

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## CABINET

## MINUTES

Thursday, 10th February, 2022

**Present:** Cllr M D Boughton (Chairman), Cllr R P Betts, Cllr V M C Branson, Cllr M A Coffin, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

Councillors Mrs J A Anderson, M C Base, Mrs S Bell, A E Clark, D Harman, J R S Lark, Mrs A S Oakley, W E Palmer, M R Rhodes and J L Sergison were also present pursuant to Access to Information Rule No 23 and participated via MS Teams.

### PART 1 - PUBLIC

#### **CB 22/13 DECLARATIONS OF INTEREST**

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

#### **CB 22/14 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 25 January 2022 be approved as a correct record and signed by the Chairman.

#### **CB 22/15 MATTERS REFERRED FROM ADVISORY BOARDS**

The Notes of the Finance, Innovation and Property Advisory Board held on 12 January 2022 were reviewed by Cabinet. The recommendations identified at Minute Number FIP 22/9 in respect of contract arrangements covering banking, merchant acquirer, insurance and cash collections were determined by Cabinet on 27 January 2022 and set out on [D220012CAB](#).

As a result of the deadlines for preparing the agenda, the Notes of any meetings of Advisory Boards held between 25 January and 10 February 2022 would be reviewed by Cabinet at the meeting to be held on 15 March 2022.

**RESOLVED:** That the report be received and noted.

#### **CB 22/16 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 25 January

and 10 February 2022 would be reviewed by Cabinet at the meeting to be held on 15 March 2022.

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

#### **CB 22/17 SETTING THE BUDGET 2022/23**

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 2022/23.

In addition, the budget setting process for this year had to incorporate the difficult task of estimating the extent and speed of the recovery of the Council's income and expenditure impacted by the Covid-19 pandemic, 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 2021. 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. This included an allocation of £1.9M for New Homes Bonus (NHB) and a one-off Services Grant to cover national insurance increases. The overall funding decrease on 2021/22 was £401,000 which represented 7.6%. There was no indication of future core funding, including any replacement (or not) for NHB, beyond 2022/23 and this made financial planning extremely difficult. The Fair Funding Review had also been deferred to a future date. Concern was also expressed that the Negative RSG not yet imposed by the Government would be addressed as part of the Fair Funding Review and would again impact significantly on the Borough Council's financial position.

Members noted that waste, homelessness/temporary accommodation and the Local Plan continued to have significant financial implications for the Borough Council.

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 2022 (as set out at Annex 2 to the report). Particular reference was made to the recommendations of the Street Scene and Environment Services Advisory Board (SSE 21/31) in respect of car parking fees and charges. To enable statutory public consultation to be undertaken it was recommended that the implementation date of the proposed fees and

charges should be from 1 June 2022 and not 1 April as previously recommended.

The report then described the remaining procedure to be followed in setting the budget for 2022/23 and calculating the council tax. For the purposes of updating the MTFs a council tax increase of £5 in 2022/23 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 2022/23. 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 for each of the themes totalling £2,150,000. The proposed number, scale and timing of requisite future savings and transformation contributions were set out in 1.10.5 of the report. 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 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 advised that the Cabinet was working, in liaison with the Management Team, on identifying opportunities for new income streams, reducing expenditure and maintaining strong financial planning.

Finally, the Director of Finance and Transformation explained the basis on which the statement 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 £2,150,000 would be deliverable.

In closing, the Cabinet recorded its appreciation to the Director of Finance and Transformation and Officers in Finance Services for the significant contribution in preparing the budget during a challenging period.

**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) subject to the amendment of the implementation date in respect of car parking fees and charges to 1 June 2022 (as set out in

D220019CAB), the fees and charges as recommended by the appropriate Advisory Boards, as set out at Annex 2, be endorsed (Decision Notices D220014CAB to D220020CAB);

- (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 2022/23 the Borough Council's annual minimum revenue provision be noted as 'nil';
- (7) the updated MTFs, set out in 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 2022/23 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 1.10.5, be noted and endorsed;
- (10) the special expenses calculated in accordance with the Special Expenses Scheme and set out at Annex 14b, be endorsed; and
- (11) 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 out at Annex 17a, be noted and endorsed.

