

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200001EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	20 March 2020

Decision(s) and Reason(s)
Future Gas and Electricity Supply Contracts
RESOLVED: That: (1) the Council enters into a further four year agreement with Npower, Total Gas and LASER (KCC) for the supply of electricity and gas (purchased under PWP) for the Council's high and low volume sites for the period 2020-24; (2) approval is given under Contract Procedure Rule 8.1 to utilise the LASER framework; and (3) authorisation be given to opt for electricity supplies generated by renewable sources as soon as practicable.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 20 March 2020

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200002EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Non-Key Decision
Date:	20 March 2020

Decision(s) and Reason(s)
Debts for Write Off (LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)
RESOLVED: That: The 3 items shown in the schedule of amounts over £5,000, totalling £126,171.53 be written off for the reasons stated within the schedule (contains exempt information). Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 20 March 2020

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200003EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Non Key Decision
Date:	27 March 2020

Decision(s) and Reason(s)

Rate Relief Discounts to Support Businesses in 2020/21

As part of measures announced during the coronavirus crisis, the Government issued details of discounts and reliefs to support businesses in 2020/21.

The Borough Council was required to adopt a local scheme and determine in each individual case when, having regard to Government guidance, to grant relief under section 47 Local Government Finance Act 1988. Central government would fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003).

In all cases the total amount of government-funded relief available for each property for 2020/21 under these schemes was 100% of the bill. There was no rateable value limit. Government advice was that local authorities should prepare to award the discounts ignoring de minimis State Aid limits and MHCLG will inform them of the outcome of the notification as soon as it is known.

RESOLVED: That:

- (1) a scheme of Expanded Retail Discount, as described in the guidance issued by the Ministry of Housing, Communities and Local Government, be adopted;
- (2) a scheme of Nursery Discount, as described in the guidance issued by the Ministry of Housing, Communities and Local Government, be adopted; and

(3) delegated authority be given to the Director of Finance & Transformation to grant relief in accordance with the adopted schemes, subject to any disputed entitlement to relief being referred to the Finance, Innovation and Property Advisory Board.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

N Heslop

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

27 March 2020

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200004EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	24 April 2020

Decision(s) and Reason(s)

Advance Payment to the Leisure Trust under the Cabinet Office's Procurement Policy Note (PNN) – Supplier Relief due to COVID-19

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

In response to Government's requirements around COVID-19 the Borough Council's leisure facilities, managed by the Leisure Trust, had been closed and the majority of staff furloughed. In order to stabilise cash-flows the Trust was taking the opportunity to defer payments such as VAT, PAYE and national insurance and would apply to the Government's furlough scheme.

In accordance with the Cabinet Office's 'Procurement Policy Note (PPN) - Supplier relief due to COVID-19' all contracting authorities were required to put in place the most appropriate payment measures to support supplier cash-flow.

A summary of the financial implications and reasons were set out in an annex (containing exempt information) submitted to the Leader and Chairman of the Overview and Scrutiny Committee in accordance with the Emergency Provisions set out in Part 7 Paragraph 1.3 of the Constitution.

RESOLVED: That:

In accordance with the Procurement Policy Note it was appropriate to pay in advance an 'assessed' sum of £300,000 to the Tonbridge and Malling Leisure Trust to support supplier cash-flow.

This sum to be invoiced to the Borough Council by the Trust and a reconciliation

completed throughout the year against the invoiced sum. If the advanced amount proved to be too high, the Leisure Trust would pay back any balance at the year end. If this proved to be too little, a further invoice would be raised by the Trust and the balance paid.

(This was based on the assumption that the current situation did not continue for a prolonged period of time, in which case it was possible a sum of £300,000 might not be sufficient).

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 24 April 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200005EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	24 April 2020

Decision(s) and Reason(s)

Government Funding for Specific Hardship Policy – Council Tax Reduction

The Government recently announced new grant funding of £500m to support economically vulnerable people and households in the local area. Tonbridge and Malling Borough Council had received a funding allocation of £866,829.

Billing authorities would primarily use grant allocations to reduce the council tax liability of local council taxpayers outside of the local authorities formal Council Tax Reduction (CTR) Scheme, using discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992. It was noted that the Borough Council had adopted a new CTR Scheme on 18 February 2020.

All recipients of working age were to be provided with local council tax support during the financial year 2020-21, with a further reduction in the annual council tax bill of up to £150. The sums allocated would be credited to a taxpayer's council tax account reducing net liability for the year, and would not be 'cash' allocations.

It was possible that in the current circumstances, and with the significant increase in claims for Universal Credit, that working age claims for CTR could also increase significantly. This represented a financial risk to the Borough Council as the entire cost of the award of up to £150 per case would have to be met from the General Fund as there were no indications from Government that any specific additional costs in respect of this scheme, over and above the initial allocation, would be met through a second grant 'tranche'. It was recommended that this financial concern be raised with local Members of Parliament to lobby Government.

In order to distribute the funding in accordance with the Government's guidance, it was necessary for the Borough Council to adopt a specific policy (the Council Tax s13A (1) (c) policy) to sit alongside the adopted exceptional hardship policy. This would be implemented strictly in accordance with Government guidelines.

Finally, it was recommended that delegated authority was given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to make minor adjustments to the policy as needed to reflect further government guidance on this matter.

