

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **CABINET**

## **MINUTES**

**Tuesday, 3rd October, 2023**

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

**In attendance:** Councillors Mrs A S Oakley and D Thornevell were also present pursuant to Access to Information Rule No 23.

**Virtual:** Councillors L Athwal, Mrs S Bell, M A J Hood and M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

### **PART 1 - PUBLIC**

#### **CB 23/82 DECLARATIONS OF INTEREST**

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

#### **CB 23/83 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 5 September 2023 be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE COUNCIL**

#### **CB 23/84 COUNCIL TAX DISCOUNT**

The report of the Director of Finance and Transformation reviewed the current position with regard to the 100% council tax discount being applied to uninhabitable properties for a maximum period of 12 months and sought Members' views on whether the discount should be retained or reduced from 1 April 2024.

Due regard was given to both the financial and non-financial considerations, legal implications, risk assessment and policy considerations should a change be made to the 100% discount that was currently offered by the Borough Council. Consideration was also given to positions of the neighbouring authorities in respect of the discount.

Members noted that in the extreme cases where a property was severely damaged, the Borough Council could use its discretionary

powers under Section 13A Local Government Finance Act 1992 to waive the council tax charge.

**RECOMMENDED\*:** That the percentage of the current period of twelve months 100% council tax discount for 'uninhabitable' properties be reduced to 0% with effect from 1 April 2024.

**\*Referred to Council**

#### **CB 23/85 AUDITOR'S ANNUAL REPORT 2022/23**

Consideration was given to the recommendations of the Audit Committee meeting held on 25 September 2023 (AU 23/41).

**RECOMMENDED\*:** That

- (1) the Auditor's Annual Report (attached at Annex 1) for 2022/23 be approved;
- (2) the key recommendations made in respect of 'performance management' and 'procurement' be noted and the management comments be endorsed;
- (3) the management comments to the improvement recommendations be noted and endorsed; and
- (4) the Audit Committee receive a progress report on the key recommendations made in respect of 'performance management' and 'procurement' at their next meeting.

**\*Referred to Council**

#### **CB 23/86 TREASURY MANAGEMENT UPDATE**

Consideration was given to the recommendations of the Audit Committee meetings held on 24 July 2023 (AU 23/30) and 25 September 2023 (AU 23/42) respectively.

**RECOMMENDED\*:** That

- (1) the action taken in respect of treasury management activity for the period April to July 2023 be endorsed;
- (2) the 2022/23 outturn position be noted;
- (3) the Audit Committee's appreciation of the work undertaken by officers in Treasury Management, be noted; and
- (4) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 to the report of the

Director of Finance and Transformation for the Audit Committee meeting of 25 September 2023, be retained.

**\*Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

**EXECUTIVE KEY DECISIONS**

**CB 23/87 CAR PARKING PROPOSALS**

(Decision Notice D230084CAB)

The supplementary report of the Director of Street Scene, Leisure and Technical Services, the Director of Finance and Transformation and the Cabinet Member for Transformation and Infrastructure highlighted a number of proposed changes to the Borough Council's car parking services that had been considered by the Communities and Environment Scrutiny Select Committee on 21 September 2023. In addition, it was proposed that formal public consultation on the proposed changes be undertaken and the outcomes reported to future meetings of the Cabinet.

Careful consideration was given to recommendation CE 23/35 (attached at Annex 2) and Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money and legal implications. The risk to the Borough Council's aim of providing a balanced approach to the management of its car parks, detailed in 1.1.1 of the supplementary report, if the proposals were not implemented, were recognised.

It was also recognised that income generation was essential given the context of the Medium Term Financial Strategy and that the Borough Council sought to ensure that its assets were managed in the most efficient way and that costs were recovered and optimised.

A clarification was made in respect of the parking areas around Avebury Avenue, Tonbridge (west of Holford Street) where the issue of Business On-Street Parking Permits be revised to a maximum of 3 per business.

**RESOLVED:** That

- (1) the proposals below be taken forward to public consultation and the outcomes reported to future meetings of the Cabinet:
  - a) parking charges be extended to include Sundays, evenings up to 8pm and Bank Holidays;

- b) the on-street parking machines in Avebury Avenue, Tonbridge (west of Holford Street) be removed, the area be changed to parking permit only to add capacity to the D1 parking area and that the issue of Business On-Street Parking Permits in the D1 and D2 areas be revised to a maximum of 3 per business to allow more residential parking opportunities;
  - c) parking charges be introduced at Martin Square, Larkfield (as set out in Annex 1);
  - d) parking charges be introduced at both Bailey Bridge car parks in Aylesford (as set out in Annex 1);
  - e) parking charges be introduced to on street parking bays in West Malling High Street and Swan Street (as set out in Annex 1);
  - f) parking charges be introduced to the existing Gateway Visitor parking bays in Tonbridge Castle Grounds (as set out in Annex 1);
- (2) a project to improve the Bailey Bridge East car park be brought forward in the forthcoming Capital Plan Review;
  - (3) a scheme to introduce Automatic Number Plate Recognition (ANPR) systems at selected car parks on a trial basis be brought forward in the forthcoming Capital Plan Review;
  - (4) a scheme to enable these proposals to be implemented including CCTV, parking machines and signage be brought forward in the forthcoming Capital Plan Review; and
  - (5) a scheme to extend the existing Upper Castle Field car park to provide additional parking be brought forward in the forthcoming Capital Plan Review.

