

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 12th November, 2024

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

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

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

PART 1 - PUBLIC

CB 24/100 DECLARATIONS OF INTEREST

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

CB 24/101 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 3 September 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR CORPORATE MONITORING

CB 24/102 KEY PERFORMANCE INDICATORS - QUARTER 1

(Decision Notice D240102CAB)

The report and annexes provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. Within the report, consideration was also given to a review of the KPIs and performance management more generally, setting out a number of measures which could help contribute towards embedding a culture of Performance Management and the creation of a more efficient and stream-lined approach to KPIs.

The KPIs provided at Annex 1, with the data for April – June 2024 (Q1) represented the most up-to-date available statistics in most instances,

however due to the lag in some statistics the previous quarter still represented the most up to date figures.

Cabinet noted the positive quarterly trends that could be identified and those areas of focus. Particular reference was made to the drop in recycling rates and the increase in the number of fly tipping incidents and noted that the procurement of a longer-term solution for the delivery of fly tipping and litter enforcement should result in a positive direction of travel.

RESOLVED: That

- (1) the report, be noted;
- (2) the targets associated with the KPIs as referred to in 5.1 and set out in Annex 1, be agreed; and
- (3) the proposed solutions arising from the review of performance management as set out in Section 6, be agreed.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 24/103 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2024/25

Consideration was given to the recommendations of the Audit Committee meeting held on 23 September 2024.

RECOMMENDED*: That

- (1) the action taken in respect of treasury management activity for the period April to July 2024 be endorsed; and
- (2) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 of the report of the Director of Finance and Transformation for the Audit Committee meeting of 23 September 2024, be retained.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/104 HOUSING ALLOCATIONS SCHEME - AMENDMENT

(Decision Notice D240103CAB)

The Housing Allocations Scheme set out how the Council would assess and prioritise applications made for social housing in the district and ensured that only those who had a need for affordable housing, and a local connection to the area were prioritised. Following the launch of the new Housing Allocations Scheme in June 2023, a one year post implementation review had been completed and some amendments made in line with ongoing feedback and experience.

The report of the Director of Housing, Planning and Environmental Health asked that consideration be given to these amendments and agreement was sought to entering a period of engagement with the Council's registered providers, and then making and implementing any amendments. A list of key proposed amendments was set out at paragraph 3.1 of the report.

Cabinet had due regard to the financial and value for money considerations and the legal implications and recognised that if the current Scheme were not amended and continued to operate as it was, this might lead to the Council being open to challenge and not meeting the needs of applicants if the Scheme were not kept under review.

RESOLVED: That

- (1) a period of engagement on the amendments to the Housing Allocation Scheme set out at 3.1 of the report, be entered into with the Council's registered providers; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Finance and Housing to agree the final revised Housing Allocations Scheme once feedback from the engagement phase has been considered.

CB 24/105 REVIEW OF FEES AND CHARGES - COMMUNITIES AND ENVIRONMENT

(Decision Notice D240104CAB)

Consideration was given to recommendation CE 24/35 of the Communities and Environment Scrutiny Select Committee of 6 November 2024 in respect of proposed fees and charges for garden

waste subscriptions, household bulky refuse and fridge/freezer collections, 'missed' refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, pest control, food certificates, contaminated land monitoring and private water supplies from 1 April 2025.

Due regard was given to the set of guiding principles for the setting of fees and charges, the legal, financial and value for money implications, together with the views expressed by the Scrutiny Select Committee. The fees and charges applied by neighbouring authorities were also given careful consideration.

Consideration was given to reducing the annual garden waste subscription for those in receipt of benefits and it was recognised that this was a discretionary service that was facing significant increases in cost, that the proposed subscription price was broadly consistent with the price in other Councils across Kent, that the service represented good value for money, and that residents had a choice regarding taking up a subscription.

RESOLVED: That

- (1) the proposed annual garden waste subscription of £63 per annum for the first bin and £40 for a second or third bin, as recommended by the Communities and Environment Scrutiny Select Committee, be approved;
- (2) the schedule of proposed charges for household bulky refuse and fridge/freezer collection service as set out in 15.2.6 of the report, be approved;
- (3) the proposed charge for "missed" refuse collection as set out in 5.3.3 of the report, be approved;
- (4) the schedule of proposed charges in respect of Stray Dog redemption service, as set out in 5.4.4 of the report, be approved;
- (5) the charging structure for Tonbridge Allotment as set out in 5.5.2 of the report, be noted and endorsed;
- (6) the schedule of proposed charges for Tonbridge Cemetery as set out in Annex 1 and 5.6.2 of the report, be approved;
- (7) the proposed continuation of the pest control subsidy for residents in receipt of Council Tax Reduction Scheme as set out in 5.7.1 of the report be approved;
- (8) the proposed charge for condemned food certificates as set out in 5.8.2 of the report, be approved;

- (9) the proposed charge for exported food certificates as set out in 5.9.4 of the report, be approved;
- (10) the proposed charge for provision of services in respect of contaminated land as set out in 5.11.5 of the report, be approved;
- (11) the proposed charge for provision of services in respect of private water supplies as set out in 5.12.5 of the report, be approved; and
- (12) the above proposed scale of charges be implemented from 1 April 2025.