RESOLVED: That:

- (1) the Council Tax s13A (1) (c) policy as set out above and as described in government guidance be adopted;
- (2) delegated authority be given to the Director of Finance and Transformation (and Finance Officers) to grant reductions in accordance with the policy;
- (3) the lobbying of MPs, already undertaken by the Leader, regarding the 'risks' for billing authorities (as set out above) be endorsed;
- (4) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to make minor adjustments to the policy as needed to reflect further government guidance or requirements.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

N Heslop

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

24 April 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D2000006EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Council Decision
Date:	1 May 2020

Decision(s) and Reason(s)
APPOINTMENTS TO OUTSIDE BODIES
Consideration was given to appointments to the Berry Housing Trust and the Gatwick Airport Noise Management Board Community Forum.
RESOLVED: That: (1) the appointment of Mrs Gillian Coffin as a Trustee of the Berry Housing Trust be approved; (2) the appointment of Councillor Matt Boughton to the Gatwick Airport Noise Management Board Community Forum be approved; and (3) confirmation of Councillor Boughton's attendance at the meeting of the Forum in February be endorsed as an approved duty.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 1 May 2020

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200007EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Council Decision
Date:	1 May 2020

Decision(s) and Reason(s)
PROGRAMME OF MEETINGS 2020-21
Consideration was given to the programme of meetings for 2020-21 previously approved by Annual Council on 20 May 2019. A number of changes to the programme were recommended due to the current coronavirus pandemic and the requirement to maintain social distancing and to avoid gatherings.
RESOLVED: That the programme of meetings for 2020-21 be endorsed and the following changes approved: (1) Economic Regeneration Advisory Board of 19 May to be cancelled; (2) Finance, Innovation and Property Advisory Board of 20 May to be cancelled; (3) Communities and Housing Advisory Board of 26 May to be cancelled; and (4) An Extraordinary meeting of Cabinet to be programmed for 19 May 2020
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

N Heslop

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

1 May 2020

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200008EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Council Decision
Date:	1 May 2020

Decision(s) and Reason(s)
SCHEME OF DELEGATIONS
Consideration was given to the Scheme of Delegations in compliance with the Constitution.
RESOLVED: That: (1) those parts of the Scheme of Delegations set out in Part 3 of the Constitution which are for the Council to approve be confirmed; (2) the Leader's recommendations for decision making by individual executive Members set out in Part 3 of the Constitution be adopted; and (3) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution be re-adopted.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 1 May 2020

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200009EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	12 May 2020

Decision(s) and Reason(s)
Discretionary Business Support Grant Scheme – Covid-19 Discretionary Fund
<p>Further to the funding support offered to businesses under the Small Business Grant Fund and the Retail, Hospitality and Leisure Grants Scheme, on 2 May the Government had announced additional ‘discretionary’ funding aimed at small businesses with ongoing fixed property related costs. The Government had stated that priority was to be given to businesses in shared spaces, regular market traders and small charity properties that met the criteria for Small Business Rates Relief, and bed and breakfasts that paid council tax rather than business rates.</p> <p>The headline criteria for accessing this new discretionary funds had been strengthened since the initial announcement by Government in a joint Ministerial letter dated 6 May. Despite final guidance not yet being available it was essential that the Borough Council prepared a Scheme that could be launched as soon as possible. In addition, the funding allocation for Tonbridge and Malling Borough Council to distribute to local businesses had not yet been specified.</p> <p>In order to get funding support distributed to businesses as quickly as possible, it was proposed that delegated authority was given to Chief Executive and the Director of Finance and Transformation, in liaison with the Leader (in his capacity as the Portfolio Holder for Economic Regeneration) and the Deputy Leader (in his capacity as the Portfolio Holder for Finance, Innovation and Property) to determine the scheme within Tonbridge & Malling. In addition, rather than bring grant applications to Members for decision, the approval of grant awards within the terms of the policy should be delegated to the Chief Executive and Director of Finance & Transformation.</p>
RESOLVED: That:
(1) delegated authority be given to the Chief Executive and Director of Finance & Transformation in liaison with the Leader (as the Portfolio Holder for

(2)	<p>Economic Regeneration) and the Deputy Leader (as the Portfolio Holder for Finance, Innovation and Property to determine a discretionary business grant scheme once the guidance from government has been received; and</p> <p>delegated authority be given to the Chief Executive and Director of Finance & Transformation to process and determine the grant applications within the guidelines of the scheme.</p>
<p>Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.</p>	

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 15 May 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200010EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	12 May 2020

Decision(s) and Reason(s)
Reopening of Car Parks and Toilet Facilities at the Country Parks
<p>In a direct response to the Covid-19 virus, and in accordance with Government policy for people to 'Stay at Home, the Borough Council closed the main car parks, toilets and catering facilities at both Haysden and Leybourne Lakes Country Parks on 25 March 2020.</p> <p>On 11th May 2020 new guidance was published and the Government's policy changed to 'Stay Alert' and encouraged people to exercise more in the outdoors.</p> <p>In considering the revised guidance, it was noted that people might drive to outdoor spaces irrespective of distance. It was considered appropriate to reopen the car parks at both Country Parks and for existing car parking charges to be applied. In addition, it was considered essential to reopen the toilet facilities at both Country Parks to enable good hand hygiene to be maintained.</p>
<p>RESOLVED: That</p> <p>(1) delegated authority be given to the Chief Executive and Director of Street Scene, Leisure and Technical Services, in liaison with the Leader, Deputy Leader and Cabinet Member for Communities to reopen the car parks and toilet facilities at both Haysden and Leybourne Lakes Country Parks; and</p> <p>(2) existing car parking charges be applied with immediate effect.</p>
<p>Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.</p>

Signed Leader:	N Heslop
Signed Chairman of Overview and Scrutiny Committee:	J Sergison
Signed Chief Executive:	J Beilby
Date of publication:	15 May 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.