

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

11 February 2021

Report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property

Part 1- Public

Matters for Recommendation to Council

1 **SETTING THE BUDGET 2021/22**

Further to reports to the meeting of the Finance, Innovation and Property Advisory Board and Overview and Scrutiny Committee earlier in the cycle, this report updates Cabinet on issues relating to the Medium Term Financial Strategy. It also takes Members through the necessary procedures in order to set the Budget for 2021/22.

Members are asked to note that at the time of writing this report, the final settlement has not been received. All figures contained in the report are based on the provisional settlement.

1.1 Introduction and Foreword

- 1.1.1 At the Full Council meeting on 23 February, Members will determine both the Budget and the level of council tax for 2021/22. The detailed Estimates for 2021/22 prepared by your Officers have been carefully considered by the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee. Details are set out at paragraph 1.4 below.
- 1.1.2 Whilst the primary purpose of this report is for Cabinet to recommend the Budget and resultant level of council tax for 2021/22; as ever, this one year cannot be viewed in isolation. This budget sits within the context of our Medium Term Financial Strategy (MTFS) covering a ten-year period. Financial decisions made in respect of the year 2021/22 will have an impact across the MTFS and upon the required savings and transformation contributions the Council will need to achieve in order to 'balance its books' and we must not lose sight of the scale of this particular challenge.
- 1.1.3 In addition, this year's budget setting process has had to incorporate the difficult task of estimating the scale of the impact of the Covid-19 pandemic on the Council's finances both in the short term and over the medium term.

- 1.1.4 The latest projected funding gap is £475,000. Adding to this sum those initiatives already built into the MTFS, **but not yet delivered**, totalling in excess of £500,000 gives a daunting figure of **£975,000** to be found and delivered within the next four years. The MTFS including the latest project funding gap is discussed in more detail later in this report.
- 1.1.5 The Localism Act requires a local authority to seek the approval of their electorate via a local referendum if it proposes to raise council tax above the threshold set by the Secretary of State. For the year 2021/22, a referendum will be triggered where council tax is increased by **2%, or more than 2% and more than £5**.
- 1.1.6 This time last year the MTFS assumed a council tax increase of £5 representing a 2.3% increase in council tax. For the purposes of preparing the budget papers and updating the MTFS an **increase of £5 in 2021/22** has been assumed and each year thereafter.
- 1.1.7 Attached at **[Annex 1a]** for Members' information is a copy of the Referendums Principles setting out the level of council tax increase for 2021/22 above which the local authority would be required to seek approval of their electorate via a local referendum.
- 1.1.8 This report necessarily touches on a number of related areas (some of which are complex) that the Director of Finance and Transformation is required to draw to Members' attention in order to provide assurance and advice to aid decision making. The report is, therefore, broken down into sections dealing with the following areas:
- Local Government Finance Settlement
 - Kent Business Rates Pool
 - Revenue Estimates 2021/22
 - Fees and Charges
 - Capital Plan
 - Treasury Management and Annual Investment Strategy
 - Consultation with Non-Domestic (Business) Ratepayers
 - Medium Term Financial Strategy Update
 - Savings and Transformation Strategy
 - Collection Fund Adjustments
 - Special Expenses and Parish Council Precepts

- Robustness of the Estimates / Adequacy of the Reserves
- The Chartered Institute of Public Finance and Accountancy Financial Management Code and Financial Resilience Index
- Calculation of Borough Council's Tax Requirement

1.2 Local Government Finance Settlement

Settlement Funding Assessment (Core Funding)

- 1.2.1 On 17 December 2020, the Secretary of State for the Ministry of Housing, Communities and Local Government, Robert Jenrick MP, made a statement to Parliament on the provisional local government finance settlement for 2021/22. The consultation in respect of the provisional settlement closed on 16 January 2021 and at the time of writing, we have not received the final settlement. We do not, however, anticipate that the final settlement, if not the same as, will be significantly different to, the provisional.
- 1.2.2 Unsurprisingly the Settlement Funding Assessment (SFA) is for one year only (2021/22) and the Fair Funding Review deferred a further year. This again prolongs the period of 'limbo', which does little to aid medium term financial planning. Furthermore, Business Rates Reforms and the proposed move to a 75% Business Rates Retention Scheme have also been deferred a further year.
- 1.2.3 Our provisional SFA for the year 2021/22 as shown in the table below is £2,301,752, the same as that received in 2020/21 with the Government again funding what has been referred to as 'Negative RSG'. To put this into context in our case 'Negative RSG' is around £1m and, in turn, giving a SFA of either £1.3m or £2.3m. However, it is important to stress that **funding beyond 2021/22 will be dependent** on the outcome of the expected multi-year settlement to follow and the Fair Funding Review.

New Homes Bonus

- 1.2.4 Last year legacy payments plus an allocation for the year 2020/21 was paid under the New Homes Bonus (NHB) scheme. This approach has again been adopted comprising legacy payments of £1,849,051 plus an allocation for the year 2021/22 of £360,767 giving a total sum awarded of £2,209,818. This represents a cash decrease of £1,165,245 or 34.5% when compared to the equivalent figure of £3,375,063 in 2020/21.

The future of NHB or a replacement remains the subject of discussion, but at the very least will not continue in its current form leaving one of two options. Firstly, the scheme is withdrawn and not replaced; or alternatively it is replaced, but where the funding stream and sum awarded is much reduced (our working assumption).

Lower Tier Services Grant

- 1.2.5 This is a new (one-off) grant allocation in the sum of £665,485 to ensure no council sees a year on year reduction in core spending power as calculated by the government.

Government Grant Funding (SFA + NHB + LTSG)

- 1.2.6 Government grant funding for the year 2021/22 as shown in the table below is £5,177,055, a cash decrease of £499,760 or 8.8% when compared to the equivalent figure of £5,676,815 in 2020/21.

