

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

SUPPLEMENT

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	- D210020CAB – D210026CAB	

NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 11th February, 2021

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes.

Councillors M C Base, Mrs S Bell, A E Clark, M A J Hood, D W King, Mrs A S Oakley, W E Palmer, R V Roud, J L Sergison and N G Stapleton were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 21/15 DECLARATIONS OF INTEREST

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

CB 21/16 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 26 January 2021 be approved as a correct record and signed by the Chairman.

CB 21/17 MATTERS REFERRED FROM ADVISORY BOARDS

The Notes of the meetings of the following Advisory Boards were reviewed by Cabinet on 26 January, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

- Communities and Housing Advisory Board of 10 November 2020
- Planning and Transportation Advisory Board of 11 November 2020
- Street Scene and Environment Services Advisory Board of 8 December 2020
- Finance, Innovation and Property Advisory Board of 6 January 2020

As a result of the deadlines for preparing the agenda, the Notes of any meetings of Advisory Boards held between 26 January and 11 February 2021 would be reviewed by Cabinet at the meeting to be held on 16 March 2021.

RESOLVED: That the report be received and noted.

CB 21/18 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

As a result of the deadlines for preparing the agenda, the Notes of any meetings of Advisory Panels and other groups held between 26 January and 11 February 2021 would be reviewed by Cabinet at the meeting to be held on 16 March 2021.

MATTERS FOR RECOMMENDATION TO THE COUNCIL**CB 21/19 SETTING THE BUDGET 2021/22**

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2021/22.

In addition, the budget setting process for this year had to incorporate the difficult task of estimating the scale of the impact of the Covid-19 pandemic on the Borough Council's finances both in the short and medium term.

Members noted that, as at the time of publishing the report the final settlement had not been confirmed, all figures contained in the report were based on the provisional local government finance settlement received in December 2020. The Director of Finance and Transformation advised that it was now confirmed that the final local government finance settlement was the same as the figures previously announced. The Settlement Funding Assessment (SFA) was for one year only (2021/22) and the Fair Funding Review had been deferred for a further year.

It was also noted that the settlement figures included funding in 2021/22 for 'negative RSG'; New Homes Bonus legacy payments and funding allocation and a one off Lower Tier Services grant allocation.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2021 (as set out at Annex 2 to the report).

The report then described the remaining procedure to be followed in setting the budget for 2021/22 and calculating the council tax. For the purposes of updating the MTFS a council tax increase of £5 in 2021/22 had been assumed and for each year thereafter.

The Cabinet deliberated on the most appropriate guidance to offer the Council as the way forward for updating the MTFS for the next ten year

period and setting the council tax for 2021/22. Members were advised of details of special expenses for the same period.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected 'funding gap'. Members were also reminded that the funding gap set out in the report assumed that all the recommendations made by Advisory Boards and Committees, as summarised in paragraph 1.9.22 of the report, were delivered. If for whatever reason these were found not to be deliverable, the funding gap and therefore the savings and transformation target would increase.

The Cabinet Member for Finance, Innovation and Property referred to the 'essential spend only' policy adopted by the Borough Council during the coronavirus pandemic and proposed that this good practice continued into 2021/22 until well into the recovery phase post Covid 19. This continuation would not have specific targets attached; but would be expected to deliver measurable savings in the period. This proposal was supported by the Cabinet.

Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on latest projections of £975,000 would be deliverable.

In closing the Cabinet recorded appreciation to the Director of Finance and Transformation and Financial Services for the significant contribution in preparing the budget during a challenging period and for the ongoing support provided to residents, communities and businesses.

RECOMMENDED: That

- (1) 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 be endorsed and adopted by the Council;
- (2) the fees and charges as recommended by the appropriate Advisory Boards, set out at Annex 2, be endorsed (Decision Notices D210020CAB to D210026CAB);
- (3) the Capital Plan be updated, as set out in paragraph 1.6.15, and adopted by the Council;
- (4) the Capital Strategy, as presented to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny

Committee earlier in the cycle, be endorsed and adopted by the Council;

- (5) the prudential indicators listed in paragraphs 1.7.7 and 1.7.12 be endorsed and adopted by the Council;
- (6) subject to the comment at paragraph 1.7.11 of the report, for the financial year 2021/22 the Borough Council's 'annual minimum revenue provision' as set out at paragraph 1.7.15, be noted as 'nil';
- (7) the updated MTFs, set out at Annex 11a, be noted and endorsed;
- (8) the guidance to the 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 be noted and endorsed;
- (9) the updated Savings and Transformation Strategy, attached at Annex 11b, including the proposed scale and timing of each of the required savings and transformation contributions, as set out at paragraph 1.10.7 be noted and endorsed;
- (10) the list of Covid-19 funding allocations , as set out at Annex 11c, that had been granted during 2020/21 to support both the Borough Council's own services, and awarded to businesses, organisations and individuals be noted;
- (11) the good practice of 'essential spend only' should continue into 2021/22 until well into the recovery phase post Covid 19. This continuation to not have specific targets attached but would be expected to deliver measurable savings in the period;
- (12) the special expenses calculated in accordance with the Special Expenses Scheme and set out at Annex 14b, be endorsed; and
- (13) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves, as set at Annex 17a, be noted and endorsed.