**\*Referred to Council**

## **CB 22/18 SETTING THE COUNCIL TAX 2022/23**

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 1992 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 2022/23 by the major precepting authorities.

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 Council on 22 February 2022.

**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 2022/23, representing a notional 'average' charge at Band D of £224.50

**\*Referred to Council**

### **CB 22/19 LOCAL COUNCIL TAX REDUCTION SCHEME 2022/23**

Consideration was given to the Draft Local Council Tax Reduction Scheme 2022/23 (attached as a supplement to the main agenda) which had been revised to bring it in line with statutory prescribed requirements, housing benefit and other national benefit rates and increases to income bands where uplifts to the Minimum Wage, a component of the income band level calculation, had been taken into account.

The Scheme applied to working age households and maximum help remained capped at 80% of council tax liability. For pension age households the Government Scheme prescribed maximum help up to 100% of council tax liability, a minimum requirement of a pension age scheme.

**RECOMMENDED:** That the draft Local Council Tax Reduction Scheme 2022/23 be commended to the Council for adoption.

**\*Referred to Council**

### **CB 22/20 REVENUE ESTIMATES 2022/23**

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2022/23 (Minute Number CB 22/17). However, the recommendations from the meeting of the Finance, Innovation and Property Advisory Board of 12 January 2022 in relation to the formulation of initial draft proposals in respect of the Budget, including Revenue Estimates (Minute Number FIP 22/4) were given due consideration as part of the substantive discussion.


### **CB 22/21 CAPITAL PLAN REVIEW 2021/22**

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2022/23 (Minute Number CB 22/17). However, the recommendations from the meeting of the Finance, Innovation and

Property Advisory Board of 12 January 2022 in relation to the formulation of initial draft proposals in respect of the Budget, including the Capital Plan (Minute Number FIP 22/5) was given due consideration as part of the substantive discussion.

#### **CB 22/22 APPOINTMENT OF EXTERNAL AUDITORS**

Consideration was given to the recommendations of the Audit Committee meeting held on 24 January 2022 (as set out at Minute Number AU 22/3).

**RECOMMENDED:** That the Borough Council opt into the appointing persons arrangements made by Public Sector Audit Appointments Limited for the appointment for external auditors for the five consecutive financial years commencing 1 April 2023. 

**\*Referred to Council**

#### **CB 22/23 AUDITORS ANNUAL REPORT**

Consideration was given to the recommendations of the Audit Committee meeting held on 24 January 2022 (AU 22/4).

**RECOMMENDED:** That 

- (1) the Auditor's Annual Report for 2020/21, attached at Annex 1, be approved; and
- (2) the management comments to the improvement recommendations made in paragraphs 1.2.3 to 1.2.9 be noted and endorsed.

**\*Referred to Council**

#### **CB 22/24 RISK MANAGEMENT**

Consideration was given to the recommendations of the Audit Committee meeting held on 24 January 2022 (AU 22/5).

**RECOMMENDED:** That 

- (1) the Risk Management Strategy and accompanying Risk Management Guidance be commended to the Cabinet for approval by the Council; and
- (2) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED' be noted.

**\*Referred to Council**

**CB 22/25 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2022/23**

Consideration was given to the recommendations of the Audit Committee meeting held on 24 January 2022 (AU 22/6).

**RECOMMENDED:** That

- (1) the treasury management position as at 31 December 2021 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2022/23, as set out Annex 5 to the report, be commended to Council for adoption.

**\*Referred to Council**

**EXECUTIVE KEY DECISIONS****CB 22/26 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2022/23**

(Decision Notice D220014CAB)

Consideration of recommendations (CH 21/33) to the Cabinet from the meeting of the Communities and Housing Advisory Board of 9 November 2021

The Cabinet resolved that:

The following charges be approved with effect from 1 April 2022:

- (1) £570 for processing a new mandatory HMO licencing application;
- (2) £520 for the processing of a new application for a mandatory HMO licence;
- (3) £410 for processing a new caravan site licence application where the use of the site is for permanent residential use;
- (4) £200 for the transfer of a caravan site licence for permanent residential use site; and
- (5) £235 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites.

