

# A G E N D A

## AUDIT AND GOVERNANCE COMMITTEE

Thursday 16 September 2021 at 6.30 pm  
Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS

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**Borough Council Representatives:** Councillors Allen, Backhouse (Vice-Chairman), Britcher-Allan, Chapelard, Hamilton, Rands, Simmons (Chairman) and Warne

**Independent Members:** Messrs Quigley and Turner

**Parish/Town Council Representatives:** Councillors Mackonochie and Edwards

**Quorum:** 3 Members, to include at least one independent member

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- 1 Chairman's Introduction** (Pages 5 - 6)  
To receive any announcements on procedural matters.
- 2 Apologies for Absence** (Pages 7 - 8)  
To receive any apologies for absence.
- 3 Declarations of Interest** (Pages 9 - 10)  
To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.
- 4 Notification of Persons Registered to Speak** (Pages 11 - 12)  
To note any Visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18 or 19, and which item(s) they wish to speak on.
- 5 Minutes of the meeting dated 24 August 2021** (Pages 13 - 16)  
To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
- 6 Strategic Risk Review** (Pages 17 - 38)  
To consider and decide on the recommendations set out in the associated report.
- 7 Draft Financial Report and Audit Findings** (Pages 39 - 166)  
To consider and decide on the recommendations set out in the associated report.

- 8 **Update on Complaints received under the Members' Code of Conduct** (Pages 167 - 172)  
To consider and decide on the recommendations set out in the associated report.
- 9 **Amendments to the Constitution** (Pages 173 - 194)  
To consider and decide on the recommendations set out in the associated report.
- 10 **Minor Changes to the Constitution (for noting)** (Pages 195 - 206)  
To consider and decide on the recommendations set out in the associated report.
- 11 **Future Work Programme** (Pages 207 - 208)  
To consider the Committee's future work programme.
- 12 **Urgent Business** (Pages 209 - 210)  
To consider any other items which the Chairman decides are urgent, for reasons to be stated, in accordance with Section 100B (4) of the Local Government Act 1972.
- 13 **Date of Next Meeting** (Pages 211 - 212)  
To note the date of the next scheduled meeting is Tuesday 23 November 2021.

**Democratic Services Team**

Tel: (01892) 554413

Email: [Committee@TunbridgeWells.gov.uk](mailto:Committee@TunbridgeWells.gov.uk)

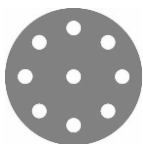
Tunbridge Wells Borough Council  
Town Hall  
ROYAL TUNBRIDGE WELLS  
Kent TN1 1RS

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**During the Coronavirus outbreak, and the recovery which follows, the way we conduct meetings will change. This page summarises the process. If you have any questions please contact Democratic Services via the contact details on the previous page.**

### **Attending meetings**

Meetings are held in the town hall and are webcast live online.

Members of the public may attend to watch/listen in person, subject to Covid-19 restrictions, or online live via our website. A recording of the meeting will also be available shortly after the end of the meeting.

All meetings and agenda are open to the public except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

Seating for the public will be allocated on a first-come-first-serve basis and cannot be guaranteed. If you intend to attend a meeting in person please advise Democratic Services at [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk) or call 01892 554413.

### **Speaking at Meetings**

Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public will need to register with Democratic Services in advance.

Comments should be in the form of a statement giving your opinion on the matter. Members of the committee may not answer questions or get into a debate with you.

Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item. Places are allocated on a first-come-first-served basis except that if there are several speakers from the same group they will be asked to nominate someone to represent their collective view.

You will need to attend the meeting in person. Once registered, further instructions will be sent.

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If you require this information in another format please contact us, call 01892 526121 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)

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## Chairman's Introduction

For Audit and Governance Committee on Thursday 16 September 2021

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### Procedural Item

To receive any announcements on procedural matters.

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## Apologies for Absence

For Audit and Governance Committee on Thursday 16 September 2021

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### Procedural Item

To receive any apologies for absence.

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## Declarations of Interest

For Audit and Governance Committee on Thursday 16 September 2021

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### Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.

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## Notification of Persons Registered to Speak

For Audit and Governance Committee on Thursday 16 September 2021

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### Procedural Item

To note any Visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Procedure Rule 18 or 19, and which item(s) they wish to speak on.

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### Information for members of the public wishing to speak.

Members of the public are encouraged to participate and those wishing to comment on an agenda item will need to register with Democratic Services in advance. Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item and speakers have up to 3 minutes each.

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## AUDIT AND GOVERNANCE COMMITTEE

Tuesday, 24 August 2021

**Present: Councillor Joe Simmons (Chairman)  
Councillors Backhouse (Vice-Chairman), Allen, Britcher, Hamilton, Rands, Warne,  
Mackonochie, Edwards, Quigley and Turner**

**Officers in Attendance:** Lee Colyer (Director of Finance, Policy and Development (Section 151 Officer)), Rich Clarke (Head of Audit Partnership), Sheila Coburn (Head of Revenues and Benefits), Patricia Narebor (Head of Legal Partnership), Claudette Valmond (Principal Solicitor) and Caroline Britt (Democratic Services Officer)

**Other Members in Attendance:** Councillors Dawlings, Dr Hall, Hayward and Scholes

### CHAIRMAN'S INTRODUCTION

AG7/21 The Chairman opened the meeting, introduced Committee members and officers in attendance, and outlined procedural matters of the meeting.

### APOLOGIES FOR ABSENCE

AG8/21 Apologies for absence were received from Councillor Chapelard.

### DECLARATIONS OF INTEREST

AG9/21 No declarations of interest were received.

### NOTIFICATION OF VISITING MEMBERS WISHING TO SPEAK (IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 18):

AG10/21 Councillors Hayward, Dawlings and Dr Hall had registered to speak on Agenda Item 8 – Framework for Major Projects.

### MINUTES OF THE MEETING DATED 30 MARCH 2021

AG11/21 No amendments were proposed.

**RESOLVED** – That the minutes of the Audit and Governance Committee dated 30 March 2021 be approved as a correct record.

### MINUTES OF THE MEETING DATED 26 MAY 2021

AG12/21 It was noted that since publication of the minutes, the membership of the Constitution Review Working Party had now been confirmed as follows;

Mr Quigley – Chairman  
Councillor March  
Councillor Backhouse  
Councillor Fitzsimmons

No amendments were proposed.

**RESOLVED** – That the minutes of the Audit and Governance Committee dated 26 May 2021 be approved as a correct record.

## STRATEGIC RISK REVIEW

AG13/21 Lee Colyer, Director of Finance, Policy and Development introduced the report set out in the agenda.

**RESOLVED** – That the Committee noted the risk management report and arrangements for managing strategic risk.

## FRAMEWORK FOR MAJOR PROJECTS

AG14/21 Registered Speakers:

Councillor David Hayward  
Councillor Tom Dawlings  
Councillor Dr Linda Hall

Tony Quigley, Independent Member introduced the report set out in the agenda.

Discussion and questions from Members included the following:

- The main outcome was to ensure that the mistakes of the past were not repeated.
- It was suggested that based on the evidence available (Calverley Square) it was difficult to determine who or when decisions were made and therefore difficult to assess the reasonableness and ownership of those decisions. It was further suggested that until the full truth of what happened with the Calverley Square project was known and addressed it would be premature to agree a framework to prevent those mistakes from happening again.
- The inclusion of early and wide public consultation for future projects was welcomed.
- Optimism Bias was introduced as a requirement by the Treasury for Government funded projects. This meant that project cost/benefit analyses should provide a consistent picture where previously benefits tended to be overstated with the costs understated.
- Terms of Reference for the Oversight Panel were not defined in the report. Terms needed to be tailored to meet the requirements of the planned major project. As such they would be defined at the beginning of the process.
- Benefits could be cost and/or social related.
- Best Practice used for the framework had been drawn from several sources.
- It was important to move forward and not continually focus on the past.
- The report recommended that the framework be subject to periodic review and was therefore not set in stone.
- There was concern the lessons learnt from Calverley Square had not been concluded and therefore it was difficult to endorse the framework.
- The framework, if endorsed, would ensure that mechanisms were put in place that would allow for the review, monitoring and correcting of major projects. This would include the structure, terms of reference, governance arrangements and decision making.
- The business case for any potential major project would start with a strategic outline case that included the reasons why the project was

being considered. Then consideration would be needed on the options available, including a do nothing/do minimum with associated costings.

- With regards to decision making, there was a well-established system of stage gate reviews. At the beginning of the process it would be important to define the stages and ensure that sufficient decision points were included.
- The stage gates acted as a review point that would also ensure all information related to a particular major project was available. If the stage gates were too far apart, a health check review could be commissioned. Such reviews should be conducted by an independent body with no connection to the Council.
- The Governance of the Council was also relevant. Members had the opportunity to question, challenge and discuss.

**RESOLVED** – That the Committee endorsed the framework for major projects going forward for use by the Council’s Programme Management Office to develop an action plan.

## **MID KENT FRAUD AND COMPLIANCE UPDATE**

AG15/21 Sheila Coburn, Head of Revenues and Benefits Partnership introduced the report set out in the agenda.