	2020/21 £	2021/22 £	Cash Increase/ (Decrease)	
			£	%
Local Share of Business Rates (baseline)	2,301,752	2,301,752	-	-
Tariff Adjustment ('negative RSG')				
Settlement Funding Assessment	2,301,752	2,301,752	-	-
New Homes Bonus	3,375,063	2,209,818	(1,165,245)	(34.5)
Lower Tier Services Grant	-	665,485	665,485	-
Government Grant Funding	5,676,815	5,177,055	(499,760)	(8.8)

- 1.2.7 In addition, the payment for the under indexing of the business rates multiplier is £119,931 in 2021/22 compared to £92,255 in 2020/21.
- 1.2.8 Of the twelve district councils in Kent, Tonbridge & Malling Borough Council receives the lowest Settlement Funding Assessment both in total and per head. A comparison of our Settlement Funding Assessment with those of other Kent district councils is provided at **[Annex 1b]**.

1.3 Kent Business Rates Pool

- 1.3.1 The Council is a member of the Kent Business Rates Pool in 2020/21, and previously was a member of the "one-off" Business Rates Pilot. However, as reported to Cabinet in October, the pandemic and the consequent economic upheaval brought into question whether the Council should continue to be in the official Kent-wide pool for 2021/22.

- 1.3.2 Adopting a risk based approach and considering the wider Kent position the view of officers was that the Council should not be part of the formal Kent Business Rates Pool in 2021/22 and subsequently endorsed by Cabinet at the meeting in October.
- 1.3.3 Business Rates Reforms and the proposed move to a 75% Business Rates Retention Scheme have been deferred a further year.

1.4 Revenue Estimates 2021/22

- 1.4.1 As mentioned in the Foreword, the draft Revenue Estimates for 2021/22 were presented to the meetings of the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle. The role of the Advisory Board and of the Committee is to assist both the Cabinet and the Council in the development of its budget within the context of the Medium Term Financial Strategy and the Council's priorities. Whilst a number of questions were posed by Members at these meetings, the Revenue Estimates as presented were endorsed.
- 1.4.2 Adjustments made to the Revenue Estimates presented to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee are detailed in the table below.

	Revised Estimate 2020/21 £	Original Estimate 2021/22 £
Summary Total reported to Finance, Innovation and Property Advisory Board on 6 January 2021	22,739,400	4,536,700
Housing Services Temporary Staff	3,100	35,600
External Audit Fees	14,400	
Establishment Changes		20,750
Self-Isolation Payments	23,050	
Homelessness Reserve		123,900
Business Rates Retention Scheme / Reserve	179,000	61,000
Business Support Grants	7,803,800	
Council Tax Annexe Grant	(6,900)	
Housing Benefits / CTS Administration Grant		(12,000)
Licensing Income		(20,350)
Self-Isolation Payments Grant Funding	(23,050)	
New Burdens Grant	(42,050)	
National Leisure Recovery Fund	(50,000)	
Homelessness Prevention Grant		(159,500)
Business Support Grant Funding	(7,803,800)	
Current Summary Total	22,836,950	4,586,100

1.4.3 The difference between the two years is in large part due to how grant received in respect of business rates relief measures and the resultant reduced business rates income is to be accounted, the former in 2020/21 and the latter in 2021/22.

1.4.4 Cabinet is accordingly **RECOMMENDED** to endorse the Revenue Estimates as presented to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, together with the subsequent adjustments detailed above and recommend to Council that they be adopted.

1.5 Fees and Charges

1.5.1 During the course of this budget cycle Members have, via the appropriate Advisory Boards, made recommendations regarding the levels of fees and charges to be implemented.

1.5.2 Proposals in respect of fees and charges recommended via the appropriate Advisory Boards have been reflected in the Budget. A summary of these recommendations, together with the resolution of Licensing and Appeals Committee in respect of licensing fees is set out at **[Annex 2]**.

1.5.3 Cabinet is accordingly **RECOMMENDED** to endorse the fees and charges set out in **[Annex 2]** as recommended by the appropriate Advisory Boards.

1.6 Capital Plan

1.6.1 The Capital Plan Review process started at the Finance, Innovation and Property Advisory Board on 6 January followed by the Overview and Scrutiny Committee on 19 January.

1.6.2 Members' attention was drawn to the difficult financial landscape and the impact this has on the ability of the Council to invest in capital schemes. It was, however, also acknowledged that some capital projects can have a beneficial effect on the revenue position by either generating additional or new income, or alternatively producing cost savings in due course.

1.6.3 Members were reminded of the criteria established to guide the inclusion of new schemes to List C (holding list of schemes not yet fully worked up) and ultimately the inclusion of schemes on List A (schemes assigned budget provision). The criteria are:

- to meet legislative requirements including health and safety obligations;
- funded from external resources; and
- reduce revenue expenditure and or generate income.