## **CB 23/88 BIODIVERSITY NET GAIN PROTOCOL**

(Decision Notice D230085CAB)

Consideration was given to recommendation HP 23/27 of the Housing and Planning Scrutiny Select Committee of 26 September 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that not having an adopted local approach to Biodiversity Net Gain (BNG) could mean a higher risk that offsite measures associated with development within Tonbridge and Malling could be delivered outside of the Borough. It was also noted that delays to the publication of secondary legislation and remaining Government guidance presented a risk as the Protocol needed to be

prepared in the absence of all necessary information and might need to be updated accordingly.

Following consideration of the Protocol by the Housing and Planning Scrutiny Select Committee on 26 September 2023, a delay to the publication of the guidance was announced by the Government. However, approval of the Protocol remained to be sought so that it could be introduced in line with any revised timetable as soon as the guidance is issued.

**RESOLVED:** That

- (1) the Biodiversity Net Gain Protocol (attached at Annex 1) be approved for decision making purposes and be introduced in line with any revised timetable as soon as the guidance is issued by the Government; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Planning, to make any minor amendments or updates to the Protocol in response to updates from Government.

### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 23/89 FINANCIAL PLANNING AND CONTROL 2023-24**

(Decision Notice D230086CAB)

The report of the Director of Finance and Transformation brought together information on salaries, major operational income streams and investment income. The performance of key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. Updates on capital expenditure and variations agreed in relation to the Capital Plan were also provided.

Cabinet noted that in respect of salaries, overall actual expenditure to the end of August 2023 was £53,000 less than budgeted at the February Budget meeting after adjusting for an additional allocation of funding in the sum of £105,800 from the General Revenue Reserve to pay for temporary staffing in Planning.

Overall actual income to the end of August was £140,986 less than budgeted. The majority of areas were currently below profiled budget and these were currently subject to review to identify trends that could provide better detail on income being received.

Members' attention was drawn to the significant demand on Temporary Accommodation (TA) and increasing costs on nightly paid accommodation, and the need to explore all options to improve TA

position to ensure sustainable provision, including expanding own stock, was recognised.

Particular reference was made to a successful claim to HMRC in respect of overpaid VAT on sports and leisure activities covering the period August 2007 to June 2011. In August 2023, this claim was accepted and the 'net' windfall receipt was £1,967,500. Proposals on how this funding might best be utilised for the benefit of the Borough would be included in the Medium Term Financial Strategy update report to Cabinet in November.

Members welcomed the positive update in respect of the position of the Business Rates pooling, as detailed in paragraph 1.14.

With regard to the recommendation from the External Auditors on engaging the public to undertake a dedicated budget consultation to determine local priorities for resources or opportunities for savings, Cabinet considered their existing approach to decision making rigorous but would keep the recommendation in mind.

**RESOLVED:** That

- (1) it be noted that as at the end of August 2023, the projected overall outturn position for the year 2023/24 was a net favourable variance of circa £1,861,794 when compared to the budget set in February 2023;
- (2) it be noted that the net favourable variance was wholly related to the windfall VAT receipt and that excluding this windfall there was a net adverse variance of £105,706;
- (3) the need to identify and implement opportunities to deliver as a minimum this financial year's savings target of £500,000 be noted;
- (4) the current business rate pool position as at the end of August 2023 be noted; and
- (5) a dedicated public consultation event on savings would not be undertaken but the process for identifying potential options for savings be kept under review.

**CB 23/90 REVISED SAFEGUARDING POLICY AND REPORTING PROCEDURE**

(Decision Notice D230087CAB)

Consideration was given to a revised Safeguarding Policy and Reporting Procedure for 2023-2027 (attached at Annex 1).

Due to evolving policies and procedures, the Policy had been updated to include information on self-neglect and hoarding, the Mental Capacity Act, the 'Think Family' toolkit and 'Making Safeguarding Personal'. All of these areas had been highlighted during an external safeguarding audit and peer review session undertaken by the Kent and Medway Safeguarding Adults Board.

To ensure the profile of safeguarding remained a focus for everyone at the Borough Council, it was proposed that Councillor D Keers be appointed as Member Champion for Safeguarding as part of his role as Cabinet Member for Community Services.

