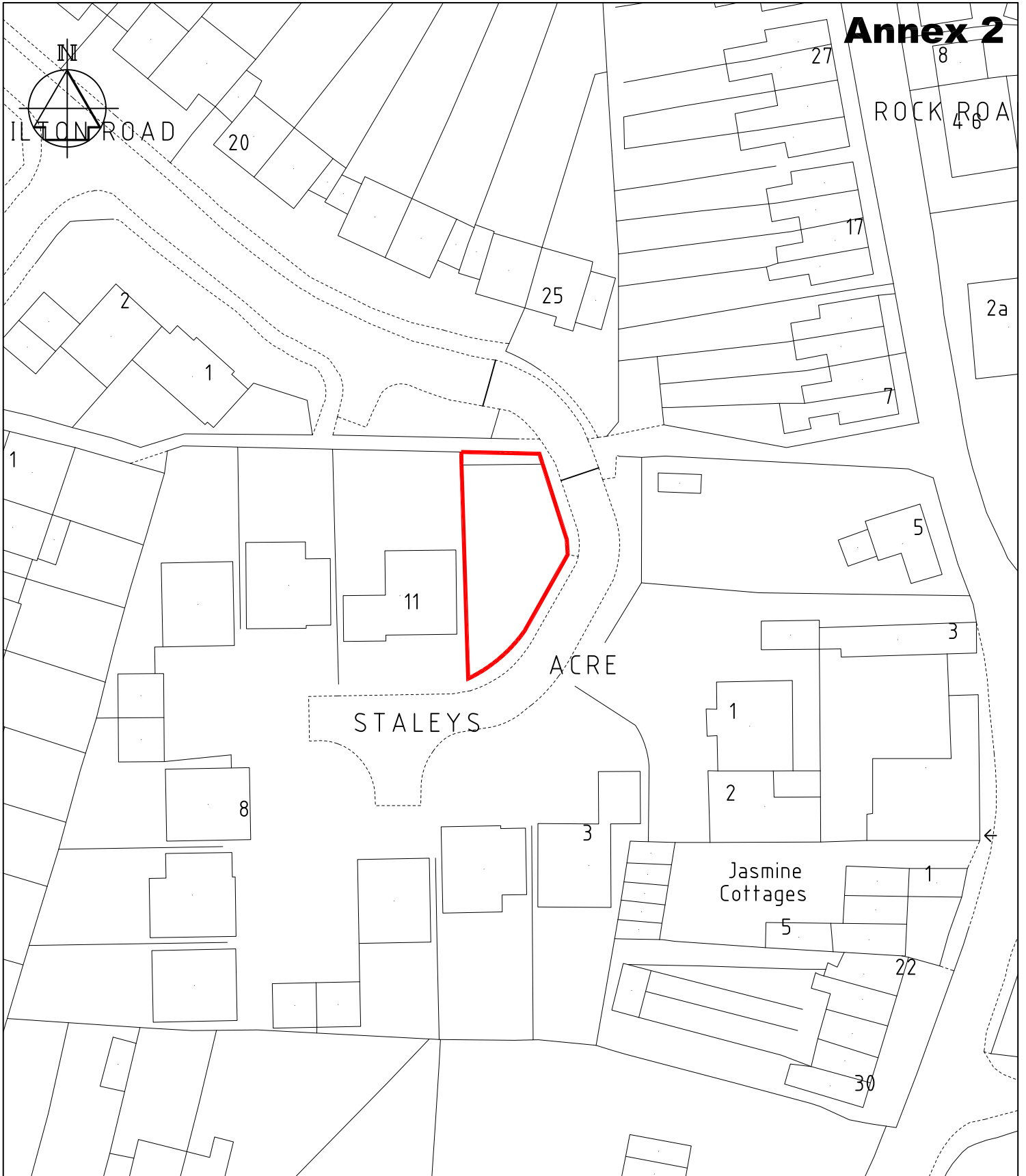
Land at Crow Hill  
Borough Green

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### REVISIONS

Rev	Date	Description
Date MAR2021		
Scale NTS		
Drawing No.	Rev	

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**Annex 2**

**Annex 2**

Land at Staleys Acre  
Borough Green

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ADMINISTRATIVE  
& PROPERTY  
SERVICES