1.6.4 The subsequent recommendations where appropriate have regard to these criteria.

- 1.6.5 Capital expenditure is currently funded from the revenue reserve for capital schemes, grants from government and other bodies, developer contributions and from capital receipts derived from the sale of assets.
- 1.6.6 It is important to ensure that the revenue reserve for capital schemes can continue to fund capital expenditure at least until we reach a position where the annual contribution to the reserve matches the funding required for the replacement of existing assets (vehicles, plant and equipment) and recurring capital expenditure. The annual contribution is expected to match the funding required for the replacement of existing assets and recurring capital expenditure in 2021/22.
- 1.6.7 There remains an annual capital allowance for all other capital expenditure not least in light of the current economic climate and challenging financial outlook. Any 'bids' for capital schemes or discretionary capital grants are to be assessed in the context of the annual allowance. **The annual capital allowance is currently set at £250,000** and it is proposed that the annual allowance continue to be set at that level.
- 1.6.8 It should be noted, based on current projections, that from 2027/28 the Council may need to borrow to fund such expenditure. This does not however, preclude a decision to borrow in order to fund in full or in part a capital investment opportunity that meets the Council's strategic priorities and objectives, achieves value for money and delivers a financial return. Any such opportunity to be considered on a case by case basis as appropriate.
- 1.6.9 In addition, the Invest to Save Reserve or Transformation Reserve (made up of specific grants received from government in respect of revenues and benefits functions) amongst other Reserves could be used to fund in full or in part appropriate capital plan schemes.
- 1.6.10 The Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee endorsed the recommendations as detailed in the papers. The recommendations were:
- 1) Cabinet be asked to endorse the Capital Plan (List A) position at Annex 1 (FIPAB agenda) and summarised at **[Annex 3]**.
 - 2) The schemes listed in **[Annex 4]** are added to List C or deleted from List C as detailed.
 - 3) The schemes listed in **[Annex 5]** are selected for evaluation over the coming year. On this occasion, three new schemes have been recommended for evaluation including one for Fast-Track evaluation. In addition, there are three schemes selected for evaluation in a previous Review that are either on hold following evaluation, subject to further evaluation or yet to be evaluated as follows: Tonbridge Farm Sportsground – Provision of Toilets, Tonbridge Racecourse Sportsground – Improvement

Works Phase 3 and River Medway – Riverside Environmental Improvements, Tonbridge.

- 4) The evaluated List C schemes are progressed in accordance with the recommendation shown in **[Annex 6]**.
- 5) Cabinet be asked to endorse the Capital Strategy at Annex 4 (FIPAB agenda) for adoption by Council and publication on the Council's website.

1.6.11 The estimated annual revenue costs of the evaluated List C scheme is given in the table below. The amount and timing of any revenue impact depends on the profiling of the capital expenditure and the timing of any changes in activity levels which generate changes to running costs or income. It can be seen that if the scheme is progressed as recommended the estimated revenue consequences are £2,500 in 2021/22 and £5,000 in subsequent years.

Scheme	Capital Cost £	Revenue Impact	
		2021/22 £	2022/23 £
Electric Pool Car	24,000	2,500	5,000
Total	24,000	2,500	5,000

1.6.12 The estimated capital cost to be met from the annual capital allowance of £250,000.

1.6.13 An updated summary of the Capital Plan incorporating the schemes listed in paragraph 1.6.11 is attached at **[Annex 7]**.

1.6.14 A funding statement based on **[Annex 7]** is attached at **[Annex 8]**. The main source of funding is the Revenue Reserve for Capital Schemes and the impact on the Revenue Reserve for Capital Schemes is illustrated in **[Annex 9]**.

1.6.15 Accordingly, it is **RECOMMENDED** that:

- 1) Cabinet approves the existing Capital Plan (List A) position at Annex 1 (FIPAB agenda) and summarised at **[Annex 3]**.
- 2) Cabinet approves that the schemes listed in **[Annex 4]** are added to List C or deleted from List C as detailed.
- 3) Cabinet approves the selection of those schemes listed in **[Annex 5]** for evaluation over the coming year. On this occasion, three new schemes have been recommended including one for Fast-Track evaluation.
- 4) Cabinet approves the transfer of schemes detailed in **[Annex 6]** to List A.

- 5) Cabinet approves the updated Capital Plan (List A) as summarised in **[Annex 7]**.
- 6) Cabinet endorse the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 6 January and Overview and Scrutiny Committee on 19 January.

1.7 Treasury Management and Annual Investment Strategy

- 1.7.1 The Local Government Act 2003 and its subsidiary regulations set out the framework for the system of capital controls which applied from 1 April 2004 whereby local authorities must set their own borrowing limits with regard to affordability, prudence and sustainability. Underpinning this is a requirement to follow the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.7.2 The Prudential Code requires that the CIPFA Treasury Management Code of Practice is adopted and that a number of prudential indicators are set.
- 1.7.3 An updated Prudential Code and Treasury Management Code were published by CIPFA in December 2017. The focus of both updates is to ensure the risks associated with investment in 'non-financial assets which are held primarily for financial returns' are properly evaluated, reported, subject to scrutiny and managed over time.
- 1.7.4 Council adopted the December 2017 edition of the Codes in October 2018 and the requirements of the Codes have been taken into account and reflected as appropriate in the annual review and update of both the Capital Strategy and the Treasury Management and Annual Investment Strategy 2021/22.
- 1.7.5 The approval of the Treasury Management and Annual Investment Strategy and determination of the prudential indicators has to be made by Full Council, as do amendments to either the Strategy or indicators during the year.
- 1.7.6 The Prudential Code under the auspices of the Local Government Act 2003 and subsidiary regulations requires that a number of treasury management prudential indicators are set. These are set out below along with any discretionary – local (L) indicators used.
 - 1) The capital financing requirement - the extent to which the authority needs to undertake external borrowing to support its capital programme.
 - 2) The operational boundary for external debt.
 - 3) The authorised limit for external debt.
 - 4) The actual external debt.
 - 5) The upper limit for fixed interest rate exposure.

- 6) The upper limit for variable rate exposure.
- 7) The upper limit for total principal sums invested for over 365 days.
- 8) The maturity structure for new fixed rate borrowing during 2021/22.