**RESOLVED** – That the Committee noted the contents of the report.

## **HOUSING BENEFIT AND SUBSIDY CLAIM 2019/20**

AG16/21 Sheila Coburn, Head of Revenues and Benefits Partnership introduced the report set out in the agenda.

**RESOLVED** – That the Committee noted the contents of the report.

## **ELECTRONIC SIGNATURES AND DOCUMENT SEALING**

AG17/21 Claudette Valmond, Principal Solicitor (Contracts and Commissioning, Planning and Property Regeneration) introduced the report set out in the agenda.

Discussion and questions from Members included the following:

- A number of providers were being considered, with Adobe Acrobat currently being viewed as the preferred provider as along with the signature it also included the person’s name and time.
- There was an assurance the mechanisms would be in place to ensure appropriate security arrangements would be in place. The Council would not be exposed.

**RESOLVED** – That the Committee endorses the recommendation to go to Full Council to approve the minor amendments to the Constitution as set out in paragraph 1.5 of the report.

## **INTERNAL AUDIT ANNUAL REPORT AND OPINION 2020/21**

AG18/21 Rich Clarke, Head of Audit Partnership introduced the report set out in the agenda.

**RESOLVED** – That the Committee notes the Head of Audit Partnership's opinion and the work underlying the opinion and the Head of Audit Partnership's assurance of its independent completion in conformance with proper standards.

## **FUTURE WORK PROGRAMME AS AT 24 AUGUST 2021**

AG19/21 The Committee's work programme was presented for members' information.

**RESOLVED** – That the Future Work Programme as at 24 August 2021 be noted.

## **URGENT BUSINESS**

AG20/21 There was no urgent business for consideration.

## **DATE OF NEXT MEETING**

AG21/21 The next meeting of the Audit and Governance Committee was scheduled for Thursday 16 September 2021.

NOTE: The meeting concluded at 7.50 pm.



## Strategic Risk Register

For Audit and Governance Committee on 16 September 2021

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### Summary

**Lead Member:** All

**Lead Director:** Lee Colyer, Director of Finance, Policy and Development

**Head of Service:** Rich Clarke, Head of Audit Partnership

**Report Author:** Lee Colyer, Director of Finance, Policy and Development

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	1 September 2021
Audit and Governance Committee	16 September 2021

### Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Committee **notes** the risk management report and arrangements for managing strategic risk.

## 1. Purpose of Report and Executive Summary

- 1.1 This report sets out the strategic risks identified by the Council and currently being managed and tracked by senior management. The report provides a current update on the evaluated threat level and controls in place for each risk issue.

## 2. Introduction and Background

- 2.1 The risks included in the report were developed in a risk management workshop and health check facilitated by Zurich Insurance Limited on 25 March 2019, with the risks being formally adopted by Cabinet on 1 August 2019. Since that time, risk owners have kept the risks and controls under review with periodic reporting both to the Cabinet and the Audit & Governance Committee.
- 2.2 The Council's Management Board periodically reviews the risks identified along with the risk owners.
- 2.3 Risk owners (managers) for certain risks are invited to attend the Audit and Governance Committee meetings to outline the Council's approach to managing their particular risk(s). The meeting of the Audit and Governance Committee will be able to examine the risk(s) owned by Chris Woodward, Head of Mid-Kent ICT Services.

- Risk 1: Cyber-attack/ incident.

## 3. Options Considered

- 3.1 There is no legal requirement on the authority formally to monitor its risks, still less is there a defined framework to do so. Although failing to monitor and record risks will leave the Council vulnerable to external criticism – for example by its external auditors who are required to assess the effectiveness of risk management when considering their annual Value For Money conclusion.
- 3.2 Even accepting the utility in gathering systematic monitoring information on the risks it faces, there is a wide range of different approaches the Council might adopt. Even if one looks solely at the local government sector, there are myriad formats, structures and arrangements adopted to record and present information to senior officers and members.

## 4. Preferred Option and Reason

- 4.1 The report sets out the risks using the methodology and format previously agreed by the Council, which is essentially the method advocated by Zurich from the 2019 risk workshop

## 5. Consultation on Options

- 5.1 The Strategic Risk Register has undergone periodic review and examination by the Council's Management Board, the Cabinet and the Audit & Governance Committee. This stands in addition to ongoing monitoring by the identified risk owners. This report incorporates feedback and updates from all sources.

## 6. Appendices and Background Documents

Appendices:

- Appendix A: Strategic Risk Register Update September 2021

Background Papers:

- None

## 7. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

The Accounts and Audit Regulations 2015 require the Council to have a sound system of control which includes arrangements for the management of risk. This Report is part of those arrangements and is designed to ensure that the appropriate controls are effective.

There are no immediate legal implications arising from this report.

Lee Colyer, Director of Finance, Policy and Development

### B. Finance and Other Resources

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## **C. Staffing**

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## **D. Risk Management**

Risk management is the subject of the report, but it does not of itself raise new risk issues for consideration.

Lee Colyer, Director of Finance, Policy and Development

## **E. Environment and Sustainability**

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## **F. Community Safety**

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## **G. Equalities**

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## **H. Data Protection**

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## **I. Health and Safety**

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

## J. Health and Wellbeing

None identified at this stage.

Lee Colyer, Director of Finance, Policy and Development

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# Strategic Risks

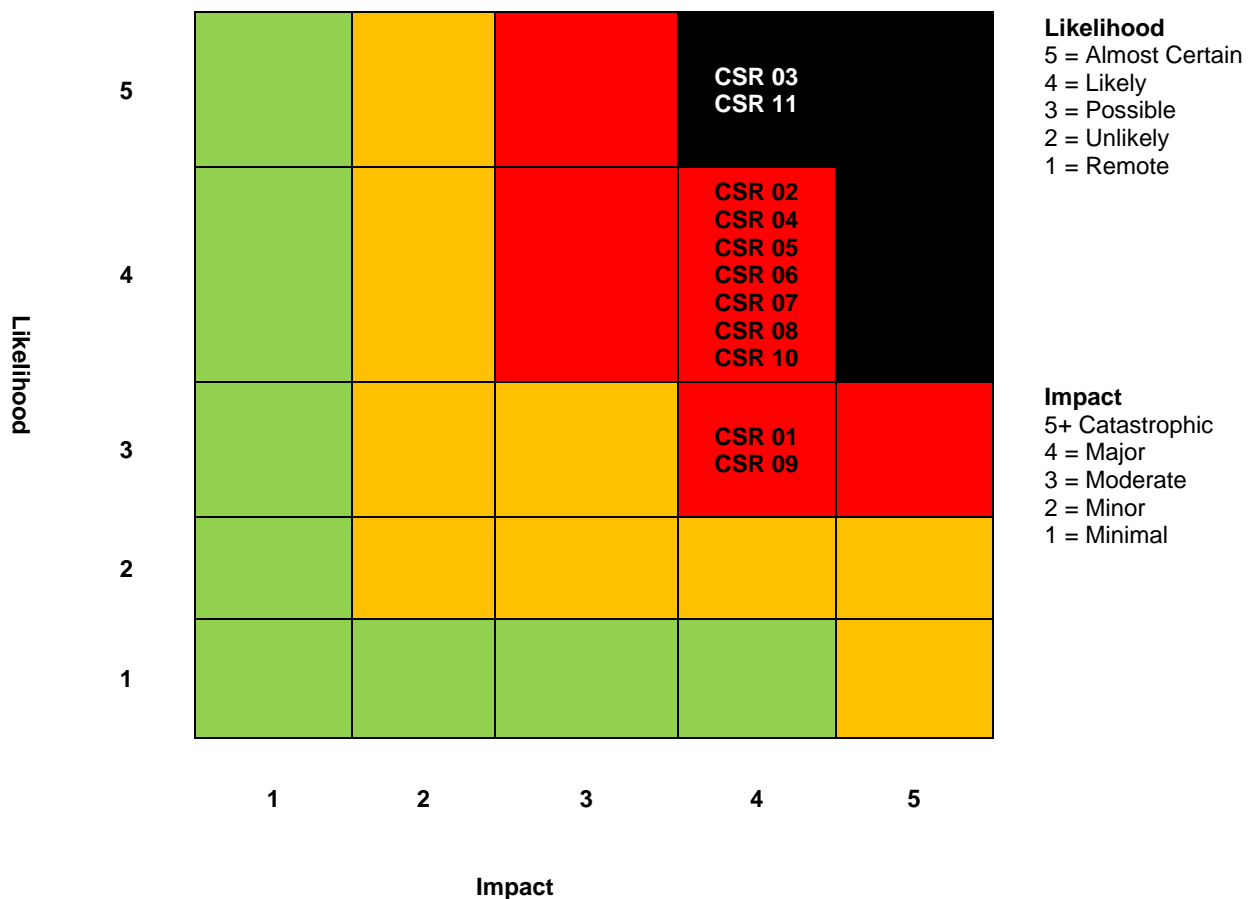
The Strategic Risk Profile chart below shows each risk scored onto the risk matrix graph. The further towards the top right-hand corner the greater the risk to the Council. The chart below provides only a snapshot on a particular date.