Drawing Title

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REVISIONS

Rev	Date	Description
Date MAR2021		
Scale NTS		
Drawing No.	Rev	

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Joint Report of the Director of Finance and Transformation and Director of Central Services

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

#### 1 WEBSITE

**Members are updated on the progress with the new website as we approach the launch date in June 2021.**

#### 1.1 Introduction

1.1.1 Members are aware from previous reports to this Advisory Board that the Council is in the process of implementing a new Council website, and at the time of writing we are approaching the launch date of 29 June 2021.

1.1.2 The 'delivery' of the website is a corporate responsibility, and all Services are playing their part in getting it fit for purpose. However, key responsibilities are naturally falling with the IT Services team to deal with all technical components; and the Media/Customer Services team leading on content and customer interaction.

1.1.3 The project is being managed through an internal project board consisting of officers from various disciplines of council services, alongside representatives from the supplier. The board has been meeting monthly to monitor progress and sign off key decisions in respect of the project.

#### 1.2 Progress

1.2.1 As previously advised, the implementation of the website infrastructure has been completed successfully in the Microsoft Azure cloud platform.

1.2.2 We are presently on track with the timescales and do not foresee any technical issues that will prevent us from achieving the 'go live date' of 29 June 2021.

1.2.3 In terms of the content side of the work, it is also on track for launch on 29 June 2021. During April, user testing and overall website security has been tested and no major vulnerabilities have been identified.

1.2.4 The majority of content on the existing site has been reviewed and migrated and will provide users with improved search functionality and easier navigation. The site is being designed with an emphasis on improving customer experiences through increased digital transactions via easy access to online forms which deliver more efficient back-office processes.

1.2.5 The main homepage will provide quick links to key services, such as waste, planning, council tax and parking plus promotion of strategic priorities, including economic development and environment.

### **1.3 Informal Demonstration for Members**

1.3.1 We propose that Jon Steel, Head of Communications, hosts an on-line informal demo of the website for Members on 22 June ahead of the launch, alongside a demonstration of the new 'Customer Portal' by IT services.

1.3.2 If Members of the Advisory Board agree, an invite will be sent out shortly to all councillors to allow them to view the website ahead of the launch.

### **1.4 Legal Implications**

1.4.1 Procurement was undertaken in accordance with procurement regulations and the Council's Contract Procedure Rules.

### **1.5 Financial and Value for Money Considerations**

1.5.1 The capital costs (including design, implementation and consultancy) of the project have been funded from the Transformation Reserve. Revenue costs are built into base budget.

### **1.6 Risk Assessment**

1.6.1 Development of a new Council website has been an objective for some years. The risk of not delivering the new website within the context of the council's digital agenda, is that the Council will fall short on providing services to its residents and businesses through secure and efficient industry-standard interaction channels.

### **1.7 Equality Impact Assessment**

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **1.8 Policy Considerations**

- Customer Contact
- Communications
- Community

- Procurement

## 1.9 Recommendations

1.9.1 Members are requested to **NOTE**:

- the progress with the implementation of the new website; and
- that an informal on-line demonstration is to be offered to Members ahead of the launch date of 29 June 2021.

