

TONBRIDGE & MALLING BOROUGH COUNCIL
FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

Report of the Management Team

Part 1- Public

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

1 SPECIAL EXPENSES CONSULTATION

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

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

1.1 Introduction

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

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

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

1.2 Public Conveniences

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

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

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

1.2.3 The proposed consultation now fulfils this decision.

1.3 Christmas Lighting

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

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

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

1.4 Consultation

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

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

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

1.4.4 The timetable will be:

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

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

1.5 Legal Implications

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

1.6 Financial and Value for Money Considerations

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

1.7 Risk Assessment

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

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

- 1.9.1 Community

1.10 Recommendations

- 1.10.1 Members are asked to

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

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

Background papers:

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Nil

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For Management Team

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