1.7.7 A summary of the indicators appears in the table below.

Treasury Management Prudential Indicators					
Prudential Indicator	2019/20 Actual	2020/21 Revised Estimate	2021/22 Estimate	2022/23 Estimate	2023/24 Estimate
	£'000	£'000	£'000	£'000	£'000
The capital financing requirement	NIL	NIL	NIL	NIL	NIL
The operational boundary for external debt	NIL	4,000	4,000	4,000	4,000
The authorised limit for external debt	NIL	7,000	7,000	7,000	7,000
Actual external debt	NIL	NIL	NIL	NIL	NIL
The upper limit for fixed interest rate exposure >1 year at year end	NIL	It is anticipated that the net exposure will range between 0% to 60%			
The upper limit for variable rate exposure < 1 year at year end	19,610 49.5%	It is anticipated that the net exposure will range between 40% to 100%			
The upper limit for total principal sums invested for over 365 days at year end	5,000 12.6%	60% of funds			
The maturity structure for new fixed rate borrowing during 2021/22	Upper Limit		Lower Limit		
Under 12 months	100%		NIL		
Over 12 months	NIL		NIL		

- 1.7.8 The capital financing requirement measures the amount of external borrowing that the Council expects to have to undertake in support of its capital programme. A nil figure indicates that no borrowing is required. As this Council is debt free and does not expect to have to borrow to support its capital programme over the period covered, this indicator is nil.
- 1.7.9 The operational boundary is designed to cover all day to day borrowing requirements. As this Council is debt free, borrowing is only undertaken on a short-term basis to cover cash flow management.
- 1.7.10 The authorised limit is intended to provide a degree of headroom above the operational boundary to cover unexpected and unusual borrowing requirements.
- 1.7.11 As mentioned at paragraph 1.6.8 this does not however, preclude a decision to borrow in order to fund in full or in part a capital investment opportunity that meets the Council's strategic priorities and objectives, achieves value for money and

delivers a financial return. Any such opportunity to be considered on a case by case basis as appropriate and the prudential indicators updated and approved accordingly.

1.7.12 The other prudential indicators we are required or choose to set are shown in the table below.

Prudential Indicators

1.	Ratio of actual and estimated financing costs to the net revenue stream	(Interest payable with respect to borrowing less interest and investment income) ÷ (government grants plus call on local taxpayers) x 100%.						
2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
actual	estimated	estimated	estimated	estimated	estimated	estimated	estimated	
-4.24%	-1.88%	-4.89%	-2.29%	-2.46%	-3.22%	-3.51%	-3.76%	
2.	Estimates of the incremental impact of capital investment decisions on the council tax (L)	The revenue impact of capital schemes added to the capital plan on the council tax Band D equivalent. The figures below show the estimated effect on the Borough Council's Band D equivalent of the addition of List B schemes to list A. A more detailed version of this indicator appears in [Annex 10] .						
Total		2021/22 estimated £	2022/23 estimated £	2023/24 estimated £	2024/25 estimated £	2025/26 estimated £	2026/27 estimated £	
		0.05	0.10	0.00	0.00	0.00	0.00	
3.	Actual and estimated capital expenditure	This indicator is based on the updated capital plan position. The figures are based on those shown in [Annex 8] .						
2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	
actual	estimated	estimated	estimated	estimated	estimated	estimated	estimated	
£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	
6,407	3,463	4,693	2,144	2,997	2,079	1,907	2,027	

1.7.13 We, therefore, **RECOMMEND** that for the financial year 2021/22 the prudential indicators listed in paragraphs 1.7.7 and 1.7.12 be recommended to Council for adoption.

1.7.14 A local authority has a statutory duty to “*determine for the current financial year an amount of minimum revenue provision that it considers to be prudent*” in relation to its capital expenditure. It would be impractical to charge the entirety of such expenditure to revenue in the year in which it was incurred and so such expenditure is spread over several years so as to try and match the years over which such assets benefit the local community through their useful life.

1.7.15 The spreading of these costs is through what is termed an *annual minimum revenue provision*. As the Council is debt free and, at least in the short term, does not expect to borrow to support its capital programme the minimum revenue

provision is nil. Guidance issued by the Government also recommends that a Minimum Revenue Provision Policy Statement be prepared. We propose to prepare such a Statement at a time when our capital expenditure plans cannot be met without recourse to borrowing. Based on current estimates, this is not anticipated to be before 2027/28.

1.7.16 Members are asked to **Note** that for the financial year 2021/22 our *annual minimum revenue provision* is nil subject to the comment at paragraph 1.7.11.

1.8 Consultation with Non-Domestic (Business) Ratepayers

1.8.1 Representatives of the Council's Non-Domestic Ratepayers have been consulted in respect of the draft revenue budget and capital plan. The consultees, who include the local Chambers of Commerce as well as a group of the larger ratepayers in the Borough receive on request information and copies of the draft budgets and are invited to make written representations if they deem it appropriate. The deadline given for responses was 15 January 2021. ***Cabinet is advised that no comments have been received.***

1.9 Medium Term Financial Strategy Update

1.9.1 To recap, the Council's Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets over a rolling ten-year period, and it is this Strategy that underpins the budget setting process for the forthcoming year and over the strategy period. The aim of the MTFS is to give us a realistic and sustainable plan that reflects the Council's priorities.

1.9.2 The Strategy also sets out, based on current financial information, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council's spending plans. Underneath the Strategy for the budget setting year sits detailed estimates formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures.

1.9.3 The MTFS sets out the high level objectives the Council wishes to fulfil over the agreed time span. These are:

- To achieve a **balanced revenue budget** that delivers the Council's priorities by the end of the strategy period.
- To retain a **minimum of £3.0m** in the General Revenue Reserve by the end of the strategy period and **not to fall below £2.0m** at any time during the 10-year period.
- Seek to set future increases in council tax having regard to the **guidelines** issued by the Secretary of State.