The Director of Finance & Transformation and Director of Central Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Sharon Shelton

Nil

Sharon Shelton  
Director of Finance and Transformation

Adrian Stanfield  
Director of Central Services

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Report of the Management Team

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

#### **1 SPECIAL EXPENSES CONSULTATION**

**Members are advised of a consultation to be launched in June/July regarding a potential update to the Special Expenses Policy.**

**Members are asked to recommend that delegated authority be given to the Leader, the Cabinet Member for Finance, Innovation & Property and the Chairman of this Advisory Board to agree consultation material in advance of the launch.**

#### **1.1 Introduction**

1.1.1 Some Members may recall that, during 2016, the Council launched an extensive 'Fairer Charging' consultation with residents, parish councils and other stakeholders regarding the introduction of a scheme of Special Expenses. The objective at that time was to deliver both financial savings and to achieve equity across the borough.

1.1.2 Following the consultation, Council agreed to adopt a Special Expenses policy [**Annex 1**] and this came into effect on 1 April 2017 fulfilling the objectives set. It has not been necessary to update the policy thus far.

1.1.3 Members are reminded that only functions that are fulfilled 'concurrently' by both district/borough council and a parish council can be considered for inclusion in Special Expenses. It is important to note that only local facilities/services are considered for inclusion; strategic functions/services being excluded.

#### **1.2 Public Conveniences**

1.2.1 At its meeting on 30 October 2019, the Street Scene and Environment Services Advisory Board recommended to Cabinet (minute SSE19/26) a pathway in respect regarding the provision of the Council's existing Public Conveniences.

1.2.2 The Advisory Board recommended that the transfer of the public conveniences to the relevant Parish/Town Council be progressed; and in relation to the (non-

strategic) public conveniences situated in the non-parished area of Tonbridge, a **consultation be undertaken during 2021/22 with a view to updating the Special Expenses Policy** to reflect the new arrangements for the provision of public conveniences as a concurrent function. Cabinet subsequently endorsed these recommendations.

1.2.3 The proposed consultation now fulfils this decision.

### 1.3 Christmas Lighting

1.3.1 Some Members may recall that the provision of Christmas lighting was included in the original consultation in 2016, but following feedback from residents, Council agreed that it should not be included within the Policy at that time. Instead, Cabinet recommended that a review be undertaken by the Overview and Scrutiny Committee into the future funding of Christmas Lighting.

1.3.2 The Overview and Scrutiny Committee has carried out a review, and in January 2017 at minute OS 17/5 recommended to Cabinet that *“alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, Council, as a last resort, be recommended to review the listed functions within the Council’s adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19”*. This was endorsed by Cabinet through a decision notice on 31 January 2017 (minute CB 17/10 refers).

1.3.3 Alternative funding options have not been found for the Tonbridge Christmas lights. Therefore, if Members still wish to progress as agreed in 2017, now is the opportunity to reconsult the public.

### 1.4 Consultation

1.4.1 Unless otherwise instructed by Members, the consultation with the public will include questions relating to both public conveniences and Christmas lighting.

1.4.2 It is important to note that at this stage no decisions are made about whether a function should be included in the Special Expenses Policy or not. Feedback from residents and stakeholders will assist Members in formulating recommendations about the way forward.

1.4.3 The Head of Communications will be leading on the consultation and plans to go out to residents during June/July for their feedback.

1.4.4 The timetable will be:

15 September 2021	Report to FIPAB with results of consultation. Formulation of recommendations to O&S/Cabinet
7 October 2021	Consideration by O&S Committee, with the committee making its own recommendations to Cabinet
13 October 2021	Consideration by Cabinet and recommendations to Full Council as appropriate
26 October 2021	If appropriate, decision to update Special Expenses policy w.e.f. 1 April 2022

- 1.4.5 The consultation material is being prepared in readiness for engagement with the public. It is recommended that delegated authority is given to the Leader, Cabinet Member for Finance, Innovation and Property and the Chairman of this Advisory Board to agree the material prior to launch.
- 1.4.6 Members should note that if any update to the Special Expenses Policy were to be approved, it would not take effect until 1 April 2022.