**CB 22/27 REVIEW OF CEMETERY CHARGES**

(Decision Notice D220015CAB)

Consideration of recommendations (CH21/34) to the Cabinet from the meeting of the Communities and Housing Advisory Board of 9 November 2021.

The Cabinet resolved that:

- (1) the approach to pass the increase in material costs directly on to the purchasers to ensure the subsidy currently provided did not increase, be agreed; and
- (2) Option 3, to apply a one-off increase to eliminate the entire subsidy and allow fees and charges to cover the full management and maintenance costs of the Cemetery site, which would need an 89% increase to be applied across all charges based on the 2021/22 Original Estimates, be agreed.

**CB 22/28 REVIEW OF PRE-APPLICATION ADVICE SERVICE**

(Decision Notice D220016CAB)

Consideration of recommendations (PE 21/23) to the Cabinet from the meeting of the Planning and Transportation Advisory Board of 10 November 2021.

The Cabinet resolved that:

- (1) the updated Pre-application Charging Schedule 2022/23 (attached at Annex 2) be approved.

**CB 22/29 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE**

(Decision Notice D220017CAB)

Consideration of recommendations (PE 21/24) to the Cabinet from the meeting of the Planning and Transportation Advisory Board of 10 November 2021.

The Cabinet resolved that:

- (1) the updated Planning Performance Agreement Charging Schedule 2022/23 (attached at Annex 2) be agreed; and
- (2) the amendment and publication of the Planning Performance Agreement Protocol after 11 November 2021, as delegated to the Director of Planning, Housing and Environment Health in



consultation with the Cabinet Member for Strategic Planning and Transportation, be endorsed and noted.

### **CB 22/30 REVIEW OF FEES AND CHARGES**

(Decision Notice D22018CAB)

Consideration of recommendations (SSE 21/30) to the Cabinet from the meeting of the Street Scene and Environment Services Advisory Board of 23 November 2021.

The Cabinet resolved that:

- (1) the proposed scale of charges for household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies, as detailed in the report, be approved; and
- (2) the proposed scale of charges be implemented from 1 April 2022

### **CB 22/31 REVIEW OF CAR PARKING FEES AND CHARGES**

(Decision Notice D220019CAB)

Consideration of recommendations (SSE 21/31) to the Cabinet from the meeting of the Street Scene and Environment Services Advisory Board of 23 November 2021.

To enable statutory public consultation to take place in respect of the proposals it was agreed that the proposed fees and charges should be implemented from 1 June 2022 and not from 1 April 2022 as previously recommended.

The Cabinet resolved that:

- (1) the proposed fees and charges outlined in the report be implemented from 1 June 2022, subject to:
  - the removal of the proposal to extend the Tonbridge car park charging period from 8am-6pm to 8am-8pm, Monday to Saturday (paragraph 1.5.2 refers); and
  - the addition of a quarterly payment regime in respect of Season Tickets, Tonbridge (paragraph 1.6.4 refers)

**CB 22/32 REVIEW OF FEES AND CHARGES (MISCELLANEOUS AND BUILDING CONTROL) 2022/23**

(Decision Notice D220020CAB)

Consideration of recommendations (FIP 22/3) to the Cabinet from the meeting of the Finance, Innovation and Property Advisory Board of 12 January 2022.

The Cabinet resolved that:

- (1) the legal charges follow the rates set out in 1.2.1 of the report for 2022/23 and continue to reflect the existing practices highlighted in 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 2022;
- (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 2022;
- (5) the amount of Council Tax and Business Rate court costs charged in 2021/22 remain the same for the 2022/23 financial year (as set out in 1.7 of the report);
- (6) the fees and charges 2022/23 related to Tonbridge Castle tours (as set out in 1.8.2 of the report), fees for schools (as set out in 1.8.4 and 1.8.7 of the report) and the fee models for ceremonies (as set out in 1.8.8 to 1.8.12 of the report) be approved; and
- (7) a rounded 2% increase to the Building Control Charges, as set out in Annex 1 to the supplementary report, be adopted with effect from 1 April 2022.

**CB 22/33 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.28 pm