- Continue to **identify efficiency savings** and **opportunities for new or additional income sources** and to **seek appropriate reductions in service costs** in delivery of the Savings and Transformation Strategy (STS) approved by Members.
 - Subject to there being sufficient resources within the capital reserve, set a **maximum 'annual capital allowance'** each year as part of the budget setting process for all new capital schemes (currently set at £250,000 from the Council's own resources) and give priority to those schemes that generate income or reduce costs.
- 1.9.4 The budget for 2021/22 is, naturally, the starting point for updating the MTFS. Referring to paragraph 1.4.2, Members will note that the Summary Total for the 2020/21 Revised Estimates is £22,836,950; and for the 2021/22 Estimates is £4,586,100 and is used in the budget projections in the Medium Term Financial Strategy at **[Annex 11a]**.
- 1.9.5 When updating the MTFS we need to take into account the following (not exclusive) factors:
- Covid-19 Pandemic*
- 1.9.6 The one issue overshadowing everything else is the impact of Covid-19 on the Council's finances and the consequent increase in the funding gap.
- 1.9.7 We will not know the full extent of the impact on the Council's finances for some time. Much will depend on the extent and speed of the recovery, impact of current and further 'lockdown' measures, societal changes brought about by the response to the pandemic and financial support provided by central government.
- 1.9.8 The revised estimates suggest the net adverse impact in 2020/21 has not been as severe as had been assumed earlier in the year, albeit this can change at short notice. This can in part be attributed to increased government grant funding in various forms, e.g. income compensation scheme, sharing of business rates and council tax losses, national leisure recovery fund where an assessment/ notional allocation as to the grant funding to be received has had to be made.
- 1.9.9 Furthermore, the measures introduced by the government to support businesses and jobs may have only deferred some of the adverse impact to a later date. As a result the sum of £3.5m is to be transferred to a budget stabilisation reserve as originally intended, albeit over the two-year period 2020/21 to 2021/22. This can then be used in the first instance to support the budget dependent on how things 'play out' over the coming year where some or all of this sum is found to be required.
- 1.9.10 It is also **important to note** that in arriving at the latest projected funding gap it is assumed that:

- sources of income will in large part return to pre Covid-19 levels over the next two years – the question is will income return to the levels and in the timescale assumed?
- the marked increase in homelessness caseload and the associated increased net cost will be pulled back to pre Covid-19 levels over the next four years – the question is will costs be pulled back to the extent and in the timescale assumed?

1.9.11 What is certain is we need to be prepared to take corrective action in an agile manner if and when required as the situation becomes clearer/unfolds.

Government Grant Funding (Settlement Funding Assessment + NHB)

1.9.12 **Funding beyond 2021/22 will be dependent** on the outcome of the expected multi-year settlement to follow and the Fair Funding Review. Notwithstanding the continuing uncertainty and volatility surrounding local government finances with the increased risk of significant variations compared to projections, we still need to plan ahead as best we can. To put this into context at one end of the spectrum government grant funding could be £1.5m and at the other £3.2m.

1.9.13 In the latest iteration of the MTFS it is assumed government grant funding will reduce from circa £4.4m in 2021/22 to £2.4m in 2023/24 uplifted for inflation year on year thereafter. A cash decrease of £2.0m or 45.5% over the period.

1.9.14 A hypothetical example of how the assumed overall government grant funding of £2.4m in 2023/24 might be made up is business rates baseline (£1.5m) business rates growth (£200,000) and NHB replacement (£700,000).

Business Rates Retention Scheme

1.9.15 Business Rates Reforms and the proposed move to an ‘interim’ 75% and an ‘eventual’ 100% Business Rates Retention Scheme.

1.9.16 Beyond 2021/22, however, the **question remains** as to what will our business rates baseline and baseline funding level be under a revamped Business Rates Retention Scheme and how this then compares to that reflected in the MTFS taking into account transfer of any new responsibilities?

Council Tax Referendum Principles

1.9.17 The MTFS sets out, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council’s spending plans.

1.9.18 For the year 2021/22, a referendum will be triggered where council tax is increased by **2%, or more than 2% and more than £5**. This time last year the MTFS assumed a council tax increase of £5 representing a 2.3% increase in council tax.

1.9.19 For the purposes of preparing the budget papers and updating the MTFS an **increase of £5 in 2021/22** has been assumed and each year thereafter.

Funding Gap

1.9.20 As we know, the funding gap is not static and constantly changes in response to both internal and external factors. When setting the budget for 2020/21 in February 2020, projections at that time suggested a funding gap between expenditure and income of circa £320,000. A report to Cabinet in October on the impact of the Covid-19 pandemic on the Council's finances gave a figure of £875,000 and following this year's budget setting process the latest projected funding gap is £475,000.

1.9.21 Adding to this sum those initiatives already built into the MTFS, **but not yet delivered**, totalling in excess of £500,000 gives a daunting figure of **£975,000** to be found and delivered within the next four years. **Not forgetting**, amongst other things, the assumptions highlighted at paragraph 1.9.10 a further critical piece of the jigsaw.

1.9.22 The initiatives already built into the MTFS include:

- Transfer of ownership and responsibility for public conveniences to the relevant town or parish council or sale if that not the case;
- Annual increase in car park charges from April 2021 and introduction of car parking charges in 2022 and 2023;
- Sale of River Walk Offices and River Lawn;
- Garden waste annual increases moving towards Kent average;
- Scaling down of office accommodation and associated costs to reflect increased home working by 2023.

1.9.23 The movement in the figure reported to Cabinet in October and the latest projected funding gap is detailed below.

	£	£
Savings Target – Cabinet October 2020		875,000
Ongoing Savings Identified in Year	(132,000)	
Disabled Facilities Grants	(71,000)	
Establishment Changes	(58,000)	
Garden Waste Charge	(53,000)	(314,000)
Other Factors Impacting on MTFS		
Recycling Performance Payment	100,000	
Investment Income	50,000	
Garden Waste Service Take-up	(30,000)	

Contractual and General Inflation	(76,000)	
Pay Inflation	(111,000)	
Other Factors	(19,000)	(86,000)
Latest Projected Funding Gap		475,000
Initiatives Already Built into the MTFS		500,000
Total		975,000

1.9.24 [Annex 11a] sets out the picture for the MTFS.