Cabinet had regard to the financial and value for money considerations, the legal implications and the risk and equality impact assessments and noted that Safeguarding and Prevent were included on the Borough Council's Strategic Risk Register. If Tonbridge and Malling were unable to demonstrate appropriate processes were in place, there was a risk of significant impact on a child, young person or adult at risk of harm.

**RESOLVED:** That

- (1) the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk, attached at Annex 1, be endorsed; and
- (2) Councillor D Keers be appointed as the Member Champion for Safeguarding.

## **CB 23/91 DIGITAL AND IT STRATEGY 2023-27**

(Decision Notice D230088CAB)

A new combined four-year Digital and IT Strategy for the period 2023 – 2027 was attached at Annex 2 for consideration. The new Strategy set out the Borough Council's five core digital priorities in meeting the primary challenges faced by the authority. These priorities would support Secure by design and culture; Transformation; Demand management; Efficient workforce and Economic growth. A Road Map outlining the major projects planned for the period 2023 – 2027 to underpin the priorities was also provided.

Cabinet had regard to the financial and value for money and political considerations and the risk and equality impact assessments and recognised that adopting this Digital and IT Strategy would enable the Borough Council to serve its vulnerable and elderly residents better through efficiency gained by enabling the majority of residents to self-serve. In addition, it was noted that adoption of this Strategy would help mitigate a number of strategic risks for the organisation including Savings and Transformation, performance management and carbon neutral aspiration.

**RESOLVED:** That the Digital and IT Strategy 2023-2027, attached at Annex 2, be approved.

### **CB 23/92 REVIEW OF GOVERNANCE ARRANGEMENTS**

(Decision Notice D230089CAB)

Consideration was given to recommendation OS 23/41 of the Overview and Scrutiny Committee of 14 September 2023.

As suggested by a number of Members at the meeting of the Overview and Scrutiny Committee on 14 September 2023, Cabinet supported governance changes being revisited by the Overview and Scrutiny Committee at a later date to allow the current arrangements more time to settle in.

**RESOLVED:** That

- (1) the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year be approved;
- (2) the Overview and Scrutiny and Cabinet Protocol be amended as follows:
  - (i) inclusion of the Local Government Association guidance on the setting of scrutiny work programmes (as set out in paragraph 1.3.10);
- (3) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

### **CB 23/93 GROUND MAINTENANCE CONTRACT**

(Decision Notice D230090CAB)

Consideration was given to recommendation CE 23/36 of the Communities and Environment Scrutiny Select Committee of 21 September 2023.

Cabinet noted that no requests for further alterations to the proposed levels of service and potential savings previously reported had been received. However, proposals for the removal of flower beds had been rejected and Officers would work with the incoming successful contractor to increase the use of perennials in the future design of flower bed displays.



Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and the risk and equality impact assessments.

**RESOLVED:** That

- (1) Kent Commercial Services Framework be used for external procurement;
- (2) the length of the contract be five years plus five years;
- (3) the Contract be awarded based on the most economically advantageous tender and be evaluated on 50% price and 50% quality;
- (4) the proposed levels of service and potential savings (as set out in Annex 1) be noted, and incorporated in the contract documentation;
- (5) the quality assessment criteria be agreed (as set out in Annex 3); and
- (6) a lease of the Maintenance Buildings be granted to the successful contractor as per the terms detailed in the report.

**CB 23/94 RISK MANAGEMENT**

(Decision Notice D230091CAB)

Consideration was given to recommendation AU 23/43 of the Audit Committee of 25 September 2023.

Cabinet had due regard to the legal implications, risk assessment, financial and value for money and policy considerations and noted that effective risk management arrangements contributed positively to ensuring value for money was provided in the delivery of services.

**RESOLVED:** That

- (1) the recommendations made by the External and Internal Auditors on Risk Management as set out, be noted;
- (2) the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below), and the direction of travel for all risks, be noted:
  - Financial position/budget deficit;
  - Economic stability;
  - Savings and Transformation Strategy;
  - Local Plan;

- Organisational development, including recruitment and retention/skills mix;
  - Homes for Ukraine Scheme;
  - Implementation of the Agile software system;
  - Political factors including stability of political leadership and decision making;
  - Performance management; and
  - Carbon Neutral 2030 Aspiration
- (3) the approach proposed within paragraph 1.3 for reporting back to the Audit Committee at the next cycle of meetings, be endorsed;
- (4) in light of the Auditor's Annual Report, the property asset management provision be reviewed in relation to the Organisational Development risk; and
- (5) a report be provided at the next meeting of the Audit Committee on the implementation of the Agile software system.

#### **MATTERS SUBMITTED FOR INFORMATION**

##### **CB 23/95 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Parish Partnership Panel of 31 August 2023, the Minutes of the Tonbridge Community Forum of 4 September 2023 and the Minutes of the Joint Transportation Board of 18 September 2023 were received and noted.

##### **CB 23/96 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

##### **CB 23/97 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.57 pm