## 1.5 Legal Implications

- 1.5.1 Provisions relating to special expenses are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what, if any, special items relate to those parts

## 1.6 Financial and Value for Money Considerations

- 1.6.1 This consultation is about how the **incidence of cost** is borne by residents in different parts of the borough. It does not in itself generate savings.
- 1.6.2 As Members will recall from the original Fairer Charging consultation, the incidence of cost was shifted creating greater equity for residents across the borough. The greatest shift at that time was towards residents in Tonbridge.
- 1.6.3 If in due course it were to be agreed that public conveniences should be deemed a concurrent function for the purposes of Special Expenses, the incidence of cost would move to residents in Tonbridge given that conveniences in other parts of the borough have either been closed or taken over by a relevant parish council. Therefore the special expense levy in Tonbridge would increase.
- 1.6.4 Similarly, if Christmas lighting was to be included in the Special Expenses policy, the local costs would fall on the local residents increasing any special expense levy.

## 1.7 Risk Assessment

- 1.7.1 The current Special Expenses policy established 'equity' across the borough in terms of council tax paid towards the cost of local services. This further consultation is to test the public's views about the inclusion or otherwise of additional concurrent functions.
- 1.7.2 No decisions are made about whether a function should be included in the Special Expenses Policy or not. Feedback from residents and stakeholders will assist Members in formulating recommendations about the way forward.

## 1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.9 Policy Considerations

- 1.9.1 Community

## 1.10 Recommendations

- 1.10.1 Members are asked to

- 1) **Note** that a consultation will be launched in June/July further to previous decisions made by Cabinet; and
- 2) **Delegate authority** to the Leader, the Cabinet Member for Finance, Innovation & Property and the Chairman of this Advisory Board to agree consultation material with the Head of Communications in advance of the launch.

The Director of Finance and Transformation confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby  
Chief Executive

For Management Team

Sharon Shelton  
Director of Finance & Transformation

TONBRIDGE & MALLING BOROUGH COUNCIL  
SPECIAL EXPENSES ('LOCAL CHARGE') SCHEME

**1. Introduction**

- 1.1 The Provisions relating to “special expenses” are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what if any “special items” relate to those parts. The legal background is set out in the Appendix.
- 1.2 In resolving to implement a Special Expenses Scheme, the Council revokes the Financial Arrangements with Parish Councils Scheme which was effective from 1 April 1992 made under s136 Local Government Act 1972 with effect from the same date (1 April 2017).

**2. Objectives of the Scheme**

- 2.1 The borough consists of 27 parished areas, and one unparished area. Parish councils exercise certain functions in their respective areas, which the Borough Council must exercise directly in the unparished area. These are known as concurrent functions.
- 2.2 The Council has historically awarded grants under s136 Local Government Act 1972 to parish councils in order to contribute towards the cost of concurrent functions. Due to significant financial pressures, the Council finds that it is unable to continue providing this level of financial support and must make savings.
- 2.3 The Council has resolved to adopt a Scheme of Special Expenses in order to provide a fairer system in terms of financial equity for taxpayers across the borough.

**3. Function to be included in Scheme**

- 3.1 Cabinet, at its meeting on 28 July 2016, recommended that the following concurrent functions are included in the Scheme:
- Closed churchyards
  - Open spaces, parks and play areas maintained by TMBC in parished areas; excluding Leybourne Lakes Country Park (strategic site)
  - Open spaces, play areas, parks and sportsgrounds in Tonbridge; excluding Castle Grounds and Haysden Country Park (strategic sites)
  - Support given to ‘Local’ Events
  - Allotments