***Referred to Council**

CB 21/20 SETTING THE COUNCIL TAX 2021/22

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1972 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were

advised of the position concerning the determination of their respective precepts for 2021/22 by the major precepting authorities.

Attention was drawn to the reduced council tax base available as a result of the coronavirus pandemic due to the lower number of houses built in 2020 and increased claims for council tax support.

Consideration was given to a draft resolution identifying the process to be undertaken in arriving at the levels of council tax applicable to each part of the Borough to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 23 February 2021.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 2.3% or £5.00 per annum increase in the Borough Council's element of the council tax for 2021/22, representing a notional "average" charge at Band D of £219.50.

***Referred to Council**

CB 21/21 LOCAL COUNCIL TAX REDUCTION SCHEME 2021/22

Consideration was given to the [Draft Local Council Tax Reduction Scheme 2021/22](#) which had been revised to bring it in line with statutory prescribed requirements, housing benefit and other national benefit rates and increased to income bands where uplifts to the Minimum Wage, a component of the income band level calculation, had been taken into account.

RECOMMENDED: That the draft Local Council Tax Reduction Scheme 2021/22 be commended to the Council for adoption for adoption.

***Referred to Council**

CB 21/22 RISK MANAGEMENT

The report of the Management Team invited Members to review the Risk Management Strategy and accompanying Risk Management Guidance which set out the Borough Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control risks. The report also provided an update on the risk management process and the Strategic Risk Register. Members noted that the entry in relation to the local county elections and the Local Plan had been escalated to 'high risk'.

RECOMMENDED: That

- (1) the Risk Management Strategy and accompanying Risk Management Guidance be endorsed and adopted by the Council; and
- (2) the updates to the Strategic Risk Register since the last reiteration be noted, with particular emphasis on the escalation to RED (high risk) of the risks set out in paragraph 1.4.6. and duplicated below:
 - Financial position/budget deficit
 - Brexit/EU Transition Impact and Economic uncertainty (severely impacted by the coronavirus pandemic)
 - Corporate Strategy and Savings and Transformation Strategy
 - Waste Services
 - Elections
 - Local Plan

Referred to Council*CB 21/23 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2021/22**

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine months of the current financial year and an introduction to the 2021/22 Treasury Management and Annual Investment Strategy. Members were invited to recommend adoption of the Strategy by the Council.

It was noted that the Audit Committee at its meeting of 18 January 2021 had reviewed and endorsed the matters covered by the report.

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2020 and the reduced level of income incorporated into the 2020/21 revised estimates be noted;
- (2) the Treasury Management and Annual Investment Strategy for 2021/22, set out at Annex 5, be adopted; and
- (3) the practice note, set out at Annex 6, to be applied to the assessment and management of a non-treasury investment be endorsed.

***Referred to Council**

CB 21/24 REVENUE ESTIMATES 2021/22

All budgetary matters were considered in detail in the substantive item on setting the Budget 2021/22 (Minute Number CB 21/19). However, the recommendations from the meeting of the Finance, Innovation and Property Advisory Board of 6 January 2021 in relation to the formulation of initial draft proposals in respect of the Budget, including Revenue Estimates (Minute Number FIP 21/3) was given due consideration as part of the substantive discussion.

CB 21/25 CAPITAL PLAN

All budgetary matters were considered in detail in the substantive item on setting the Budget 2021/22 (Minute Number CB 21/19). However, the recommendations from the meeting of the Finance, Innovation and Property Advisory Board of 6 January 2021 in relation to the formulation of initial draft proposals in respect of the Budget, including the Capital Plan (Minute Number FIP 21/4) was given due consideration as part of the substantive discussion.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION - EXECUTIVE KEY DECISION**CB 21/26 REVIEW OF CHARGES AND FEES 2021/22 - HOUSES IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENCES**

Decision Notice D210020CAB

Consideration was given to the recommendations from the meeting of the Communities and Housing Advisory Board of 10 November 2020 (as set out at Minute Number CH 20/26).