The risk scenarios are:

- CSR01: Cyber attack / incident
- CSR02: Economic development and vitality
- CSR03: Contract management and delivery
- CSR04: Unable to plan financially over the longer-term
- CSR05: National policy changes in short term that negatively impact on TWBC
- CSR06: Service Interruption
- CSR07: Capacity fails to keep pace with ambitions
- CSR08: Local plan adoption – housing
- CSR09: The Amelia Scott
- CSR10: Climate Change
- CSR11: Pandemic

## Tunbridge Wells Borough Council Strategic Risk Profile

**September 2021**



The table below tracks movement in the identified strategic risk areas.

Risk Ref	Title	March 2021	May 2021	June 2021	August 2021	September 2021	Trend
CSR 01	Cyber-attack/ incident	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	↔
CSR 02	Economic development and vitality	20 (5 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↓
CSR 03	Contract management and delivery	15 (5 x Lk, 3 x Im)	15 (5 x Lk, 3 x Im)	15 (5 x Lk, 3 x Im)	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	↑
CSR 04	Unable to plan financially over the longer-term.	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↔
CSR 05	National policy changes in short term impact negatively on TWBC.	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↓
CSR 06	Service Interruption	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↔
CSR 07	Capacity fails to keep pace with ambitions	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↔
CSR 08	Local plan adoption - housing	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↑
CSR 09	The Amelia Scott	20 (5 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	12 (3 x Lk, 4 x Im)	↓
CSR 10	Climate Emergency	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	16 (4 x Lk, 4 x Im)	↔
CSR 11	Pandemic	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	20 (5 x Lk, 4 x Im)	↔



## Risk Scenario 1: Cyber-attack / incident

Risk Description:		Current Likelihood/ Impact	Possible (3) /Major (4)
A successful cyber-attack or cyber incident which causes significant disruption to ability to deliver services		Target Likelihood/ Impact	Unlikely (2) / Minor (2)
Member Risk Owner	Cllr Dawlings	Officer Risk Owner	Chris Woodward
Vulnerability/ Contributing factors		Potential Impact/ Consequences	Current Controls/ Mitigations in place/Actions
<ul style="list-style-type: none"> <li>Increased threat from cyber security attacks</li> <li>Ever increasing reliance on digital systems for virtually all Council activities and services</li> <li>Data increasingly held in electronic format, not on hard copy paper records</li> <li>Robustness of IT Disaster recovery arrangements</li> </ul>		<ul style="list-style-type: none"> <li>Systems offline for a period of time</li> <li>Loss of data</li> <li>Impacting on the ability of Tunbridge to deliver services</li> <li>Service disruption/failure</li> <li>Dissatisfied customers – not meeting customer expectations</li> <li>Data compromised / lost</li> <li>Safeguarding and data protection issues</li> <li>Financial impact –potential fine and cost of rectifying</li> </ul>	<ul style="list-style-type: none"> <li>Designation of a Senior Information Risk Officer</li> <li>Public Service Network accreditation renewal Q3</li> <li>Support from the National Centre for Cyber Security (part of GCHQ)</li> <li>Continuation of cyber awareness campaign -</li> <li>Upgrade to current backup technology Q3</li> <li>Cortex XDR security agents are installed on all corporate devices.</li> <li>Renewed Darktrace AI based cyber immune system</li> <li>Nessus scanning software reporting daily on system vulnerabilities</li> <li>Implementation of Next Gen firewall Q2</li> <li>ICT policies &amp; staff training, including disaster recovery planning.</li> </ul>

## Risk Scenario 2: Economic development and vitality

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Likely (4) / Major (4)
<b>Tunbridge Wells not seen as a destination of choice for retailers / consumers / employers</b>		<b>Target Likelihood/ Impact</b>	Possible (3) / Moderate (3)
<b>Member Risk Owner</b>	Cllr Scott	<b>Officer Risk Owner</b>	David Candlin
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<ul style="list-style-type: none"> <li>• Competition for economic opportunities from other areas</li> <li>• Longer term High Street and retail decline over last 18 months</li> <li>• Significant change in nature of high street due to Covid-19 – including accelerated shift to online and ‘experience’</li> <li>• Significant change in office working practices and reduced daily market</li> <li>• Reimposition of local restrictions for Covid-19 due to infection spikes</li> <li>• Historic centre with restricted pavement space to meet new covid-19 challenges</li> <li>• Redevelopment of RVP to provide an improved offer</li> <li>• Ongoing infrastructure issues, particularly traffic congestion affecting opportunities</li> <li>• The implications of Brexit with a very thin trading agreement with the EU, and wider economic impacts with the potential to have a significant impact on the local economy</li> <li>• Lack of ambition and ability of the Council to deliver infrastructure and growth</li> </ul>		<ul style="list-style-type: none"> <li>• Lose out to other areas</li> <li>• Impact on economic vitality of area</li> <li>• Large scale property vacancy</li> <li>• Major redefinition of public realm space</li> <li>• Unable to secure sufficient opportunities</li> <li>• Local area and people lose out</li> <li>• Insufficient inward investment</li> <li>• Potential for knock on effects</li> <li>• Curtails attractiveness</li> <li>• Significant and ongoing impact on revenue streams and income (inc. business rates and car parking)</li> <li>• Housing not built</li> <li>• More vulnerable to appeal around Local Plan.</li> <li>• Impact on staff recruitment and retention</li> <li>• Damage to reputation as a place for investment</li> </ul>	<ul style="list-style-type: none"> <li>• Work with Royal Tunbridge Wells Together Business Improvement District including promoting Royal Tunbridge Wells</li> <li>• Work with Parish/Town Councils to welcome back to High Street and support for community facilities</li> <li>• RVP discussion on future redevelopment</li> <li>• Deliver out the Amelia Scott</li> <li>• Bring forward employment space in the Town Hall</li> <li>• Maintain and develop working relationships with key partners, landowners &amp; developers</li> <li>• Lobby with partners and stakeholders (including SELEP) to improve trading opportunities with Europe</li> <li>• Secure KMED and SELEP support for delivery of key infrastructure improvements</li> <li>• Work with West Kent partners to update and promote key economic development priorities</li> <li>• Review and revise existing approved Economic Development Strategy in the post Covid-19 world</li> <li>• Ensure Local Plan and Transport Strategy address changes to the economy &amp; transportation post Covid-19 including future office demand</li> <li>• Delivery of amendments to road network to encourage walking and cycling</li> <li>• Delivery of Government Covid-19 Business Additional Restriction Grant</li> </ul>

### Risk Scenario 3: Contract management and delivery

Risk Description:		Current Likelihood/Impact	Almost Certain (5) / Major (4)
Council unable to source contractor to deliver service within financial parameters / existing provider(s) ceases to provide service		Target Likelihood/ Impact	Unlikely (2) / Minor (2)
Member Risk Owner	Cllr March/Cllr Bailey	Officer Risk Owner	Gary Stevenson
Vulnerability/ Contributing factors		Potential Impact/ Consequences	Current Controls/ Mitigations in place/ Actions
<ul style="list-style-type: none"> <li>The Council has several long-term external contracts which are due to tender within the near future, specifically Grounds Maintenance (2019/20/21) and Sports Centres (2021/22).</li> <li>There are long-term financial parameters within which these contracts need to be let and delivered to.</li> <li>Short-term impact on the Councils Leisure contractor and there is the potential for significant changes in the leisure market due to impact Covid-19</li> <li>The Council is accountable and has responsibility for delivery of these services, even where they are delivered with or through 3rd party organisations.</li> <li>The new recycling and waste contract involved the most fundamental change to the service for circa 25 years and is being delivered with a neighbouring authority. This has recently been exacerbated by the shortage of HGV drivers and the “pingdemic” causing further pressure on service delivery.</li> </ul>		<ul style="list-style-type: none"> <li>Services disrupted or below agreed standards</li> <li>Complaints</li> <li>Adverse publicity and media</li> <li>Potential for Contractor withdrawal or failure</li> <li>Potential service failure</li> <li>Disruption to services with business continuity arrangements required</li> <li>Required to re-tender at short notice</li> <li>Additional capacity and resources required at short notice</li> <li>Knock on implications on other activities.</li> <li>Loss of public confidence in waste and recycling service.</li> <li>Reduction in completion and negative change in financial terms in forthcoming procurements</li> <li>Potential short-term closure of Leisure centres</li> </ul>	<ul style="list-style-type: none"> <li>Contract supervision by TWBC</li> <li>Contract terms requiring contractor to evidence supervision and performance</li> <li>Reporting of performance and service</li> <li>Overview and Scrutiny Task and Finish Group established to assist in the development of the Grounds Maintenance contract and specification</li> <li>Temporary increase in resources were in place during mobilisation of new recycling service and an improvement plan put in place. Additional permanent resource to contract manage including garden waste subscriptions, which exceeded projections</li> <li>Collective working with other clients of service providers</li> <li>Monitoring of marketplace</li> <li>Exploring to provision of additional transitional financial support to Leisure contractor (Fusion) whilst exploring future options for providing the service and seeking a short term contract extension.</li> <li>Advice is being sought with partnering authority to ensure delivery of waste service.</li> <li>On going daily review of waste contractor resources and suspension of Garden Waste services to protect core services of domestic and recycling.</li> </ul>

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## Risk Scenario 4: Unable to plan financially over the longer term