#### 4. Calculation of Special Expenses

- 4.1 TMBC will calculate an average council tax across the whole of its area under section 31B of the Local Government Finance Act 1992. Included in that will be the amounts payable to parish councils under their precepts, plus the amounts TMBC will spend on performing functions which are performed in parts of its area by parish councils.
- 4.2 Under section 34 of the Local Government Finance Act 1992, TMBC must then deduct the total of any special items. For each part of its area, TMBC must then add back amounts for any relevant special items for that part of its area. The amount added back is calculated by dividing the special item (i.e. the authority's estimated cost of performing the function in that part of its area) by the tax base for the part of the area in which the authority performs the function.
- 4.3 Treating expenses as special expenses does not affect the overall amount that TMBC needs to raise through council tax, and does not, therefore, affect the average amount of council tax across the whole of the borough. It simply means that, compared with what would happen if the expenses were not treated by TMBC as special expenses, the council tax is:
- relatively lower for areas where the parish council performs the concurrent function, as it includes the parish's costs but not TMBC's costs of performing the function elsewhere; and
  - relatively higher for areas where TMBC performs the concurrent function, as all TMBC's costs of performing the concurrent function must be met by taxpayers in the area where TMBC performs it.

#### 5. Implementation

- 5.1 This Scheme is effective from 1 April 2017, following resolution of Full Council on 1 November 2016.
- 5.2 The list of concurrent functions included within the Scheme will be reviewed from time to time and the Scheme updated as necessary.

February 2021

TONBRIDGE & MALLING BOROUGH COUNCIL  
SPECIAL EXPENSES ('LOCAL CHARGE') SCHEME

LEGAL BACKGROUND

Section 34 of the Local Government Finance Act 1992, as amended by the Localism Act 2011, requires that certain items, which are referred to as 'special items', and which relate to a part only of a billing authority's area, be removed from the calculation of the overall basic amount of tax and added to that for the area concerned.

Section 35(1) defines these items as:

- Any precept issued to or anticipated by the authority which is, or is believed to be, applicable to a part of its area and was taken into account by it in making the calculation (or last calculation) in relation to the year under Section 31A(2) above (i.e. the parish precepts, as included in the calculation of the budget requirement).
- Any expenses which are its (the Council's) special expenses and were taken into account by it in making that calculation.

Section 35(2)(d) defines further 'Special Expenses' as:

“any expenses incurred by a billing authority in performing in a part of its area a function performed elsewhere in its area by the sub-treasurer of the Inner Temple, the under-treasurer of the Middle Temple, a parish or community council or the chairman of a parish meeting are the authority's special expenses unless a resolution of the authority to the contrary effect is in force”

In order for expenses incurred in performing any function of a district council to be special expenses the function must be carried out by the district in only part of its area, and the same function must be carried out in another part of the district by one or more parish councils. The detailed identification of concurrent functions is therefore essential for using this special expenses provision.

One of the reasons behind the special expenses regime is to allow a more equitable division of council expenses for council taxpayer funded services so that those receiving the benefit of certain services in a particular area are those who pay for them through their precept and do not pay twice for similar services carried out in any areas where there is not a parish or town council so as to avoid “double taxation” for the relevant services.

The power to charge special expenses is discretionary and in order for it to apply there must be a resolution of the billing authority in force. As the resolution has to refer to the matters which will be special expenses for these purposes the resolution will need to identify which function related activities will be included within the calculation.

Special Expenses must be applied consistently throughout a billing authority's area. There is no discretion to make selective application to some parts of the borough only.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Matters for Information

#### **1 PUBLICATION OF ALLOWANCES PAID TO MEMBERS IN THE FINANCIAL YEAR 2020/21**

**Publication of the Statement is required in accordance with regulation 15 (3) of the Local Authorities (Members Allowances) (England) Regulations 2003.**

#### **1.1 Introduction**

1.1.1 In accordance with regulation 15 (3) of the Local Authorities (Members Allowances) (England) Regulations 2003, the Council is required to publish the allowances paid to Members in each financial year. The Statement attached at **[Annex 1]** to this report was placed on display at the Council's Kings Hill and Tonbridge Castle offices and also appears on the Council's website.