RESOLVED: That:

- (1) the following charges be approved with effect from 1 April 2021:
 - £545 for processing a new mandatory HMO licence application;
 - £500 for the processing of a renewal application for a mandatory HMO licence;
 - £395 for processing a new caravan site licence application where the use of the site is for permanent residential use; and
 - £190 for the transfer of a caravan site licence for a permanent residential site use.

CB 21/27 REVIEW OF CEMETERY CHARGES 2021/22

Decision Notice D210021CAB

Consideration was given to the recommendations from the meeting of the Communities and Housing Advisory Board of 10 November 2020 (as set out at Minute Number CH 20/27).

RESOLVED: That the Overview and Scrutiny Committee undertake a broad strategic review of the charges applied at Tonbridge Cemetery.

CB 21/28 REVIEW OF PLANNING APPLICATION CHARGING REGIME

Decision Notice D210022CAB

Consideration of recommendations from the meeting of the Planning and Transportation Advisory Board of 11 November 2020 (as set out at Minute Number PE 20/24).

RESOLVED: That

- (1) the updated Pre-application Charging Schedule 2021/22 (attached at Annex 1 to the report) be adopted; and
- (2) the fee of £1,200 plus VAT for large scale, strategic development be approved.

CB 21/29 REVIEW OF PLANNING PERFORMANCE AGREEMENT AND CHARGING SCHEDULE

Decision Notice D210023CAB

Consideration of recommendations from the meeting of the Planning and Transportation Advisory Board of 11 November 2020 (as set out Minute Number PE 20/25).

RESOLVED: That the updated Planning Performance Agreement Charging Schedule 2021/22 (attached at Annex 1 to the report) be adopted.

CB 21/30 REVIEW OF BUILDING CONTROL FEES 2021/22

Decision Notice D210024CAB

Consideration of recommendation from the meeting of the Planning and Transportation Advisory Board of 11 November 2020 (as set out at Minute Number PE 20/26).

RESOLVED: That a 1% increase to the Building Control Charges from 1 April 2021, as per the list of fees attached at Annex 1 to the report, approved.

CB 21/31 REVIEW OF FEES AND CHARGES 2021/22 - STREET SCENE AND ENVIRONMENTAL

Decision Notice D210025CAB

Consideration of recommendations from the meeting of the Street Scene and Environment Services Advisory Board of 8 December 2020 (as set out at Minute Number SSE 202/4).

RESOLVED: That

- (1) the proposed scale of charges for garden waste subscriptions, fixed penalty notices for littering, household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private waste supplies, as detailed in the report, be approved; and
- (2) the proposed scale of charges to be implemented from 1 April 2021.

CB 21/32 REVIEW OF FEES AND CHARGES 2021/22, INCLUDING LEGAL SERVICES, LAND CHARGES, STREET NAME AND NUMBERING; SUMMONS COSTS

Decision Notice D210026CAB

Consideration of recommendations from the meeting of the Finance, Innovation and Property Advisory Board of 6 January 2021 (as set out at Minute Number FIP 21/6).

RESOLVED: That

- (1) in respect of the recovery of legal fees payable by third parties, the Council's charges remain the same for 2021/22 and continue to reflect existing practices as highlighted in paragraph 1.2 of the report;
- (2) the proposed scale of fees for local land charges searches and enquiries set out at Annex 1 to the report be adopted with effect from 1 April 2021;
- (3) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;

- (4) the fee Schedule for Street Naming and Numbering, set out in section 1.5 of the report, be adopted with effect from 1 April 2021;
- (5) the amount of council tax and business rates court costs recharged remain the same for the 2021/22 financial year, as set out at paragraph 1.6.4 of the report); and
- (6) the fees and charges 2021/22 related to Tonbridge Castle tours, as set out at paragraph 1.7.2), fees for schools, as set out at paragraphs 1.7.6 and 1.7.1, and the fee models for ceremonies, as set out at paragraphs 1.7.8 to 1.7.12 of the report, be approved.

MATTERS SUBMITTED FOR INFORMATION

CB 21/33 DECISIONS TAKEN UNDER EMERGENCY PROVISIONS

Details of Decisions taken in accordance with Emergency Provision were presented for information.

RESOLVED: That the report be received and noted.

CB 21/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.39 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D210020CAB

Decision Type: Key

Date: 11 February 2021

Decision(s) and Reason(s)

Review of Charges and Fees 2021/22 - Houses in Multiple Occupation and Caravan Site Licences

Consideration of recommendations (CH 20/26) to the Cabinet from the meeting of the Communities and Housing Advisory Board of 10 November 2020.

The Cabinet resolved that:

(1) the following charges be approved with effect from 1 April 2021:

- £545 for processing a new mandatory HMO licence application;
- £500 for the processing of a renewal application for a mandatory HMO licence;
- £395 for processing a new caravan site licence application where the use of the site is for permanent residential use; and
- £190 for the transfer of a caravan site licence for a permanent residential site use.