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Likely (4) / Major (4)
<b>Longer term financial planning – risk of change adverse to plan of more than £1m across the medium term</b>		<b>Target Likelihood/ Impact</b>	Possible (3) / Moderate (3)
<b>Member Risk Owner</b>	Cllr Dawlings	<b>Officer Risk Owner</b>	Lee Colyer
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<ul style="list-style-type: none"> <li>The financial impact of the Covid-19 pandemic has seen a collapse of income streams with additional expenditure incurred as a result of the emergency (e.g. setting up and operation of community hub facilities) and the expansion of other services to deal with the emergency (e.g. increase in temporary accommodation need and council tax support).</li> <li>Local Government is expected to play a vital role in the recovery stage to get the local economy up and running and to support the community in addition to responding to further waves of the pandemic.</li> <li>Revenue Support Grant remains at zero as the Government favours incentive-based schemes reliant on growth and for council's to be financially self-sufficient.</li> <li>No funding settlement in place for Local Government beyond the current year.</li> <li>This Council's income is below that of neighbouring councils and is not sufficient to meet expenditure pressures. There is a £1.8 million budget gap for 2022/23.</li> <li>Property costs consume a disproportionate amount of the available budget.</li> </ul>		<ul style="list-style-type: none"> <li>A significant in-year funding gap</li> <li>Depletion of reserves</li> <li>Serious cash-flow issues</li> <li>Unable to set a balanced budget</li> <li>The financial viability of Local Government and deteriorating local services</li> </ul>	<ul style="list-style-type: none"> <li>The council's starting position was sound with healthy reserves, no external debt, a balanced budget and a long track record of clean audit letters.</li> <li>The unaudited outturn for 2021/22 shows that the council came within budget and did not need to use reserves.</li> <li>The budget for 2022/23 was agreed by Full Council along with the temporary use of reserves.</li> <li>The Section 25 Statement made clear that the drain on reserves from property assets is unsustainable and the Council must determine which assets are required and fit for purpose and those which should be sold or redeveloped.</li> <li>A new Medium-Term Financial Strategy will be developed from 2022/23.</li> <li>The Council successfully lobbied on behalf of the sector for government financial support to manage the local consequences of Covid-19.</li> <li>The Council will continue to lobby government for financial flexibility and freedoms for councils to fund local services and make more decisions locally.</li> <li>A cross party working group was established in 2019 to provide a political solution to the open-ended drain on the council finances from the property estate. This is now more pressing given the change in working practices and the impact on the local economy from the pandemic.</li> </ul>

## Risk Scenario 5: National policy changes in short term that impact negatively on TWBC

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Likely (4) / Major (4)
<b>Significant legislative or decision-making changes often with little notice adversely impact on the delivery of services and strategic planning.</b>		<b>Target Likelihood/ Impact</b>	Possible (3) / Minor (2)
<b>Member Risk Owner</b>	Cllr Dawlings	<b>Officer Risk Owner</b>	William Benson
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<p>Page 29</p> <ul style="list-style-type: none"> <li>• Before the Covid-19 Pandemic, this risk stemmed from the significant changes to the public sector environment and regulations that govern it over the past few years, the uncertainty caused by Brexit and changes to ministerial positions in government.</li> <li>• The Covid Pandemic and the government's response to it has caused significant issues for the Council – alongside the need to redeploy staff to maintain its own operations it has had to respond to requests/requirements from government to respond to the crisis (including the provision of grants to local businesses and the establishment of a 'hub' and contact centre to support the shielded, vulnerable and isolated population).</li> <li>• Funding decisions are being made on a short-term basis and with funding often coming through one-off pots aimed at 'levelling-up' with short windows to apply and spend the money. Significant policy changes impact on the Council's ability to plan or make decisions.</li> </ul>		<ul style="list-style-type: none"> <li>• An inability to balance the budget arising from a catastrophic loss of income or failure to make difficult decisions.</li> <li>• Long-term requirements on the Council to manage and resource both a response to the pandemic and the recovery programme as we emerge from 'lockdown'</li> <li>• Unpredictable and frequent changes required to Council operations and policy/ funding assumptions</li> <li>• Significant work required to respond and address any gaps</li> <li>• Increased and unplanned requirement for resources and finances</li> <li>• Increased costs/reduced income</li> <li>• Lack of certainty on policy direction and finance</li> </ul>	<ul style="list-style-type: none"> <li>• Flexibility encouraged amongst staff</li> <li>• Partnership working presents opportunities to collaborate on service delivery and address constraints on capacity</li> <li>• Engagement with the LGA, SOLACE, central government and parish councils</li> <li>• Work with Kent County Council and other Kent councils on these issues</li> <li>• Proactive work with representative bodies</li> </ul>

## Risk Scenario 6: Service Interruption

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Likely (4) / Major (4)
A major incident occurs which causes significant disruption to ability to deliver services		<b>Target Likelihood/ Impact</b>	Unlikely (2) / Minor (2)
<b>Member Risk Owner</b>	Cllr Dawlings	<b>Officer Risk Owner</b>	Denise Haylett
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<ul style="list-style-type: none"> <li>Increased frequency of extreme weather</li> <li>Increased threats from terrorism</li> <li>Fire and other major events</li> <li>Robustness and relevance of business continuity and emergency planning arrangements in an ever-changing threat environment</li> <li>Possible impact from Brexit in respect of supply chain and labour disruption</li> <li>Capacity is stretched due to Coronavirus which will impact on ability to deal with other events.</li> </ul>		<ul style="list-style-type: none"> <li>Interruption to critical services</li> <li>Potential service failure</li> <li>Staff being pulled in different directions</li> <li>Robustness of arrangements potentially questioned / challenged</li> <li>Claims/Legal action/Compensation</li> <li>Adverse publicity</li> <li>National and local reputation affected</li> <li>Financial loss</li> <li>Exposure to fraud, ransom and denial of service</li> <li>Potential government intervention</li> <li>Staff absentees</li> </ul>	<ul style="list-style-type: none"> <li>Business Continuity Plan</li> <li>Major Emergency Plan</li> <li>Resilience through partnership working</li> <li>Part of the Multi-Agency Agreement</li> <li>Member of the Kent Resilience Forum</li> <li>Review of Emergency Planning arrangements</li> <li><a href="http://www.kentprepared.org.uk">www.kentprepared.org.uk</a></li> </ul>

## Risk Scenario 7: Capacity fails to keep pace with ambition

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Likely (4) / Major (4)
<b>Risk that capacity fails to keep pace with ambition</b>		<b>Target Likelihood/ Impact</b>	Unlikely (2) / Minor (2)
<b>Member Risk Owner</b>	Cllr Dawlings	<b>Officer Risk Owner</b>	William Benson
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<ul style="list-style-type: none"> <li>The Council has reduced staff numbers and resources but is under pressure to do more with even less money. With no government grant, the Council relies on income to deliver services and some of these income streams are being challenged as being detrimental to the local economy (e.g. Business Rates and car parking)</li> <li>The local community has high expectations and is demanding when service delivery is interrupted or changed.</li> <li>Whilst this risk originally stemmed from the Council's significant agenda of projects and major capital programme, the Council will now have to re-assess its ambitions in light of revised political priorities, its response to the Covid-19 pandemic and its available staff and financial resources.</li> <li>The Council's Five-Year Plan will need to be updated when time and circumstances permit.</li> <li>Both projects and the Covid-19 response place particular reliance on a number of key people and teams within the Council.</li> <li>High expectations of residents set against constrained resources</li> </ul>		<ul style="list-style-type: none"> <li>Personal impacts – stress, burnout, loss of wellbeing</li> <li>Impact on morale</li> <li>Reliance on key and fewer people</li> <li>Unavailability / loss of key staff</li> <li>Impact on key projects and / or day to day delivery</li> <li>Services/staff are stretched</li> <li>Impact on service quality</li> <li>Satisfaction diminished</li> <li>Major programme / projects not delivered as expected</li> <li>Adverse publicity</li> <li>Political impact</li> <li>Damage to reputation</li> <li>Loss of confidence from the private sector and partner organisations.</li> </ul>	<ul style="list-style-type: none"> <li>Regular consideration by Management Board of resources; additional resources put in place to support priorities (including additional resources to support the Council's property section)</li> <li>Introduction of a Programme Management Office to oversee priority projects</li> <li>Appropriate use of external capacity and expertise</li> <li>Performance monitoring to identify pressure points</li> <li>Improving resilience through partnerships</li> <li>Adopting an 'enabling' approach to encourage community to deliver local services</li> <li>Work with all political groups to establish a revised set of priorities going forward at an appropriate time.</li> </ul>