#### **1.2 Legal Implications**

1.2.1 Publication of such a Statement is a statutory requirement and consistent with the transparency agenda.

#### **1.3 Financial and Value for Money Considerations**

1.3.1 As set out in the attached Statement.

#### **1.4 Risk Assessment**

1.4.1 Failure to publish the Statement in accordance with the Regulations could result in adverse publicity and criticism.

#### **1.5 Policy Considerations**

1.5.1 Communications

Background papers:

contact: Sharon Shelton

Nil

Sharon Shelton  
Director of Finance and Transformation

In accordance with regulation 15 (3) of the Local Authorities  
(Members Allowance) (England) Regulations 2003, I hereby publish details of  
allowances paid to the Councillors of Tonbridge & Malling Borough Council  
during the financial year 2020/21

Member	Basic Allowance	Special Responsibility	Mileage	Subsistence/ Expenses	Carers Allowance
ANDERSON, JILL	5,124.96				
BASE, MICHAEL	5,124.96	1,640.04			
BATES, PAM	5,124.96				
BELL, SUE	5,124.96				
BETTS, ROBIN	5,124.96	8,712.96			
BISHOP, TIMOTHY	5,124.96				
BOTTEN, JON	5,124.96	1,640.04			
BOUGHTON, MATT	5,124.96	333.00			
BRANSON, VIVIAN	5,124.96	2,562.96			
BRIDGE, GARRY	5,124.96				
BROWN, CHRISTOPHER	5,124.96	641.04			
CANNON, ROBERT	5,124.96				
CLARK, APRIL	5,124.96	1,793.04			
COFFIN, MARTIN	5,124.96	15,375.00			
COOPER, DAVID	5,124.96				
DALTON, ROGER	5,124.96	1,640.04			
DAVIS, DAVID	5,124.96	1,707.00			
DAVIS, MARK	5,124.96	1,640.04			
DEAN, TRUDY	5,124.96				
FOYLE, NICK	5,124.96				
HAMMOND, STEVE	5,124.96				
HESLOP, NICOLAS	5,124.96	20,499.96	90.00		
HICKMOTT, PAUL	5,124.96				
HOSKINS, FRANI	5,124.96				
HOOD, MARK	5,124.96				
HUDSON, SARAH	5,124.96				
KEELEY, ALAN	5,124.96				
KEERS, DES	5,124.96	2,562.96			
KEMP, ANN	5,124.96	1,640.04			
KENNEDY, ANDREW	5,124.96				
KING, DENNIS	5,124.96				
KING, KAREN	5,124.96				
LANGRIDGE, MILLIE	5,124.96				
LARK, JAMES	5,124.96				
LETTINGTON, RUTH	5,124.96				
LETTINGTON, DAVID	5,124.96	8,712.96			
LUKER, BRIAN	5,124.96	1,640.04			
MONTAGUE, PIERS	5,124.96	8,712.96			
OAKLEY, ANITA	5,124.96	4,226.04			
O'TOOLE, LEE	5,124.96	333.00			
PALMER, WENDY	5,124.96				
RHODES, MARK	5,124.96	8,712.96			
ROGERS, HOWARD	5,124.96	1,707.00			

ROUD, ROGER	5,124.96				
SERGISON, JANET	5,124.96	2,562.96			
SHAW, TIM	5,124.96				
STAPLETON, NICK	5,124.96				
TANNER, KIM	5,124.96				
TATTON, MICHELLE	5,124.96				
TAYLOR, MIKE	5,124.96	2,049.00			
THOMAS, GEORGINA	5,124.96				
THORNEWELL, DAVID	5,124.96				
TOMBOLIS, FRIXOS	5,124.96	641.04			
WILLIAMS, COLIN	5,124.96				
<b>TOTALS</b>	<b>276,747.84</b>	<b>101,686.08</b>	<b>90.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Independent Members of Standards Committee</b>					
MERCIER D J	525.96				

Sharon Shelton  
 Director of Finance & Transformation

7 April 2021

# Agenda Item 12

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 13

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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# Agenda Item 15

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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