Reasons: As set out in the report submitted to Communities and Housing Advisory Board of 10 November 2021.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

Decision Taken By: Cabinet
Decision No: D210021CAB
Decision Type: Key
Date: 11 February 2021

Decision(s) and Reason(s)

Review of Cemetery Charges 2021/22

Consideration of recommendations (CH 20/27) to the Cabinet from the meeting of the Communities and Housing Advisory Board of 10 November 2020.

The Cabinet resolved that:

- (1) the Overview and Scrutiny Committee undertake a broad strategic review of the charges applied at Tonbridge Cemetery.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 10 November 2021.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

Decision Taken By: Cabinet
Decision No: D210022CAB
Decision Type: Key
Date: 11 February 2021

Decision(s) and Reason(s)

Review of Planning Application Charging Regime

Consideration of recommendations (PE 20/24) to the Cabinet from the meeting of the Planning and Transportation Advisory Board of 11 November 2020.

The Cabinet resolved that:

- (1) the updated Pre-application Charging Schedule 2021/22 (attached at Annex 1 to the report) be adopted; and
- (2) the fee of £1,200 plus VAT for large scale, strategic development be approved.

Reasons: As set out in the report submitted to Planning and Transportation Advisory Board of 11 November 2021.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

Decision Taken By: Cabinet
Decision No: D210023CAB
Decision Type: Key
Date: 11 February 2021

Decision(s) and Reason(s)

Review of Planning Performance Agreement and Charging Schedule

Consideration of recommendations (PE 20/25) to the Cabinet from the meeting of the Planning and Transportation Advisory Board of 11 November 2020.

The Cabinet resolved that:

- (1) the updated Planning Performance Agreement Charging Schedule 2021/22 (attached at Annex 1 to the report) be adopted.

Reasons: As set out in the report submitted to Planning and Transportation Advisory Board of 11 November 2021.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

Decision Taken By: Cabinet
Decision No: D210024CAB
Decision Type: Key
Date: 11 February 2021

Decision(s) and Reason(s)

Review of Building Control Fees 2021/22

Consideration of recommendation (PE 20/26) to the Cabinet from the meeting of the Planning and Transportation Advisory Board of 11 November 2020.

The Cabinet resolved that:

- (1) a 1% increase to the Building Control Charges from 1 April 2021, as per the list of fees attached at Annex 1 to the report, approved.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 11 November 2020.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

Decision Taken By: Cabinet
Decision No: D210025CAB
Decision Type: Key
Date: 11 February 2021

Decision(s) and Reason(s)

Review of Fees and Charges 2021/22 - Street Scene and Environmental

Consideration of recommendations (SSE 20/24) to the Cabinet from the meeting of the Street Scene and Environment Services Advisory Board of 8 December 2020.

The Cabinet resolved that:

- (1) the proposed scale of charges for garden waste subscriptions, fixed penalty notices for littering, household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private waste supplies, as detailed in the report, be approved; and
- (2) the proposed scale of charges to be implemented from 1 April 2021.

Reasons: As set out in the report submitted to Street Scene and Environment Services Advisory Board of 8 December 2020.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

Decision Taken By: Cabinet
Decision No: D210026CAB
Decision Type: Key
Date: 11 February 2021

Decision(s) and Reason(s)

Review of Fees and Charges 2021/22, including Legal Services, Land Charges, Street Name and Numbering; Summons Costs

Consideration of recommendations (FIP 21/6) to the Cabinet from the meeting of the Finance, Innovation and Property Advisory Board of 6 January 2021.

The Cabinet resolved that:

- (1) in respect of the recovery of legal fees payable by third parties, the Council's charges remain the same for 2021/22 and continue to reflect existing practices as highlighted in paragraph 1.2 of the report;
- (2) the proposed scale of fees for local land charges searches and enquiries set out at Annex 1 to the report be adopted with effect from 1 April 2021;
- (3) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;
- (4) the fee Schedule for Street Naming and Numbering, set out in section 1.5 of the report, be adopted with effect from 1 April 2021;
- (5) the amount of council tax and business rates court costs recharged remain the same for the 2021/22 financial year, as set out at paragraph 1.6.4 of the report); and
- (6) the fees and charges 2021/22 related to Tonbridge Castle tours, as set out at paragraph 1.7.2), fees for schools, as set out at paragraphs 1.7.6 and 1.7.1, and the fee models for ceremonies, as set out at paragraphs 1.7.8 to 1.7.12 of the report, be approved.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 6 January 2021.

Signed Chief Executive: J Beilby

Date of publication: 12 February 2021

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.