1.10 Savings and Transformation Strategy

1.10.1 Alongside the MTFS sits a Savings and Transformation Strategy (STS). 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.

1.10.2 A number of key themes have been identified, together with outline targets and timescales which will need to be revisited and aligned with the latest projected funding gap.

Savings and Transformation Contributions

1.10.3 Management Team and endorsed by Cabinet imposed an 'Essential Spend Only' policy for the year 2020/21 and set a one-off savings target of £500,000 to be delivered as a result of the policy. A high level review of the 2020/21 revised estimates suggest the policy has delivered one-off savings of £547,000.

1.10.4 Cabinet in June also set an ongoing savings target of £100,000 to be delivered by April 2021 from an in-year review of service budgets. To date ongoing savings in the order of £132,000 have been identified.

1.10.5 This time last year the projected funding gap was £320,000 and a year on, all other things being equal, was expected to be £300,000. At the end of this year's budget process the MTFS is showing net budget growth of £155,000 and the latest projected funding gap is £475,000 (£320,000 + £155,000).

1.10.6 ***It is again important to note that this assumes all the initiatives already built into the MTFS are delivered and achieve the saving and in the timescale assumed. Furthermore, that the reductions in income and increased costs seen as a result of the pandemic in large part will return to pre Covid-19 levels in the short to medium term.***

1.10.7 As in previous iterations of the MTFS the latest projected funding gap can be broken down into tranches. The proposed number, scale and timing of requisite future savings and transformation contributions is given below.

- 1) Tranche 1 - £100,000 to be achieved by April 2022.
- 2) Tranche 1 - £100,000 to be achieved by April 2023.
- 3) Tranche 2 - £275,000 to be achieved by April 2024.

1.10.8 The table below summarises the net savings / budget growth and, in turn, the closing funding gap each year since the inception of the STS.

Theme	Savings and Transformation Contributions						
	By April 2016	By April 2017	By April 2018	By April 2019	By April 2020	By April 2021	Total
	£000	£000	£000	£000	£000	£000	£000
Income Generation & Cost Recovery	60	146	88	0	168	220	682
In-Service Efficiencies	200	77	50	0	0	203	530
Service Change & Reduction	0	100	3	65	201	8	377
Contracts	0	0	200	585	0	0	785
Organisation Structure Change	15	129	119	0	0	(95)	168
Partnership Funding	0	431	0	0	0	0	431
Asset Management	0	0	186	0	0	200	386
Total Savings and Transformation Contributions	275	883	646	650	369	536	3,359
Other Factors Impacting on the MTFS	(700)	(658)	(46)	(200)	(139)	(691)	(2,434)
Net Savings / (Budget Growth)	(425)	225	600	450	230	(155)	925
Opening Funding Gap	(1,400)	(1,825)	(1,600)	(1,000)	(550)	(320)	(1,400)
Net Savings / (Budget Growth)	(425)	225	600	450	230	(155)	925
Closing Funding Gap	(1,825)	(1,600)	(1,000)	(550)	(320)	(475)	(475)

1.10.9 An updated copy of the STS, recommended by Management Team, including revised outline targets and timescales for each of the themes totalling £475,000 can be found at **[Annex 11b]**.

1.10.10 At paragraph 1.9.8, it was noted that the impact on the revised estimates for 2020/21 has not been as severe as we first thought, primarily due to the

government funding that has been forthcoming during the course of the year. Members have, through different Advisory Boards and Committees, been advised of various Covid-19 funding streams that have been allocated to Tonbridge & Malling Borough Council. Some of this funding is designed to support TMBC's own service delivery; whilst some is simply allocated in the first instance to the Council for direct award to other organisations, businesses and individuals. For completeness, a list of the funding allocations at it stands at the time of writing is attached at **[Annex 11c]**.

1.10.11 Cabinet is **RECOMMENDED** to:

- 1) Note and endorse the updated MTFs **[Annex 11a]**.
- 2) Give guidance to Full Council as to the best way forward in updating the MTFs for the next ten-year period, and setting the council tax for 2021/22.
- 3) Note and endorse the updated STS **[Annex 11b]** including the proposed scale and timing of each of the required savings and transformation contributions set out at paragraph 1.10.7.
- 4) Note the list of Covid-19 funding allocations **[Annex 11c]** that have been granted during 2020/21 to support both the Council's own services, and to be awarded to businesses, organisations and individuals.

1.10.12 Turning back to the specific budget year 2021/22. The budget for 2021/22 includes a contribution to the general revenue reserve of £405,050 and a Summary of the Revenue Estimates Booklet is attached at **[Annex 12]**.

1.11 Collection Fund Adjustments

1.11.1 As the billing authority for the area, this Council has responsibility for maintaining the 'collection fund' accounts into which council tax and business rates are paid.

1.11.2 Before we can finalise our calculations in respect of the tax requirements, we have to:

- Estimate the surplus / deficit on the collection fund for 2020/21 in respect of council tax and then share this between the major precepting authorities (including ourselves).
- Estimate the surplus / deficit on the collection fund for 2020/21 in respect of business rates and then share this between the relevant parties in accordance with the business rates retention scheme.

1.11.3 These are known as collection fund adjustments (by exception for the year 2020/21 any in-year deficit is to be spread over three years rather than accounted for in full in the year 2021/22).

- The **surplus** on the collection fund for 2020/21 in respect of council tax is estimated to be £135,704. Our share, to be reflected in the 2021/22 Estimates is £19,582 followed by a deficit of £8,164 in each of the two years 2022/23 and 2023/24 [**Annex 13a**].
- The **deficit** on the collection fund for 2020/21 in respect of business rates is estimated to be £21,112,403. Our share, to be reflected in the 2021/22 Estimates is £8,444,961 followed by a deficit of £449,867 in each of the two years 2022/23 and 2023/24 [**Annex 13b**]. A large part of the deficit met by central government via what is referred to as Section 31 Grant payments.

