

TUNBRIDGE WELLS BOROUGH COUNCIL

CABINET

Thursday, 21 June 2018

Present: Councillor David Jukes (Chairman)

Councillors McDermott (Vice-Chairman), Dr Basu, March, Moore, Reilly and Weatherly

Officers in Attendance: Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Paul Taylor (Director of Change and Communities), Patricia Narebor (Head of Legal Partnership), Tracey Beattie (Mid Kent Environmental Health Manager), Jane Fineman (Head of Finance and Procurement), Dawn Gabriel (Operations and Events Manager) and Mark O'Callaghan (Democratic Services Officer)

Other Members in Attendance: Councillor Backhouse

APOLOGIES

CAB8/18 There were no apologies.

DECLARATIONS OF INTEREST

CAB9/18 There were no disclosable pecuniary or other significant interests declared at the meeting.

NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK

CAB10/18 There were no Visiting Members who had registered as wishing to speak.

MINUTES OF THE MEETING DATED 12 APRIL 2018

CAB11/18 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 12 April 2018 be approved as a correct record.

MINUTES OF THE MEETING DATED 23 MAY 2018

CAB12/18 Members reviewed the minutes. No amendments were proposed.

RESOLVED – That the minutes of the meeting dated 23 May 2018 be approved as a correct record.

QUESTIONS FROM MEMBERS OF THE COUNCIL

CAB13/18 There were no questions from members of the Council.

QUESTIONS FROM MEMBERS OF THE PUBLIC

CAB14/18 There were no questions from members of the public.

CONSIDERATION OF THE FORWARD PLAN AS AT 12 JUNE 2018

CAB15/18 Members considered the plan. No amendments were proposed.

RESOLVED – That the Forward Plan as at 12 June 2018 be noted.

ANNUAL REPORT ON THE USE OF THE RIP A

- CAB16/18 Councillor Reilly and Patricia Narebor, Monitoring Officer, introduced the report which included the following comments:
- The report was an annual update on the use of investigatory powers authorised under the Act.
 - There had been only one application, authorised in March 2011, relating to a benefit fraud investigation which lead to a conviction.
 - The last report issued by the inspector on 31 January 2018 raised no concerns.

RESOLVED – That the report be noted.

REASON FOR DECISION:

To demonstrate the Council's compliance with legislation.

PERFORMANCE SUMMARY: QUARTER 4

- CAB17/18 Members took the report as read.

RESOLVED –

1. That the progress made against each of the Corporate Priorities 2017/18 at the end of quarter four, as set out in the report and Appendix A, be noted;
2. That the progress made against the Change Programme 2017/18 at the end of quarter four, as set out in the report and Appendix B, be noted;
3. That the Council's performance on Council Business at the end of quarter four, as set out in the report and Appendix C, be noted; and
4. That the challenges and proposed actions for each underperforming indicator within the Recovery Plans at Appendix D to the report be noted.

REASON FOR DECISION:

To monitor the effectiveness of the council's actions and plans to meet all of the objectives within the Five Year Plan, highlight underperforming areas, and propose actions to remedy any underperformance to ensure the key objectives are met.

COMPLAINTS SUMMARY: QUARTER 3 AND 4

- CAB18/18 Members took the report as read.

RESOLVED – That the report be noted.

REASON FOR DECISION:

To manage the Council's current performance in relation to complaints handling.

REVENUE MANAGEMENT REPORT: QUARTER 4

- CAB19/18 Councillor Reilly and Jane Fineman, Head of Finance and Procurement, introduced the report which included the following comments:
- Actual expenditure for the end-of-year was £14.372m, £1m less than budget and a £564k reduction on quarter three forecast.
 - Many of the savings were one-offs so could not be relied upon in future years but the surplus would go towards the development and capital programmes.
 - Business Rates and government grants overachieved by £1.78m, mainly due to business growth.
 - The report included a request to vary licensing fees and charges in relation to Houses in Multiple Occupation, details were set out in the report and avoided the need to bring a separate report.

The discussion included consideration of the following additional matters:

- The figures were welcomed and the report demonstrated effective management of the Council's finances at a time when many councils had particular difficulties.
- The Council had achieved its revenue targets and maintained its general reserves at £4m.
- The Ice Rink had exceeded its budget by £58k which demonstrated the popularity of the attraction.