EXECUTIVE NON-KEY DECISIONS

CB 24/106 BUDGETARY CONTROL - SEPTEMBER 2024

(Decision Notice D240105CAB)

The report presented the current financial position to the end of September 2024 for the 2024/25 Financial Year, in accordance with the Borough Council's Financial Procedure Rules.

Since a revenue budget of £11,671,480 was set by the Council in February 2024, a number of Cabinet and Committee decisions had been taken (as set out in Annex 1) with a net impact of a slight reduction of £3,192 on the revenue budget.

Budgetary Control Monitoring Statements for Salaries and Incomes to the end of July 2024 were attached for information at Annexes 2 and 3 respectively, which reflected an underspend of £98,600 against the current salary estimates proportioned to the end of September 2024 and an actual which was £15,108 less than the apportioned income estimate for the same period.

With regard to investment income, both Core and Cashflow funds were shown above the proportion of the original estimates due to continued high base rates.

Particular reference was made to capital expenditure to the end of September 2024, detailed in Annex 4, and noted that some of the budget would slip into the 2025/26 financial year due to the Gibson Building Refurbishment project being expected to commence in the new Calendar year.

RESOLVED: That

- (1) as at the end of September 2024, a net favourable variance of circa £296,512 when compared to the proportion of the 2024/25 budget as shown in paragraph 9 be noted;

- (2) the potential issues surrounding the impact of the current client levels, cost of temporary accommodation and debt recovery within the revenue budget for Homelessness Accommodation be noted;
- (3) the current business rate pool position, as at the end of September 2024 as set out in paragraph 10, be noted; and
- (4) the current spend on Capital Projects for 2024/25 as set out in paragraph 11, be noted.

CB 24/107 CONSULTANT USE AT THE COUNCIL

(Decision Notice D240106CAB)

Consideration was given to recommendation CE 24/34 of the Overview and Scrutiny Committee of 11 September 2024 in respect of consultant use at the Council.

Due regard was given to the views of the Overview and Scrutiny Committee, the financial and value for money considerations and the legal implications and noted that some of the external support provided had resulted in cost savings and efficient project delivery, which would not have been possible without external experts.

With regard to recommendation (6) of the Overview and Scrutiny Committee regarding consultancy spend in excess of £40,000, Cabinet felt that further consideration was needed to ensure that this did not lead to delays in delivery and increased cost.

RESOLVED: That

- (1) the information provided in the summary of consultancy spend at Annex 2, be noted;
- (2) further detail about consultancy spend on specific projects be provided to a future meeting of the Committee, with questions to be provided in writing to Officers to enable responses to be prepared;
- (3) the Council be requested to continue to closely manage future use of external experts and an ongoing review of consultant use at the Council be reported to the Overview and Scrutiny Committee on an annual basis;
- (4) officers be requested to continue to look for opportunities to collaborate with other councils; and
- (5) the Council maintain its effectiveness at retaining specialist talent, to reduce the need for external experts going forward.

CB 24/108 RISK MANAGEMENT

(Decision Notice D240107CAB)

Consideration was given to recommendation AU 24/40 of the Audit Committee of 23 September 2024 in respect of risk management process and the Strategic Risk Register (SRR).

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and the legal implications and noted that Management Team had undertaken a review of all the risks contained within the Strategic Risk Register with a view to achieving a more streamlined version, highlighting only the strategic risks to the Council over the one to two year horizon.

The number of 'red' risks on the SRR remained to be 4 as set out below:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement

RESOLVED: That

- (1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, be noted;
- (2) the lead officer for the Local Plan be requested to attend the next meeting of the Audit Committee should the risk remain RED;
- (3) the progress towards the delivery of recommendations from the Zurich Risk Management Review, be noted; and
- (4) the Chair of the Audit Committee be appointed as the Member 'Risk Champion'.

CB 24/109 PROGRESS WITH RECOMMENDATIONS FROM AUDITOR'S ANNUAL REPORT (VALUE FOR MONEY) 2022/23

(Decision Notice D240108CAB)

Consideration was given to recommendation AU 24/41 of the Audit Committee of 23 September 2024 in respect of progress in addressing the recommendations made in the 2022/23 Auditor's Annual Report.

