

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## CABINET

## MINUTES

Tuesday, 8th November, 2022

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

**In attendance:** Councillor M A J Hood was also present pursuant to Access to Information Rule No 23.

**Virtual:** Councillors Mrs P A Bates, Mrs S Bell, Mrs A S Oakley, W E Palmer, M R Rhodes and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with to Access to Information Rule No 23.

### PART 1 - PUBLIC

#### **CB 22/93 DECLARATIONS OF INTEREST**

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

#### **CB 22/94 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 7 September 2022 be approved as a correct record and signed by the Chairman.

#### **CB 22/95 MATTERS REFERRED FROM PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the meetings of the following Panels, Boards and other Groups were received any noted:

- Parish Partnership Panel of 1 September 2022
- Tonbridge Community Forum of 5 September 2022

### EXECUTIVE KEY DECISIONS - DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

#### **CB 22/96 SHOPFRONT AND VACANT UNIT IMPROVEMENT SCHEME**

Decision Notice D220095CAB

Following Cabinet approval of the submission of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan in July 2022, consideration was given to the creation of a Shopfront and Vacant

Unit Improvement Scheme as detailed in the report of the Chief Executive.

Draft Guidance Notes and example application form for the Scheme were provided in Appendix 1. A summary of the Scheme finances and rationale for the proposed criteria was set out at 1.3.1 and 1.3.2 of the report. However, it was noted that a total budget of £102,000, made up of £70,000 of UKSPF and £32,000 of Business Rates Retention Pilot funding, would be available to fund the Scheme.

After careful consideration of the legal, financial and value for money implications and the assessment of risk, Cabinet

**RESOLVED:** That

- (1) the report be noted;
- (2) the Shopfront and Vacant Unit Improvement Scheme, as set out at Appendix 1, be endorsed;
- (3) that the Capital Plan and Revenue Budget be updated accordingly;
- (4) that delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary minor changes to the Scheme required following feedback from Central Government regarding the UK Shared Prosperity Fund Investment Plan.

## **CB 22/97 RURAL ENGLAND PROSPERITY FUND**

Decision Notice D220096CAB

The report provided information on the Rural England Prosperity Fund and sought endorsement of the work undertaken to date to produce the required addendum of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan.

A funding allocation of £447,450 had been ring-fenced for the Borough. In order to access this allocation, an addendum to the UKSPF Investment Plan had to be developed in liaison with rural representatives and agreed by the Lead Authority and the Department for the Environment, Food and Rural Affairs. The draft addendum (attached at Appendix 1) was presented for consideration.

The Cabinet reviewed the programme criteria and processes, noted the next steps proposed and considered the legal, financial and value for money implications.

**RESOLVED:** That

- (1) the Rural England Prosperity Fund addendum be endorsed; and
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary or minor changes to the addendum to improve presentation or clarity, prior to submission.

**CB 22/98 FEES AND CHARGES REVIEW**

## Decision Notice D220097CAB

In advance of budget setting for 2023/24, Cabinet considered proposals for increases to fees and charges set by the Borough Council. Details relating to the setting of fees and charges across the various Services of the authority were set out in Annexes 1 – 4. The proposals had regard to the level of inflation, market conditions and comparable charges.

Particular reference was made to the recommendation of the Finance, Planning and Regeneration Scrutiny Select Committee following its meeting on 11 October, which invited Cabinet to undertake an in-year review of fees and charges due to the escalating levels of inflation. The latest inflation statistics for September CPI was recorded as 10.1%, rising from 9.9% in August.

The Scrutiny Select Committee had also recommended that in-year car parking charges throughout the Borough be reviewed. However, as the length of the required formal public consultation exercise would fall into the 2023/24 financial year it would not be feasible to consider an in-year review of charges in this specific service area.

Finally, Cabinet was reminded that the Borough Council's financial rules, as set out in the Constitution, required that all fees and charges must be reviewed at least once a year and reported to Members. Under the new governance arrangements introduced earlier in 2022, the Cabinet were responsible for considering these proposals directly. Recommendations made would be incorporated into the draft Revenue Estimates which would be formally presented to the Overview and Scrutiny Committee early in 2023.