RESOLVED –

1. That the unaudited actual revenue expenditure outturn and impact on reserves for the year ending 31 March 2018 be noted; and
2. That the updated charges and timing for implementation of the licensing of Houses in Multiple Occupation (HMO), as set out in the report and appendices, be agreed.

REASON FOR DECISION:

To show the actual expenditure on services compared to the revised budget for the period ended 30 March 2018, and the forecast outturn position, highlighting significant variances from the revised annual budget.

CAPITAL MANAGEMENT REPORT: QUARTER 4

- CAB20/18 Councillor Reilly and Jane Fineman, Head of Finance and Procurement, introduced the report which included the following comments:
- The Capital programme at the start of the year was £9.9m, of which £4.7m would be funded from reserves.
 - At quarter three the forecast outturn was £10.4m, of which £3.4m was from reserves.
 - Actual spend was £3m, a reduction of £7.4m, of which £400k was from reserves.
 - £4.6 would be deferred to future years and mainly consisted of Crescent Road car park and public realm works. £20k had been rescheduled to 2017/18 as certain parts of projects had been completed ahead of schedule.
 - The remaining £2.8m was a real decrease in the programme, partly due to £2m repayment of Public Works Loan Board borrowing from unspent property acquisition budget.

- £500k had been saved in the tender for the Crescent Road car park refurbishment.
- All capital expenditure was fully funded without borrowing.

The discussion included consideration of the following additional matters:

- Completion of North Farm Depot cooling project was welcomed, such projects were long term undertakings.
- The capital programme was a rolling programme so any movement between years was normal.
- The procurement process was achieving best value for the Council.

RESOLVED –

1. That the actual gross and net expenditure for the year and the sources of finance, as shown in Appendices B to D to the report, be noted;
2. That the proposed movement between years, set out at paragraph 4.3 of the report, be approved;
3. That the proposed variations to the 2017/18 Capital programme, set out at paragraphs 4.4 to 4.17 of the report, be approved; and
4. That the proposed new and deleted schemes, set out at paragraphs 4.18 and 4.19 of the report, be approved.

REASON FOR DECISION:

Managing and forecasting capital expenditure effectively was vital in order to support all of the services provided by the Council.

TREASURY AND PRUDENTIAL INDICATOR MANAGEMENT REPORT: QUARTER 4

- CAB21/18 Councillor Reilly and Jane Fineman, Head of Finance and Procurement, introduced the report which included the following comments:
- Investment interest received for 2017/18 was £717k, £87k more than budget and £17k over the quarter three projection.
 - Overall rate of interest achieved was 1.62 per cent, compared to the budget 1.83 per cent and the quarter three projection of 1.69 per cent.
 - The budget was achieved due to a greater availability of funds after some of the capital programme was deferred from 2016/17 to 2017/18.
 - Interest on the Public Load Words Board loan was £145k and a balance of £5m was outstanding.
 - £9m investment in the Local Authority Property Fund was worth £10.7m.

The discussion included consideration of the following additional matters:

- The Property Fund paid approximately £450k in interest.
- The Council was getting best return on its short term cash by investing.

RESOLVED – That the 2017/18 Treasury Management and Prudential Indicator position be noted.

REASON FOR DECISION:

Ensuring effective cash flow management was vital in order to support all the services provided by the Council. The interest received from the Council's investments was an important source of income in helping the Council set a balanced budget.

STRATEGIC RISK REGISTER

- CAB22/18 Councillor Reilly and Lee Colyer, Director of Finance, Policy and Development, introduced the report which included the following comments:
- The report set out the strategic risks which were being monitored by the senior management.
 - Identified risks were constantly reviewed by the Management Board.
 - Audit and Governance Committee maintained oversight of the register, a risk manager attended each meeting to ensure each risk had a detailed discussion at least once a year. The Chairman could also be notified ad-hoc if there were any significant changes.
 - A detailed discussion was held at the Finance and Governance Cabinet Advisory Board who supported the recommendations.

RESOLVED – That the Strategic Risk Register and arrangements for managing strategic risk, as set out at Appendix A to the report, be noted.

REASON FOR DECISION:

Successful controls and effective governance were a crucial underpinning for all Corporate Priorities.