Cabinet had due regard to the views of the Committee, the financial and value for money considerations, noting that the Auditor did not need to carry out any additional work as a result of identifying the two significant

weaknesses and therefore no additional fees were accrued. Cabinet also had due regard to the legal implications.

RESOLVED: That

- (1) Annex 1 to the report be reviewed and, if appropriate, any further updates provided, be incorporated; and
- (2) the actions and commentary set out in Annex 1 to the report, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

CB 24/110 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Parish Partnership Panel of 29 August 2024, the Minutes of the Tonbridge Community Forum of 2 September 2024 and the Minutes of the Joint Transportation Board of 16 September 2024 were received and noted.

CB 24/111 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.

CB 24/112 NOTICE OF FORTHCOMING KEY DECISIONS (IF AVAILABLE)

Notice of Forthcoming Key Decisions for November to December 2024 was presented for information.

CB 24/113 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

MATTERS SUBMITTED FOR INFORMATION

CB 24/114 TONBRIDGE TOWN CENTRE PROGRAMME BOARD - MINUTES AND RECOMMENDATIONS

(Reasons: LGA 1972 – Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Central Services detailed the minutes, actions and recommendations from the Tonbridge Town Centre Board meeting on 26 September 2024.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/115 FUTURE OPERATOR OF THE REPLACEMENT ANGEL CENTRE

(Reasons: LGA 1972 – Sch 12A Para 3 – Financial or business affairs of any particular person)

(Decision Notice D240109CAB)

The report of the Director of Street Scene, Leisure and Technical Services set out a proposal to appoint the Leisure Trust as the future operator of the replacement Angel Centre. The proposal was supported by the Tonbridge Town Centre Programme Board.

Consideration was given to the advantages and disadvantages of agreeing the Trust as the operator of a future leisure/community facility in Tonbridge to replace the existing Angel Centre and noted the recommendation of Alliance Leisure that a future operator be identified soon in the process, so that it could be involved in open participation over future design and operational arrangements.

Cabinet had due regard to the risk assessment, financial and value for money considerations and the legal implications and noted that the benefits of retaining the existing Trust as the nominated operator of a new facility to replace the Angel Centre far outweighed the alternative options.

RESOLVED: That the future contractor for the operation of the new replacement Leisure Centre be confirmed as Tonbridge and Malling Leisure Trust.

CB 24/116 LARKFIELD LEISURE CENTRE AIR SOURCE HEAT PUMPS AND AIR HANDLING UNIT TENDER

(Reasons: LGA 1972 – Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice D210110CAB)

Following a formal tender and evaluation process, the report provided details of the tenders received for the design and installation of air source heat pumps along with replacement air handling unit serving the fitness pool at Larkfield Leisure Centre and recommended an award of the contract.

Cabinet had due regard to the evaluation, the risk assessment, financial and value for money considerations and the legal implications and noted

that the majority of the cost of the project was being met from external grant funding and that the successful tender was within the overall approved budget.

RESOLVED: That the contract for the design and installation of air source heat pumps and replacement air handling unit serving the fitness pool at Larkfield Leisure Centre be awarded to DMA.

CB 24/117 TONBRIDGE CASTLE GATEHOUSE - ROOF REPAIR TENDER

(Reasons: LGA 1972 – Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice D240111CAB)

Following a formal tender and evaluation process, the report provided details of the tenders received for the roof repair work at Tonbridge Castle Gatehouse and recommended an award of the contract.

Cabinet had due regard to the evaluation, the risk assessment, financial and value for money considerations and the legal implications and noted that the cost of the works, fees and contingency fell within the overall project budget.

RESOLVED: That the contract to undertake the roof repair works at Tonbridge Castle Gatehouse be awarded to Traditional Stone Restoration.

EXECUTIVE NON-KEY DECISIONS

CB 24/118 MEDIUM TERM FINANCIAL STRATEGY - UPDATE

(Reasons: LGA 1972 – Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Decision Notice D240112CAB)

The report provided an update on the Medium Term Financial Strategy (MTFS) having regard to the latest financial issues. The MTFS would continue to be updated as the 2025/26 budget was prepared and therefore the update was treated as an interim update only.

Cabinet had due regard to the legal implications, risk assessment, financial and value for money and policy considerations and noted the changes that had positively contributed to bridging the funding gap since the MTFS was approved by Council in February 2024. In addition, consideration was given to those areas identified causing the increase in the funding gap and to those areas of potential impact on future finances.

RESOLVED: That the current position on the Medium Term Financial Strategy (MTFS), and the areas identified causing the increase in the funding gap, be noted.

The meeting ended at 9.10 pm