Careful consideration was given to the proposals set out in Annex 1 – 4 and Cabinet noted the budget setting timetable, the legal, financial and value for money implications and recognised the significant and challenging financial position. It was also noted that the proposals could generate a contribution of £50,000 to the savings target if approved.

**RESOLVED:** That

- (1) the fees and charges proposed by the Director of Planning, Housing and Environmental Health, as set out at Annex 1, be approved;
- (2) the fees and charges proposed by the Director of Street Scene, Leisure and Technical Services, as set out at Annex 2, be approved;
- (3) the fees and charges proposed by the Director of Central Services, as set out at Annex 3, be approved; and
- (4) the fees and charges proposed by the Director of Finance and Transformation, as set out at Annex 4, be approved.

**EXECUTIVE NON-KEY DECISIONS - DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****CB 22/99 MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS UPDATE**

Decision Notice D220098CAB

An update was provided on the Medium Term Financial Strategy (MTFS) and the latest financial issues. The savings that had been identified and would assist in meeting 'tranche 1' of the latest saving targets were also set out. Cabinet was requested to consider and implement a programme for investigating and identifying the balance of the savings that were needed to ensure the financial sustainability of the Borough Council.

It was reported that an interim review of the funding gap, which represented new savings that needed to be identified and delivered, was now projected at between £2.6m and £3.8m, the savings target 'tranche 1' of £350k needed to be in place by April 2023; so far only £164k of 'tranche 1' had been achieved and uncertainty regarding local government financial settlement, Fair Funding Review, negative RSG, New Homes Bonus cessation and Business Rates baseline reset made it difficult to assess the true position.

Particular reference was made to undertaking a review of the level of reserves and balances held for other specified purposes and whether there was potential for these to be added back into the general reserve to reduce the funding gap.

Careful consideration was given to the impact on the MTFS arising from the current global economic factors and increasing inflation and Cabinet had regard to the legal, financial and value for money implications, the assessment of risk and

**RESOLVED:** That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, which was estimated to be between £2.6m and £3.8m (as set out in 1.4.7) be noted;
- (2) the savings/transformation contributions for Tranche 1 totalling £164,300 (as set out in 1.5.3) together with the additional £50,000 generated through increases in Fees and Charges (D220097CAB refers) be noted;
- (3) for the reasons set out in 1.4.27 and 1.4.26 of the report, Management Team be requested to review the level of reserves and balances held for specified purposes in order to release any 'surplus' sums to the General Revenue Reserve; and
- (4) options to achieve savings/transformation contributions for future tranches, and how these could be implemented and actioned as soon as possible, be considered by the Finance, Regeneration and Property Scrutiny Select Committee at its meeting on 15 November 2022.

**CB 22/100 REVIEW OF SPORTS DEVELOPMENT AND YOUTH PROVISION**

## Decision Notice D220099CAB

The report outlined the services provided by the Borough Council in relation to Sports Development and Youth Engagement and invited the Cabinet to review and advise on future levels of provision of these discretionary services.

Details of both service areas, including its purpose, how it was currently delivered and staffing and budget implications were outlined in Annexes 1 and 2.

Cabinet recognised the excellent work undertaken by the Borough Council but noted that the current level of service provision was relatively small and that the provision of youth service was the responsibility of the County Council.

Careful consideration was given to a range of factors including the availability of alternative service providers serving the needs of both youth provision and sports development; the future of the Leisure Pass scheme; the legal, financial, value for money and staffing implications and the potential impacts on healthy lifestyles and the health and wellbeing of residents. An Equality Impact Assessment was also annexed to the report.

Taking into account the Council's financial position, the discretionary nature of the services and that the service areas were primarily provided

by others such as Kent County Council and the Leisure Trust, Councillor Keers proposed, seconded by Councillor Boughton, that the provision of sports development and youth engagement services as currently provided be ceased. However, the Leisure Pass Scheme, as outlined in the report, was to be retained to enable those requiring financial assistance to continue to access services.

**RESOLVED:** That

- (1) the provision of sports development and youth engagement services as currently provided, with the exception of the Leisure Pass scheme as outlined in the report, be ceased.