## Risk Scenario 8: Local Plan adoption – housing

Risk Description:		Current Likelihood/Impact	Likely (4) / Major (4)
Local Plan not adopted effectively, and housing not delivered in right areas / types		Target Likelihood/ Impact	Possible (3) / Moderate (3)
Member Risk Owner	Cllr McDermott	Officer Risk Owner	Stephen Baughen
Vulnerability/ Contributing factors		Potential Impact/ Consequences	Current Controls/ Mitigations in place/ Action
<ul style="list-style-type: none"> <li>Resistance to housing growth locally</li> <li>Having to meet significantly increased needs in a constrained environment (green belt / AONB / flooding / transport infrastructure)</li> <li>Public opposition to particular allocation sites</li> <li>Potential changes in political support for Local Plan: movement from, cross party support in February 2020 Full Council decision</li> <li>Requests to accommodate “unmet” need from neighbouring authorities with similar/greater areas of constraint. Sevenoaks District Council in particular, are taking a very long time to confirm next actions following exhaustion of legal challenges to failure of plan</li> <li>Targeted actions from particular, bodies/stakeholder’s to oppose levels of growth set out in Pre-Submission Local Plan (PSLP), including in responses to planning applications</li> <li>The views of the Planning Inspector on neighbouring authorities whose draft local plans do not meet the housing target levels are relevant to this Council</li> <li>Judicial Review of decisions</li> <li>Results of the housing delivery test, which has punitive measures for under-delivery</li> <li>There is a risk of speculative planning applications/appeals, particularly on those</li> </ul>		<ul style="list-style-type: none"> <li>Significant new costs to support production of revised Local Plan if submission is substantially delayed, or if rejected by an Inspector at Examination</li> <li>Long term delays to Local Plan production could see Secretary of State intervention</li> <li>Until Local Plan is adopted, likely increase in level of housing on unallocated greenfield sites, including by housing developers whose operating model is one which provides lower quality design</li> <li>Risk of “vicious cycle” of planning by appeal potentially leading to loss of local decision making ultimately Council loses control of situation</li> <li>Member and community dissatisfaction</li> <li>Potential significant financial implications associated with appeals following refusal of major residential development – each such appeal costs £50 - 100k plus and exposes the Council to risks of further costs awards to the appellant of £100k plus</li> <li>Reputational consequences – if borough is seen as not having certainty over planning decisions then decreased appetite for business/capital investment</li> <li>Legal consequences</li> <li>Lack of affordable housing delivery</li> <li>Affordability gap gets worse</li> </ul>	<ul style="list-style-type: none"> <li>Work on a new Local Plan progressing in line with revised Local Development Scheme. Cross party support for Regulation 19 consultation and submission of Plan in February 2021. PSLP indicates that level of long term identified need can be met by a combination of current supply, additional allocations and windfall provision. Regulation 19 consultation closed 4<sup>th</sup> June 2021.</li> <li>Whilst the Local Plan is progressed, regard is being had in determination of planning applications to seek to provide a robust supply and delivery of housing and employment floorspace. In Q4 there have been several decisions whereby permission has been refused on sites proposed for allocation in the PSLP which is reducing the effectiveness of this control/mitigation. Establishing and maintaining a robust five-year (plus) supply of housing is and will be a key control moving forward</li> <li>Previously relayed that delays to the Local Plan (in particular), and/or failure to establish a five-year supply of housing, will result in the likelihood factor changing to “Almost Certain”. Confirmed in July 2020 that can only demonstrate 4.93 years housing supply. Therefore, likelihood factor (in relation to housing not delivered in right areas / types, not in relation to adoption of Local Plan) adjusted accordingly.</li> <li>Measures in place to ensure high levels of co-ordination between Planning Policy and Development Management functions</li> </ul>



<p>sites not proposed for allocation in the PSLP. Risk increases when Council cannot demonstrate a five-year supply of housing/failure to meet the housing delivery test</p> <ul style="list-style-type: none"> <li>• The potential changes, increased uncertainty and consequential impact on service operation and delivery, associated with the Government's consultations on national changes to the planning system (autumn 2020) comprise significant (medium-long term) additional vulnerability factors.</li> </ul>	<ul style="list-style-type: none"> <li>• Financial benefit of planned growth – opportunity impact</li> <li>• Increased traffic congestion</li> <li>• Impact on delivery of infrastructure</li> <li>• Service delivery affected</li> <li>• Impact on staff recruitment and retention</li> </ul>	<ul style="list-style-type: none"> <li>• Regular reporting to Planning Policy Working Group/Cabinet member/ Planning Committee on risk and legislative changes</li> <li>• Ensuring regular and constructive Duty to Co-operate meetings with neighbouring authorities, with approach adapted to reflect Inspectors' findings from examination of other authorities' Local Plans</li> <li>• Using the Planning Advisory Service, Planning Inspectorate advisory visits, discussions with the Ministry of Housing, Communities and Local Government and heeding the views of the Inspectorate from neighbour's draft plans</li> </ul>
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## Risk Scenario 9: The Amelia Scott

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Possible (3) / Major (4)
<b>The project not delivered to plan, budget and benefits</b>		<b>Target Likelihood/ Impact</b>	Possible (3) / Minor (2)
<b>Member Risk Owner</b>	Cllr March	<b>Officer Risk Owner</b>	Paul Taylor
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<ul style="list-style-type: none"> <li>Delivering an integrated service that meets the aspirations of all stakeholders e.g., KCC, TWBC, NLHF, Arts Council</li> <li>Success of the project is dependent on reaching a wider demographic</li> <li>TWBC has the 'financial risk' and management of delivery and ongoing provision</li> <li>Performance of consultants and contractors</li> <li>Significant economic climate and shocks including Brexit and the Covid-19 pandemic on delivery, procurement, and operation, and therefore capital and ongoing revenue costs</li> <li>Internal capacity to deliver</li> <li>Non-delivery of funding strategy</li> <li>Medium term impact of covid on Fundraising and Business Plan</li> </ul>		<ul style="list-style-type: none"> <li>Time delay and cost over-run</li> <li>Potentially loss of funding from NLHF/Arts Council</li> <li>Reputational impacts</li> <li>Relationship issue with TWBC and KCC</li> <li>Impact of front-line service delivery</li> <li>Impact of cost consultant and design team errors on financial and budget management</li> <li>Contractor contract overrun delaying hand over</li> <li>Market impacts potential increased costs of all project work streams</li> <li>Unfunded "abnormal" costs due to contract errors</li> <li>Closure of site due to Covid-19</li> <li>Change requests generate costs in terms of design, fees, materials and works</li> <li>Risk of disparity between new fit out design and construction design</li> <li>Financial gap due to fundraising and other opportunities not being secured</li> </ul>	<ul style="list-style-type: none"> <li>Project Board, formal internal project management structures in place and TWBC Programme Board</li> <li>TWBC Programme Board</li> <li>Member engagement through ASMOP</li> <li>Detailed funding strategy, Trust established, and team appointed to raise funding for it. Review of strategy due to pandemic impacts</li> <li>Fit Out &amp; Interpretation - market tested procurement of sub-contractors and preliminary sums. Contractor appointment within budget assessments</li> <li>TWBC underwritten fundraising and other opportunities</li> <li>Project management and professional advisors to the Council in place</li> <li>Change control process for all workstreams in place and changes reported to Board</li> <li>Programme for future operations being developed for the integrated services</li> <li>Cost and design consultant weekly commercial review to control and monitor progress</li> </ul>

		<ul style="list-style-type: none"><li>• Contractor review of works/ secured supplies to maintain defined Fit Out programme and observance of Covid-19 restrictions</li><li>• Ongoing assessment of programme to address current information/ Covid-19 restrictions</li><li>• Detailed risk registers regularly reviewed and updated</li><li>• Regular engagement and reporting to NLHF and Arts Council</li><li>• Regular Fund-raising meetings in place with Counter Culture</li><li>• Review of 2017 Business Plan to consider income and expenditure</li></ul>
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## Risk Scenario 10: Climate Change

<b>Risk Description:</b>		<b>Current Likelihood/Impact</b>	Likely (4) / Major (4)
Climate Change is a global emergency and solving it is beyond our capability. In declaring a Climate Emergency, we are taking a proactive approach and working towards being carbon neutral by 2030. We are addressing this risk through taking a strategic approach whilst mitigating the impact and adapting to the change.		<b>Target Likelihood/ Impact</b>	Likely (4) / Minor (2)
<b>Member Risk Owner</b>	Cllr Bailey	<b>Officer Risk Owner</b>	Paul Taylor
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/ Actions</b>
<p>• Severe weather is already affecting public services across the UK, with operational, reputational, financial and legal consequences.</p> <p>• Climate change is expected to continue and worsen in the future, with changes to mean temperatures, the increasing frequency and severity of storms and higher rainfall levels in winter potentially causing rising water levels and resulting in more flooding and coastal erosion. Additionally, hotter drier summers, with heat waves and reduced rainfall.</p> <p>• There is also an ongoing impact of severe winter weather including snowfall and freezing temperatures which impact service delivery and the integrity of our roads open space and buildings infrastructure.</p> <p>• National sustainability commitments may be deferred or abandoned as an emphasis on</p>		<ul style="list-style-type: none"> <li>• Increased likelihood of flooding impacting on properties</li> <li>• Kent at risk of water shortages/drought.</li> <li>• Extreme weather (heat and cold) impacting vulnerable residents</li> <li>• Extreme weather having a greater impact on the day to day delivery of services</li> <li>• Detrimental impact on the local environment</li> <li>• An increased frequency of severe weather conditions may lead to more instances of damage to Council infrastructure and property.</li> <li>• Adverse impact on the local economy if businesses are unable to operate.</li> <li>• Dissatisfaction amongst residents for not meeting expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Climate Emergency declared</li> <li>• Consultants engaged to carry out carbon audit of Council services and to produce costed action plan</li> <li>• Cross party Climate Emergency Advisory Panel (CEAP) set up</li> <li>• Draft Local Plan Policies</li> <li>• Business Continuity and Emergency Plans in place for severe weather</li> <li>• Adopted Kent Environment Strategy October 2016 (CAB98/16)</li> <li>• Air Quality Action Plan 2018 – 2023</li> <li>• Warm Homes programme – improved energy efficiency (s106 approved)</li> <li>• Tackling fuel poverty – Fuel Poverty Strategy</li> <li>• Collective Solar – partnership with KCC</li> <li>• Energy Deal (not direct energy reduction but aids cutting fuel costs) ongoing</li> <li>• Low carbon heating (e.g. Off – gas grid homes/District heat network rollout)</li> <li>• Identify and maximise the opportunities for change that will come from the experience of</li> </ul>

