

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY POWERS

Decision No:	D220009URG
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Departure from the Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules
Decision Type:	Executive Key Decision
Date:	30 September 2022

Decision(s) and Reason(s)

BUSINESS RATE POOLING

With the development of Panattoni Park in Aylesford it is predicted that business rates income billed to Business Ratepayers will increase significantly above the Councils current baseline income threshold.

Under the existing arrangement if the Council was outside of the Kent Business Rates Pool (the Pool) 50% of any growth above this level would need to be paid to Central Government. If the Council was in the Pool no funds would be paid to Central Government and the 50% would be shared between ourselves, KCC, a jointly managed 'growth' fund and a safety net provision.

Estimates for income in 2023/24 range from £350k to £450k if we remained outside of the Pool and £560k and £720k if we were readmitted. In 2024/25 when the park is expected to be fully occupied this rises to between £600k and £900k if we remain outside the Pool and £960k and £1.4m if we were readmitted.

Therefore, there is significant advantage to be had in re-joining the pool. The decision about whether TMBC can re-join is a collective one; and would be informed by the Pool assessing the income each partner could bring for the benefit of Kent as a whole.

Each year, DLUHC invites authorities to put forward proposals for pools. This could be rolling over an existing pool, terminating a pool and simply not resubmitting; or putting forward proposals to change the composition of an existing pool. In the case of the latter, effectively an existing pool is revoked and a new one is proposed.

A "bid" was made for TMBC to re-join the Kent pool with effect from 1/4/23 . After assessing the position, the partners have agreed to make a proposal to the Secretary of State to revoke the existing Kent Pool and submit a new proposal including TMBC. The other Pool partners are:

- Kent County Council
- Kent & Medway Fire & Rescue
- Ashford
- Dartford
- Folkestone & Hythe
- Gravesham
- Maidstone
- Swale
- Thanet
- Tunbridge Wells

The submission for 2023/24 must be made by the lead authority, Maidstone Borough Council, to the Secretary of State by no later than 7 October 2022.

The request to rejoin the Pool was agreed at a meeting of the pool members on 30 September 2022, but the decision for the readmission ultimately lies with Members hence the need for the urgent action.

Details of any alternatives considered:

This is a matter outside of the budget and policy framework and falls to Full Council. However, given the imminent deadline of 7 October, we are unable to convene a meeting of Council in this timeframe. Therefore, under the Council's Constitution, I am asking that an urgent decision is taken. Extract from the Constitution (Part 4 Rules para 4 page 195).

Urgent Decisions outside the Budget or Policy Framework:

(a) The Executive or officers discharging executive functions may take a decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:

- i. if it is not practical to convene a quorate meeting of the full Council; and
- ii. if the Chair of the Overview and Scrutiny Committee agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the Chair of the Overview and Scrutiny Committee's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chair of the Overview and Scrutiny Committee the consent of the Mayor, and in the absence of both the Deputy Mayor, will be sufficient.

(b) Following the decision, the decision taker will provide a full report to the next appropriate Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Reason(s) why rejected:

N/A
Conflicts of Interest/Dispensations Granted:
N/A
Background Papers (if any):
N/A
RESOLVED: That: (1) Members agree that Tonbridge and Malling Borough Council rejoin the Kent Business Rates Pool with effect from 2023/24.
Taken in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules set out in the Constitution and in agreement with the Chairman of the Overview and Scrutiny Committee.

Signed Leader:

M Boughton

Signed Chair of Overview and Scrutiny Committee:

A Oakley

Signed Chief Executive:

J Beilby

Date of publication:

3 October 2022

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