## **CB 22/101 PUBLIC SPACE PROTECTION ORDER**

Decision Notice D220100CAB

The Borough Council's Public Space Protection Order (PSPO) was due for renewal in April 2023. Details of the current restrictions and proposed additional restrictions to be considered were set out in Annex 2 to the report.

In summary, the proposed new restrictions related to vehicles on public open spaces, nuisance associated with car/motorcycle meetings, anti-social behaviour associated with fishing at Town Lock/Tonbridge moorings and no unauthorised swimming, bathing, boating at Holborough Lakes. The cost of a Fixed Penalty Notice for not adhering to a PSPO was currently £80 and it was proposed to increase this to £100 with no reduction for early payment in line with other local authorities. Members supported the implementation of restrictions across the whole of the Borough in respect of vehicles on public open spaces and nuisance associated with car/motorcycle meetings.

After careful consideration of the proposals, the legal, financial and value for money implications and to support a reduction in crime and disorder it was

**RESOLVED:** That

- (1) the proposed Public Space Protection Order (as set out at Annex 2) be agreed; subject to the;
  - (i) restrictions in respect of vehicles on public open spaces and nuisance associated with car/motorcycle meetings being applied across the whole of the Borough;
  - (ii) inclusion of the restriction in respect of anti-social behaviour associated with fishing at Town Lock/Tonbridge Moorings; and
  - (iii) inclusion of the restriction in respect of no unauthorised swimming, bathing, boating at Holborough Lakes.

- (2) the Fixed Penalty Notice charge be amended to £100, with no reduction for early payment; and
- (3) a public consultation be undertaken and reported back to an appropriate meeting.

## **CB 22/102 PLANNING ENFORCEMENT REVIEW**

Decision Notice D220101CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting held on 6 October 2022 (as set out at Minute Number OS 22/32).

**RESOLVED:** That

- (1) the proposed changes to the Planning Enforcement Plan (as attached at Annex 1 to the report to the Overview and Scrutiny Committee) and the associated activity and timescales (as set out in 1.2 and 1.3 of the report) be approved, subject to:
  - the amendment of paragraph 6.10 of the Planning Enforcement Plan by the addition of the words 'once served, the enforcement notice is entered onto the Local Land Charges Register and will remain on the register until the notice is withdrawn or any subsequent appeal is dismissed by the Planning Inspector'

## **CB 22/103 TONBRIDGE CASTLE - OUTCOME OF PUBLIC CONSULTATION AND OPTIONS FOR FUTURE COMMERCIAL ACTIVITIES.**

Decision Notice D220102CAB

Consideration was given to the recommendation of the Communities and Environment Scrutiny Select Committee meeting held on 19 October 2022 (as set out at Minute Number CE 22/10).

**RESOLVED:** That

- (1) the outcome of the public consultation exercise be noted and the positive response welcomed; and
- (2) Options A to E (Café/Bistro restaurant; events and activities; educational tours; shop and other concepts) be approved for further investigation and evaluation and costings identified.

**CB 22/104 USE OF THE COUNCIL'S PUBLIC OPEN SPACES**

Decision Notice D220103CAB

Consideration was given to the recommendation of the Communities and Environment Scrutiny Select Committee meeting held on 19 October 2022 (as set out at Minute Number CE 22/11).

Concern was expressed at the lack of provision within the Policy for dealing with late or non-payment of fees to use the Borough Council's public open spaces. It was proposed by Cllr Keers, seconded by Cllr Boughton, that Officers be invited to identify options in respect of penalty provisions and the Policy be amended as appropriate.

**RESOLVED:** That

- (1) the outcome of the review be noted;
- (2) the Policy (attached at Annex 1 to the report) be approved, subject to delegated authority being given to the Director of Central Services and Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Community Services, to identify options in respect of penalty provisions for late or non-payment of fees and amend the Policy as appropriate; and
- (3) an inflationary increase of 10% in charges for 2023/24 be approved

**MATTERS SUBMITTED FOR INFORMATION****CB 22/105 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

Particular reference was made to the Household Support Fund Addition Grant – Coats for Kids (D220077MEM) which had benefited many children locally. The Welfare and Benefits Manager was commended for instigating this initiative.

**CB 22/106 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.50 pm