<p>economic growth is prioritised post Covid-19. A traditional recovery will be dirtier, less efficient, harm economic growth and hinder progress on environmental improvements.</p> <ul style="list-style-type: none"> <li>• Increase in private car use for commuting in favour of public transport</li> </ul>		<p>Covid-19 restrictions such as green infrastructure, including cycle lanes and recognising the social infrastructure around health and well-being, new ways of working, which include less commuting, working from and near home, accelerating digital transformation to ensure adaptive capacity and equity of access</p>
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## Risk Scenario 11: Pandemic

<b>Risk Description:</b>		<b>Current Likelihood/ Impact</b>	Almost Certain (5) /Major (4)
Longer-term impact of a pandemic on the Borough and the local community/economy		<b>Target Likelihood/ Impact</b>	Almost Certain (5) /Moderate (3)
<b>Member Risk Owner</b>	Cllr Dawlings	<b>Officer Risk Owner</b>	William Benson
<b>Vulnerability/ Contributing factors</b>		<b>Potential Impact/ Consequences</b>	<b>Current Controls/ Mitigations in place/Actions</b>
<ul style="list-style-type: none"> <li>Whilst infection rates and consequential hospitalisations and deaths are significantly reduced from the earlier 'peaks', the Covid-19 pandemic continues to pose a risk as the economy unlocks, social distancing measures relaxed and new 'variants of concern' identified.</li> <li>Whilst it is too early to assess the complete impact of the pandemic (and whilst we have done our best to mitigate it), it is clear that significant harm has been inflicted on some sectors of the community and economy and there is a risk of social and economic inequalities will be exacerbated.</li> </ul>		<ul style="list-style-type: none"> <li>The Council being able to effectively function.</li> <li>Impact on the local economy and consequentially on Business Rates.</li> <li>Social and economic inequalities widening with increased unemployment, gaps in educational attainment, issues with mental health and wellbeing etc.</li> <li>Increased dependency on relief measures (including food banks and the community hub).</li> <li>Some charitable organisations closing and not-reopening.</li> <li>Fatigue amongst staff and key partners.</li> </ul>	<ul style="list-style-type: none"> <li>Financial controls to monitor the Council's revenue and capital expenditure and cash flow and strong efforts to lobby central government.</li> <li>Ongoing dialogue with contractors and cross-sector conversations with Government to raise the issue.</li> <li>Work with KCC and other bodies to monitor performance and outcomes and to put in place measures to mitigate inequalities.</li> <li>Work with the voluntary sector to assess and respond to issues as they arise.</li> <li>The establishment of a Covid-19 Panel including politicians from all political groups and representatives from business, resident associations, and the voluntary and community sector to oversee the Council's approach to response and the recovery.</li> <li>Impact assessments and action plans to guide the recovery for the local community, businesses and the Council itself.</li> </ul>

## Draft Annual Financial Report and Audit Findings for 2020/21

For Audit & Governance Committee on 16 September 2021

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### Summary

**Lead Member:** Councillor Tom Dawlings – Leader of the Council

**Lead Director:** Lee Colyer – Director of Finance, Policy & Development (Section 151 Officer)

**Head of Service:** Jane Fineman – Head of Finance, Procurement & Parking

**Report Author:** Jane Fineman – Head of Finance, Procurement & Parking

**Classification:** Public document (non-exempt)

**Wards Affected:** Not Applicable

Approval Timetable	Date
Management Board	Verbal Update
Audit & Governance Committee	16 September 2021

### Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Audit Committee note Grant Thornton's Audit Findings Report – Appendix B.
2. That the Audit Committee approve the draft Statement of Accounts and the Annual Governance Statement – Appendix A.
3. The Audit Committee authorise the Chairman and the Director of Finance, Policy & Development to sign a Letter of Representation based on Appendix A and the Audit Findings Report.

## 1. Introduction and Background

- 1.1 The draft Annual Financial Report (AFR) for 2020/21 (which contains the Statement of Accounts) was uploaded to the Council website on the 21st June 2021. There have been no material changes since then and the audit is almost complete, as outlined in Grant Thornton's Audit Findings Report (Appendix B). This Committee now needs to give its formal approval in order that the Annual Financial Report can be published before the 2020/21 statutory deadline of 30 September 2021. The deadline has been extended from the 31 July 2021 due to the Covid-19 Pandemic.

## 2. Draft Annual Financial Report for 2020/21

### The Annual Financial Report

- 2.1 The complete document published at the end of the audit process is termed the "Annual Financial Report" (Appendix A), while the term "Statement of Accounts" comprises the formal accounting statements, including the Collection Fund statement, together with the notes to these accounts. The Annual Financial Report consists of:
- Narrative Report
  - The Annual Governance Statement
  - The Statement of Responsibilities
  - The Independent Auditor's Report
  - The Statement of Accounts

### Changes to Accounting Standards and other Major Impacts

- 2.2 IFRS (International Financial Accounting Standard) 16 leases should have been implemented on 1 April 2020 with impact to the statements in 2020/21. A note should have been included in the 2019/20 accounts to lay out the likely impact upon the 2020/21 accounts. In 2019/20 this was deferred by 1 year due to the Covid-19 Pandemic, but implementation has now been deferred by a second year. This means the effective date for implementation is now 1 April 2022, which would impact the statements in 2022/23.



## Headline figures in the Statement of Accounts

- 2.3 The revenue accounts, as summarised in paragraph 5 of the Narrative Report, show that the Council suffered a Cost of Services deficit of £5,928,000 compared to budget. This was due mainly to the significant losses from Fees and Charges income due to the Covid-19 pandemic, albeit offset by some savings in staff costs, throughout the year. The Council was compensated by Government for some of these losses. £4,227,000 was received to compensate for lost Fees and Charges income and £1,309,000 was provided to compensate for lost Council Tax and Business Rates income due to the pandemic. The Council also received £1,429,000 to mitigate the additional costs incurred by the Council resulting from Government requirements to help residents and contractors. This, along with a deficit to budget of £109,000 for interest, £1,031,000 for an unbudgeted Business Rates surplus and some movements to/from reserves, enabled £211,000 to be transferred to the General Fund. Meeting the revenue budget is a considerable achievement made possible by Government Grants, the dedication of officers to claim every element of financial support possible and the very tight control of costs throughout the year. It emphasises the Council's commitment to balancing its budget year on year.
- 2.4 The Usable Reserves increased by £18.2m during the year, from £21.2m to £39.4m (see page 40 of the AFR). £15,140,000 of the £39.4m however, is really unusable, as it is set aside to repay Section 31 grants paid in advance by Government (see page 11 of the AFR). £2.9m has been transferred into Earmarked reserves from revenue to pay for projects that either have been committed but not yet paid for, or approved by Cabinet but not yet committed. An example would be an additional £500,000 for the Local Plan. The remainder is the £211,000 that was transferred into the General Fund.
- 2.5 The value of Property, Plant and Equipment increased by £7.6m in the year. This was mainly due to the capitalisation of The Amelia Scott costs of £9.4m. There was no material valuation movement in the other property categories in the year, except the Investment Property, a restaurant, which experienced a revaluation loss of £980,000 due to the Covid pandemic. Whilst £1.5m of capital receipts were achieved, they were from pieces of land that had previously been considered to be of immaterial value and were not valued on the Balance Sheet.
- 2.6 There has been an increase in the Council's net liability for future pension costs, of £7.96m (£3.24m increase in 2019/20, £5.56m reduction in 2018/19 and £3.6m reduction in 2017/18). In December 2018, the Court of Appeal ruled that the 'transitional protection' offered to some members of the judicial (McCloud) and fire fighter's (Sergeant) schemes as part of the reforms, breached age discrimination rules. The known impact of this ruling is included within the liabilities reported, but the outcome of a consultation into the final remedy is still

awaited. The actuary believes that any impact of this consultation will be immaterial to the accounts.

- 2.7 The Fund Assets have performed well over the period to 31 March 2021, particularly equities which have increased by £19.4m. Whilst expected lifespans continue to fall, both salaries and pensions are expected to increase by 0.8% increasing the pension liabilities considerably (see page 108 of the AFR). The total deficit is measured correctly in line with accounting standards, but does fluctuate quite considerably from year to year as actuarial assumptions change. Actual pension contributions made by the council are reviewed by the actuaries on a triennial basis, with the last review being the 31 March 2019. The estimated cash contribution for 2021/22 is £2,768,000 compared with the actual contribution of £2,595,000 for 2020/21, so the impact is £173,000 on the annual revenue budget of the council.