1.12 Special Expenses and Parish Council Precepts

- 1.12.1 A Special Expenses Scheme was introduced on the 1 April 2017 [**Annex 14a**].
- 1.12.2 Details of the Special Expenses for 2021/22 are set out at [**Annex 14b**]. The basic amount of council tax of £202.29 plus the special expenses Band D charge, where applicable, gives the total Borough Council Band D charge for that area.
- 1.12.3 When publishing the Borough Council's level of council tax at Band D for "official" purposes in accordance with the prescribed methodology from the Ministry of Housing, Communities and Local Government (MHCLG), we are required to aggregate all expenditure (as if special expenses did not exist) and calculate a **notional** Band D figure. (This is so that the MHCLG can see that the referendum principles have been adhered to).
- 1.12.4 The resultant published (notional) council tax at Band D for 2021/22 is £219.50, being £5 or 2.3% higher than the published Band D council tax for 2020/21. As Members will note, no resident will actually pay this exact amount as the Borough Council's Band D – unless it is by coincidence.
- 1.12.5 Cabinet is requested to **ENDORSE** the special expenses calculated in accordance with the Special Expenses Scheme and set out at [**Annex 14b**].
- 1.12.6 Details of Parish Council precepts notified to the Borough Council are given at [**Annex 15**].
- 1.12.7 Members will recall that at its meeting on 26 January 2021, Cabinet agreed to advance a sum of £60,000 to Kings Hill Parish Council from its 2021/22 local precept. The advance was made on 29 January 2021. As agreed, the sum will be recovered by two automatic deductions of £30,000 from the local precept payments to Kings Hill Parish Council in April and September 2021.

1.13 The Robustness of the Estimates and the Adequacy of the Reserves

- 1.13.1 The Council is required to have regard to the level of its balances and reserves before determining its council tax requirement. [**Annex 16**] sets out the projected

general fund and general revenue reserve balances based on an increase of £5 to the notional council tax level.

- 1.13.2 The Local Government Act 2003 requires the Chief Financial Officer (in our case the Director of Finance and Transformation) to report to an authority, when making the statutory calculations required to determine its council tax, on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides.
- 1.13.3 What is required is the professional advice of the Director of Finance and Transformation on these two questions. This responsibility is discharged by way of a certified Statement.
- 1.13.4 The Director of Finance and Transformation advises that she is satisfied as to the robustness of the estimates and the adequacy of reserves on the understanding that the **required savings and transformation contributions based on latest projections in the sum of £475,000, together with the initiatives already built into the MTFs as detailed at paragraph 1.9.22 are delivered in the timeframe assumed in the Medium Term Financial Strategy.**
- 1.13.5 The Statement referred to above is appended at **[Annex 17a]**. Members will note that overall the Director of Finance and Transformation signifies that, in her professional opinion, the estimates are robust and the level of reserves adequate.
- 1.13.6 A schedule of the reserves held by the Council at 1 April 2020 and proposed utilisation of those reserves to 31 March 2022 is provided at **[Annex 17b]**. As this Council's Chief Finance Officer, the Director of Finance and Transformation has undertaken a review of the earmarked reserves held and is satisfied as to the position depicted and will revisit the position as part of the closedown process for 2020/21.
- 1.13.7 Members are **RECOMMENDED** to note and endorse the Statement **[Annex 17a]** provided by the Director of Finance and Transformation.

1.14 The Chartered Institute of Public Finance and Accountancy Financial Management Code and Financial Resilience Index

- 1.14.1 In October 2019 the Chartered Institute of Public Finance and Accountancy (CIPFA) published a Financial Management Code (FM Code) to support good practice in financial management and to assist local authorities in demonstrating their financial sustainability. The FM Code is based on a series of principles supported by specific standards and statements of practice considered necessary to provide the strong foundation to:
- financially manage the short, medium and long-term finances
 - manage financial resilience to meet unforeseen demands on services

- financially manage unexpected shocks in their financial circumstances.
- 1.14.2 The Code requires that a local authority demonstrate that its processes satisfy the principles of good financial management for an authority of its size, responsibilities and circumstances and sought to rely on the local exercise of professional judgement backed by appropriate reporting.
- 1.14.3 Compliance will typically but not always be demonstrated by documenting compliance with the Statements of Standard Practice which underpin each of the Financial Management Standards. None of this should be of particular concern as we believe good financial management is in all significant respects already embedded at Tonbridge and Malling.
- 1.14.4 In addition, the CIPFA Financial Resilience Index aims to provide a tool with a group of indicators able to illustrate the trajectory of an authority's financial position and resilience within the context of each authority's own comparator tier and nearest neighbour group. CIPFA has designed the index to provide reassurance and prompt challenge where it may be needed.
- 1.14.5 The Index, incorporating the year ended 31 March 2020, has yet to be published due to the delay nationally in the audit of the 2019/20 accounts. There were, however, no particular concerns to draw to Members attention from the review of the Financial Resilience Index published in December 2019 and we believe that, one year on, the position has not changed albeit acknowledging, at the same time, that the impact of Covid-19 on the Council's finances and reserve balances will feed into later versions of the Index. Members will be updated in this regard as and when data is published.

1.15 Calculation of Borough Council's Tax Requirement

- 1.15.1 The Council is required to calculate:
- Its aggregate expenditure which, for this purpose, includes our share of any Collection Fund deficit and the Parish Council precepts.
 - Its aggregate income which, for this purpose, includes our share of any Collection Fund surplus and the Local Government Finance Settlement (see paragraph 1.2).
 - The amount by which the aggregate expenditure exceeds the aggregate income is to be its council tax requirement for the year.
- 1.15.2 Assuming Cabinet's concurrence with the recommendations set out in paragraph 1.10.11, the calculation is set out at **[Annex 18]**. It should be noted that, for this purpose, the Borough Council's council tax requirement includes the Parish Council precepts.