CULTURAL HUB - UPDATE AND EXTERNAL FUNDING

- CAB23/18 Councillor March and Paul Taylor, Director of Change and Communities, introduced the report which included the following comments:
- The Council had received Heritage Lottery Fund and Arts Council England funding. Each needed formal approval to accept the funds, in both cases more funding was offered than had been bid for.
 - The recommendations had been supported by the Communities Cabinet Advisory Board.
 - An additional appendix setting out the members of the project delivery board had been included at the request of the Advisory Board.
 - There would be a further report at the end of RIBA Stage 4 setting out the costs and programme of works.

The discussion included consideration of the following additional matters:

- Great result at the culmination of much effort and a significant delivery of part of the Five Year Plan.
- A similar project for another authority had been declined which demonstrated confidence in Tunbridge Wells by external bodies.

RESOLVED –

1. That progress in delivering the Cultural Hub be noted;

2. That a grant offer of £886,250 from Arts Council England towards the project costs be accepted;
3. That a grant offer of £4,294,900 from the Heritage Lottery Fund towards the project costs be accepted;
4. That delegated authority be granted to the Director of Change and Communities, in consultation with the Portfolio Holder for Culture, Leisure and Tourism, to sign any necessary agreements with Arts Council England, Heritage Lottery Fund and any other external funders; and
5. That delegated authority be granted to the Director of Change and Communities, in consultation with the Portfolio Holder for Culture, Leisure and Tourism, to authorise the completion of the Collaboration and Development Agreements, together with ancillary documents, with Kent County Council.

REASON FOR DECISION:

To enable the delivery of the project through external funding.

ICE RINK TENDER

CAB24/18 Councillor March and Dawn Gabriel, Operations and Events Manager, introduced the report which included the following comments:

- Part of the report was exempt but could be discussed in public provided no exempt information was disclosed.
- The new contract would be for one year followed by a further four years subject to contractual conditions.
- The Ice Rink was a popular attraction for the town, the number of skaters increased each year with nearly 40k last year and many more enjoying the ambience and ancillary services.

The discussion included consideration of the following additional matters:

- There would be public outcry if the Ice Rink was not continued.
- The Ice Rink now provided an income for the Council.
- The Ice Rink contributed to Tunbridge Wells being a destination, adding to the leisure and cultural offering that online retailing could not provide.
- Access would be maintained during the construction of Calverley Square and access for large vehicles, such as those necessary for the Ice Rink, was part of the development management plan.
- Restaurants and local businesses benefitted from people attending the events.
- Skating was a healthy activity and contributed to encouraging more active lifestyles.

The decision was made taking the exempt information as read.

RESOLVED – That the Ice Rink tender be awarded to the provider identified as Supplier B in Exempt Appendix A for a five year term from October 2018.

REASON FOR DECISION:

To secure a new contract which delivered a quality service for best consideration.

CHARGING FOOD BUSINESSES FOR FOOD HYGIENE RATING SCHEME RE-SCORE INSPECTIONS

- CAB25/18 Councillor Dr Basu and Tracey Beattie, Mid Kent Environmental Health Manager, introduced the report which included the following comments:
- The Food Hygiene Rating Scheme was a national scheme and had been run in Tunbridge Wells since 2010.
 - Restaurants valued the highest '5' rating.
 - Approval in principle had been given for a discretionary charge of £160 for businesses who wished to expedite the process to increase from a '3' or '4' rating.
 - Standards would be maintained and there were no food safety implications.
 - The proposals had been implemented in Maidstone and Swale boroughs since April 2018 which had generated an average one or two applications per month.

The discussion included consideration of the following additional matters:

- The proposals provided an incentive for businesses to get it right the first time.
- Public confidence would be enhanced by more businesses with high ratings.
- It would be beneficial for a business to be able to achieve a high rating more quickly.
- Ratings were generally high across the borough so the proposals would focus on the small number of lower rated businesses.
- It was not unreasonable to ask for a fee to provide a discretionary service which was for the benefit of businesses.

RESOLVED – That the introduction of a charge for Food Hygiene Rating Scheme inspections for rescoring from the 1 July 2018 be approved.

REASON FOR DECISION:

To cover the cost of re-inspection and allow food businesses the opportunity of reducing the current inspection period.

URGENT BUSINESS

CAB26/18 There was no urgent business.

DATE OF NEXT MEETING

CAB27/18 The next meeting would be held on Thursday 19 July 2018 commencing at 12 noon in the Council Chamber at the Town Hall, Tunbridge Wells.

NOTE: The meeting concluded at 11.05 am.