## Accounting Issues

- 2.8 The Covid-19 Pandemic was a challenge for the production of the 2019/20 financial statements regarding property valuation, debtor impairment and pension fund asset and liability uncertainties.
- 2.9 In 2020/21 it has been established that most property values remained stable and, unlike last year, in applying the Royal Institute of Chartered Surveyors (RICS) Valuation Global Standards 2020 (Red Book), the Council's valuer has not needed to declare a "material valuation uncertainty" in the valuation report for 2020/21.
- 2.10 Each debt outstanding as at 31 March has been reviewed and an assessment made on the probability of recovery. If the recovery is considered unlikely then a provision for that sum has been made in the accounts. The majority of the outstanding debt is to other local authorities or to large companies with sufficient reserves to settle their debts and the 2020/21 closing position reassuringly shows a lower level of trading debt than in 2019/20.
- 2.11 Many of the pension assets were valued on the 31 March 2020 and the general uncertainty around the property valuations of the assets, caused by the pandemic, have subsided. The Kent Pension Fund is no longer disclosing a 'material valuation uncertainty' in relation to the directly held property and pooled property funds within the assets of the pension fund.
- 2.12 The new 2017 Business Rating list for National Non Domestic Rates, applicable from 1 April 2017, is subject to a new and significantly more complex appeal process. This has meant that far fewer appeals have been made than would normally have been expected. The low number of appeals thus far is not anticipated to be the case indefinitely and the amounts appealed could be

significant and retrospective. The Ministry of Housing, Communities and Local Government has provided an estimate that 2.1p in every £1 of the annual Rateable Value would be appealed. This estimate has then been further refined to specifically recognise those businesses that are in receipt of the various business rate reliefs, which means they are less likely to appeal their rateable value. A provision has been made for these appeals in the Collection fund, which is now calculated to be £10,265,845. The Council's 40% share of the total provision is now £4,106,338 (£3,445,538 at 31 March 2020).

- 2.13 There was an influx of appeals received in the year from businesses claiming reductions in their rateable values due to a "Material Change in Circumstances"; that material change being the pandemic. However, the Government legislated against any pandemic based appeals meaning that these appeals could be rejected.
- 2.14 Managing, reconciling and accounting for the Government Business grants has been challenging this year. Compliance with the Code of Practice and IFRS 15 Revenue from Contracts with Customers, has determined the accounting treatment. If the Government determined the terms of the grant then the Council would be considered an "Agent" and the grants would affect only the cash, debtors and creditors on the Balance Sheet. If, however, the grants were determined by the Council (as with the Discretionary Grants), then it would be considered a "Principal" and the grants would need to be taken through the Comprehensive Income and Expenditure Account, onto the Balance Sheet and then reversed out through the Movement in Reserves, so as not to distort the Council's accounts.

## **3. The Audit Findings Report 2020/21**

- 3.1 The Audit Director from Grant Thornton has issued a draft Audit Findings Report (Appendix B attached) which she will introduce at the meeting. The report states that she expects to issue an unqualified audit opinion and no adjustments have been identified. She reports that the council's Finance team provided the draft financial statements and the working papers by the agreed deadline. She also recorded appreciation of the assistance and timely collaboration of the Finance team and other staff.
- 3.2 The Value for Money Review is aimed at assessing the Council's arrangements for delivering economy, efficiency and effectiveness in its use of resources. As stated in the Audit Plan, there are additional mandated procedures within the assessment this year. Per the Audit Findings Report, the National Audit Office's revised timeframe for the VFM reviews is 3 months from the audit opinion date. Grant Thornton will provide their assessment within that timeframe.

- 3.3 Appendix A of the Audit Findings Report indicates that there are a few outstanding tasks to be completed. The Covid-19 pandemic has made certain tasks more difficult for the auditor, but all is anticipated to be completed shortly after this meeting. The representation letter will be signed after the Committee meeting.
- 3.4 The auditor made two recommendations for consideration last year. Firstly, she suggested that the council should prepare for the change to IFRS 16, which has now been deferred for a second year. This was in progress anyway as was due to be implemented last year. The second was to consider the impact of the Covid-19 Pandemic on the property valuation frequency and timing. The councils accounting policies state that if there is a significant impact to the property market then the council will undertake revaluations as necessary to give assurance and this has been addressed in the report this year.

## **Role of Committee and timetable to publication of the Annual Financial Report**

- 3.5 As noted in the Audit Findings Report, the audit is almost complete. This Committee has a duty to approve the Statement of Accounts, which will then be published as part of the Annual Financial Report. It is anticipated that this Committee will also give their statutory approval to the Annual Governance Statement at this meeting.

## **4. Options Considered**

- 4.1 The Committee could decide not to approve the accounts.

## **5. Preferred Option and Reason**

- 5.1 That the Committee approve the accounts in order that the statutory obligations and deadlines are met.

## **6. Consultation on Options**

- 6.1 In line with the Accounts and Audit Regulations, a formal advertisement was placed on the internet drawing the attention of the public to the availability of the draft accounts, and the legal right of interested parties to inspect the accounts and the supporting documentation. The inspection period ended on the 30th July. There was one approach for detailed information about the recipients of the

Government business grants. This has been responded to and there have been no further correspondence.

## 7. Implementation

- 7.1 Once the Independent Auditor's Report is signed the Statement of Accounts will be published on the Council's website.

## 8. Appendices and Background Documents

The following documents are to be published with this report and form part of the report:

- Appendix A: Draft Annual Financial Report for 2020/21
- Appendix B: Draft Audit Findings Report for 2020/21

## 9. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

The Audit Committee has a legal duty of oversight for the Council's corporate governance arrangements. Under section 151 of the local government act (LGA 1972), the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority, including advising on the corporate financial position and providing financial information. There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.

Senior Lawyer (Corporate Governance)

### B. Finance and Other Resources

The Annual Financial Report details the overall unaudited financial position of the authority and is for information only.

Jane Fineman, Head of Finance, Procurement & Parking

### C. Staffing

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

### D. Risk Management

The reporting of the draft Report at this stage is designed to improve scrutiny of the Council's draft accounts and therefore to reduce the risk of material error.

Head of Audit Partnership, Deputy Head of Audit Partnership or Audit Manager

### E. Environment and Sustainability

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

## **F. Community Safety**

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

## **G. Equalities**

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

## **H. Data Protection**

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

## **I. Health and Safety**

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

## **J. Health and Wellbeing**

There are no specific implications.

Jane Fineman, Head of Finance, Procurement & Parking

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Tunbridge Wells Borough Council

# Draft Annual Financial Report for 2020/21

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# Narrative Report

## 1. About Tunbridge Wells

The borough of Tunbridge Wells is set in the High Weald of Kent, around 70% of which is designated as an area of outstanding natural beauty. Of the estimated 118,840 residents, around 55% live in the town of Royal Tunbridge Wells with 45% living in the larger towns of Cranbrook, Paddock Wood and Southborough and the surrounding towns and villages. The borough is bordered by the districts and boroughs of Sevenoaks, Maidstone and Tonbridge and Malling to the north, Ashford to the east, and to the south it borders Wealden and Rother in East Sussex.

## 2. About the Council

The Council is comprised of 48 Councillors, representing 20 wards, with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. Following the May 2019 Borough Elections, the political composition of the Council was:

Conservative	28
Liberal Democrat	9
Labour	4
Tunbridge Wells Alliance	4
Independent	3

Tunbridge Wells Borough Council operates under executive arrangements, also known as the 'Leader and Cabinet' model. The Full Council elects the Leader and the Leader appoints their Cabinet from amongst the members of the Council. The current Leader of the Council is Councillor Alan McDermott.

The Cabinet's three Advisory Boards give back-bench members and the public an opportunity to influence and give advice on decisions to be made by Cabinet. Each Advisory Board will give initial consideration and make recommendations on matters within their respective terms of reference.

### 3. The Statement of Accounts

The Accounts have been prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2020/21. There have been no material changes to the presentation of the Accounts for 2020/21.

In addition to the Narrative Report the Statement of Accounts consists of the following:

#### The Annual Governance Statement

The Annual Governance Statement accompanies the Accounts but is not part of the Accounts. The purpose of the Statement is to assess and demonstrate that there is a sound system of corporate governance throughout the organisation.

#### The Statement of Responsibilities

This sets out the general responsibilities of both the Borough Council, and of the Director of Finance, Policy and Development, in making proper financial arrangements and in maintaining financial records. The Statement is signed when the Accounts are authorised for audit and again following the audit of the Accounts.

#### The Independent Auditor's Report

The Council's independent external auditors provide an independent opinion on whether the financial statements present a 'true and fair view' of the financial position of the Council as at the Balance Sheet date and on its income and expenditure for the year.