1.16 Legal Implications

- 1.16.1 There are a number of legislative requirements to consider in setting the Budget which will be addressed as we move through the budget cycle.
- 1.16.2 The Localism Act gives local communities the power to veto excessive council tax increases. The Secretary of State will determine a limit for council tax increases which has to be approved by the House of Commons. If an authority proposes to raise council tax above this limit they will have to hold a referendum to get approval for this from local voters who will be asked to approve or veto the rise.
- 1.16.3 The Local Government Finance Act 2012 and regulations that followed introduced the current Business Rates Retention scheme.

1.17 Financial and Value for Money Considerations

- 1.17.1 The scale of the financial challenge places financial sustainability at increased risk.
- 1.17.2 The expected multi-year settlement to follow, the Fair Funding Review and Business Rates Reforms brings further uncertainty in addition to the adverse impact of the Covid-19 pandemic.
- 1.17.3 The 2021/22 provisional local government finance settlement is relatively positive for TMBC, which is welcome news. However, this is a further standalone “holding year” and two key questions remain. Firstly, what will our business rates baseline and baseline funding level be under an ‘interim’ 75% and ‘eventual’ 100% Business Rates Retention scheme, and how will this compare to that reflected in the MTFs taking into account transfer of any new responsibilities? Secondly, what is the extent to which NHB will feature in future government grant funding and if replaced what level of funding would we receive in its place?
- 1.17.4 A further key question is, will the reductions in income and increased costs seen as a result of the pandemic in large part return to pre Covid-19 levels to the extent and in the timescale assumed?
- 1.17.5 In addition, the impact of current economic conditions on Council finances / financial assumptions in respect of inflation, interest rates, etc. and the scale of the impact over the medium term is uncertain and difficult to determine.

1.18 Risk Assessment

- 1.18.1 The Local Government Act 2003 requires the Chief Financial Officer, when calculating the Council Tax Requirement, to report on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides. Consideration will and is given to the risks associated with any budget setting process where various financial and other assumptions have to be made. To mitigate the risks detailed estimates are formulated in conjunction with

Services taking into account past outturn, current spending plans and likely future demand levels / pressures and external advice on assumptions obtained where appropriate.

- 1.18.2 The Medium Term Financial Strategy sets out the high level financial objectives the Council wishes to fulfil and underpins the budget setting process for the forthcoming year and over the Strategy period. As the Council's high level financial planning tool the Strategy needs to be reviewed and updated at least annually and in the current climate regularly reviewed by Management Team. In addition, not identifying and implementing the requisite savings and transformation contributions will put at risk the integrity of the MTFs.
- 1.18.3 The pandemic has and continues to have a significant adverse impact on the Council's finances and, in turn, on the scale and timing of the savings and transformation contributions required to 'balance the books'. The scale of the financial challenge places financial sustainability at increased risk.
- 1.18.4 The continuing uncertainty and volatility surrounding local government finances does not aid financial planning with the increased risk of significant variations compared to projections; and the consequent implications on the level of reserves held.
- 1.18.5 The projected figures for New Homes Bonus or its replacement are at risk of further revision downwards which would, in turn, increase the required savings and transformation contributions.
- 1.18.6 The Inter Authority Agreement with KCC as part of the Waste Services Contract may not be extended beyond the initial 8 year contract period, albeit this is considered unlikely. The Waste Services Contract may also not be extended beyond the initial 8 year contract period with potential significant adverse budget implications.
- 1.18.7 Members are reminded that there are factors not reflected in the MTFs, e.g. the cost of borrowing for new capital plan schemes when and if required.
- 1.18.8 Any increase in council tax above the relevant threshold, even by a fraction of a percentage point, would require a referendum to be held.

1.19 Equality Impact Assessment

- 1.19.1 Where there is a perceived impact on end users an equality impact assessment has been carried out and as further savings and transformation options emerge, further equality impact assessments will need to be carried out as appropriate.

1.20 Policy Considerations

- 1.20.1 Budgetary and policy framework is relevant to all areas of the Council's business.

1.21 Summary of Recommendations

1.21.1 Cabinet is **RECOMMENDED** to:

- 1) Endorse the Revenue Estimates as presented to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, together with the subsequent adjustments detailed at paragraph 1.4.2 and recommend to Council that they be adopted.
- 2) Endorse the fees and charges set out in **[Annex 2]** as recommended by the appropriate Advisory Boards.
- 3) Update the Capital Plan as set out in paragraph 1.6.15 and recommend that Council adopt the Capital Plan accordingly.
- 4) Endorse the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle and recommend to Council it be adopted.
- 5) Endorse the prudential indicators listed in paragraphs 1.7.7 and 1.7.12 and recommend to Council that they be adopted.
- 6) Note that for the financial year 2021/22 our *annual minimum revenue provision* as set out at paragraph 1.7.15 is *nil* subject to the comment at paragraph 1.7.11.
- 7) Note and endorse the updated MTFS **[Annex 11a]**.
- 8) Give guidance to Full Council as to the best way forward in updating the MTFS for the next ten-year period, and setting the council tax for 2021/22.
- 9) Note and endorse the updated STS **[Annex 11b]** including the proposed scale and timing of each of the required savings and transformation contributions set out at paragraph 1.10.7.
- 10) Note the list of Covid-19 funding allocations **[Annex 11c]** that have been granted during 2020/21 to support both the Council's own services, and to be awarded to businesses, organisations and individuals.
- 11) Endorse the special expenses calculated in accordance with the Special Expenses Scheme and set out at **[Annex 14b]**.
- 12) Note and endorse the Statement **[Annex 17a]** provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves.

Background papers:

Nil

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