#### The Core Financial Statements

The core financial statements consist of the following four statements and associated notes:

- The Comprehensive Income and Expenditure Statement – this shows the accounting cost in the year of providing services in accordance with generally accepted accounting practices, rather than the amount to be funded from taxation. Councils raise taxation to cover expenditure in accordance with regulations, and this may be different from the accounting cost. The taxation position is shown in both the Expenditure and Funding Analysis and the Movement in Reserves Statement.
- The Movement in Reserves Statement – this shows the movement from the start of the year to the end, on the different reserves held by the Council, analysed into 'Usable Reserves' (those that can be applied to fund expenditure or reduce local taxation) and other 'Unusable Reserves'. It shows how the movements in year of the Council's reserves are broken down between gains and losses incurred, in accordance with generally accepted accounting practices and the statutory adjustments required to return to the amounts chargeable to Council tax for the year.

The Net Increase/(Decrease) line shows the statutory General Fund Balance movements in the year following adjustments.

- The Balance Sheet – this shows the value as at the Balance Sheet date of the assets and liabilities recognised by the Council. The net assets of the Council (assets less liabilities) are matched by the reserves held by the Council. Reserves are reported in two categories. The first grouping is of usable reserves, those reserves that the Council may use to provide services, subject to the need to maintain a prudent level of reserves and any statutory limitations on their use (such as the Capital Receipts Reserve being restricted to fund capital expenditure or to repay debt). The second grouping of reserves is those that the Council is not able to use to provide services. This group includes reserves that hold unrealised gains or losses (for example the Revaluation Reserve), where amounts would only become available to provide services if the assets are sold; and reserves that hold timing differences shown in the Movement in Reserves Statement line ‘Adjustments between accounting basis and funding basis under regulations’.
- The Cash Flow Statement – this shows the changes in cash and cash equivalents of the Council during the reporting period. The statement shows how the Council generates and uses cash and cash equivalents by classifying cash flows as operating, investing and financing activities. The amount of net cash flows arising from operating activities is a key indicator of the extent to which the operations of the Council are funded by way of taxation and grant income or from the recipients of the services provided by the Council. Investing activities represent the amount to which cash outflows have been made for resources which are intended to contribute towards the Council’s future service delivery. Cash flows arising from financing activity are useful in predicting claims on future cash flows by providers of capital (borrowing) to the Council.

## The Collection Fund Statement

The Collection Fund is an agent’s statement that reflects the statutory obligation for billing authorities to maintain a separate Collection Fund. The statement shows the transactions of the billing authority in relation to the collection from taxpayers and distribution to local authorities of Council Tax, and distribution to local authorities and the Government of Non-Domestic Rates.

## 4. Service Performance

The Council uses a range of indicators to measure the performance of its strategic objectives (Corporate Priorities), and the day to day running of services (Council Business). Corporate Priority Project performance is assessed through a broad set of criteria including whether the project is still on time, on budget, delivered to the appropriate quality levels and whether there is appropriate resource available to deliver it. These criteria are measured on a monthly basis using a “traffic light” system, and those that are on target are given a green status.

A range of indicators are used to measure Council Business, varying from financial indicators that are used to assess performance on key income streams such as off-street parking, to usage targets, which measure levels of attendance at key discretionary services such as the Assembly Hall Theatre. Targets for these indicators are discussed with Directors and Heads of Service and are set before the start of each new financial year.

The authority also continues to collect information for the Government's Single Data List, and monitors a range of indicators with no targets, that provide a picture of the state of the borough, such as the number of crimes per 1,000 population and unemployment levels.

## 4.1 Corporate Priorities

The Council has focussed on 8 Priority projects from the 5 Year Plan. Progress is reported and monitored monthly at the Council's leadership team and quarterly to Cabinet. The previous reporting system placed importance on immovable milestones which were set up to eighteen months in advance of work taking place. The Council has now moved to a standard project management methodology of reporting, which is more dynamic and responsive to change.

At the start of 2020 the Council completed work on the Public Realm development, and in 2021 has completed work on the Community Hub: Southborough.

The remaining projects in the Five-Year Plan are listed below along with their "Red/Amber/Green" project statuses as reported to Cabinet:

8 Priority Projects	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Provide a new Cultural and Learning Hub in Royal Tunbridge Wells (The Amelia Scott)	Amber	Green	Amber	Amber
Create a new Local Plan for the borough	Green	Green	Green	Green
Create new sports facilities across the borough	Green	Green	Green	Green
Support the development of community centres in the borough:				
- Southborough	Green	Amber	Amber	Completed
- Paddock Wood	Green	Amber	Amber	Amber
- Cranbrook	Amber	Green	Green	Amber
Enhance the public realm in the borough	Completed	Completed	Completed	Completed

## 4.2 Council Business

The performance indicators for Council business are refreshed periodically to ensure they remain up-to-date and relevant for the authority.

The Covid-19 pandemic has significantly impacted on the consistent collection of data for performance measures across 2020/21, with several services being impacted by lockdown measures or social distancing requirements. This has resulted in either 'nil' returns in some quarters, or much lower than expected performance levels.

The Council now reports on 23 performance indicators that have quarterly target measures. Where the performance indicators are directly comparable with previous years, performance has been consistent, but there has been a significant fall in the number of indicators showing as 'on target' compared with previous years, with the challenges of the pandemic clearly having an effect on performance.

The percentage of performance indicators on target are as follows:

Year	On Target
2015/16	76%
2016/17	86%
2017/18	91%
2018/19	86%
2019/20	73%
2020/21	57%

The reduction is mainly due to reduced levels of Council Tax and Business Rates collection, an increase in temporary housing requirements, and difficulties in processing planning applications within statutory timescales (those without extension of time agreements), as it continues to be extremely difficult to fill vacant Planning posts and working from home has impacted on the productivity of this team. It should be noted that all Government Planning indicators have been achieved, but this Council has set ambitious targets over and above those monitored nationally.

## 4.3 Performance Conclusion

It is clear that in 2020/21 the Covid-19 pandemic has had a significant impact on Council performance, affecting both service performance and the ability to deliver projects within the agreed timescales and budgets.

This has been the most challenging time in recent years for Council service delivery with additional burdens being placed on the sector, insecure funding arrangements, and a number



of unforeseeable and unprecedented events taking place that have impacted on delivery across the board.

## 5. Financial Performance

The table below sets out the net revenue expenditure for the year compared to budget:

	Approved Budget	Actual	Variance
	£000	£000	£000
Chief Executive	183	181	(2)
<b>Total Chief Executive</b>	<b>183</b>	<b>181</b>	<b>(2)</b>
Director Finance, Policy and Development	152	172	20
Finance, Procurement & Parking	(2,040)	1,675	3,715
Mid Kent Client Services	1,837	2,394	557
Economic Development	433	341	(92)
Planning	1,009	1,515	506
Policy & Governance	1,316	1,073	(243)
<b>Total Finance, Policy and Development</b>	<b>2,707</b>	<b>7,170</b>	<b>4,463</b>
Director of Change & Communities	134	133	(1)
Human Resources, Customer Service and Culture	1,882	2,281	399
Housing, Health and Environment	5,343	6,340	997
Facilities and Community Hubs	1,246	1,341	95
Digital Services and Communications	791	768	(23)
<b>Total Change &amp; Communities</b>	<b>9,396</b>	<b>10,863</b>	<b>1,467</b>
<b>Total Cost of Services</b>	<b>12,286</b>	<b>18,214</b>	<b>5,928</b>
Parish Council Precepts	2,695	2,695	0
Interest Payable	7	7	0
Interest and Investment Income	(816)	(707)	109
Capital Expenditure from Revenue	36	36	0
Minimum Revenue Provision	290	290	0

## Appendix A

Transfer to (from) Earmarked Reserves	1,801	17,799	15,998
<b>Net Expenditure</b>	<b>16,299</b>	<b>38,334</b>	<b>22,035</b>
General Government Grants	(2,693)	(23,908)	(21,215)
Business Rates from Collection Fund	(2,375)	(3,406)	(1,031)
Council Tax from Collection Fund	(11,231)	(11,231)	0
<b>Balance Transferred (to) from General Fund</b>	<b>0</b>	<b>(211)</b>	<b>(211)</b>

The Directorate Cost of Services actual outturn shows an overspend to the balanced budget of £5,928,000.

Within the Cost of Services, there are some significant positive and negative variances worthy of note. Covid-19 severely affected the Council's income from fees and charges with the major effects on income being:

- Parking income was £3,997,000 below budget and £3,604,000 below the outturn for last year. This was a result of people staying at home due to national restrictions, including those working in the area, shoppers and visitors to the borough. During periods in the year where restrictions were lifted the level of income did not return to pre-pandemic levels.
- The Assembly Hall theatre was required to close for most of the year, only being able to open for a short period in the autumn when restrictions lifted, although due to social distancing the number of tickets that were able to be sold was limited. Income was therefore £1,785,000 below budget and £1,140,000 lower than last year.
- Income for the Ice Rink, that would usually open over the Christmas period, was £304,000 under achieved. This again was due to national restrictions that meant the rink was required to close and, during the period it was able to open, the number of tickets sold were limited due to social distancing requirements.
- Income from charges for Council Tax and Business Rates summonses and liability orders were £298,000 under budget. Costs have not been able to be raised as court hearings have not taken place since the start of the pandemic.
- The Council agreed not to recover the fee for the management of the Council's three sports centres due for 2020/21 which was an amount of £289,000.
- Planning income was £274,000 below budget and £196,000 below the outturn for last year. This was due to a reduction in the number of planning applications received for the year.

Those affecting costs are:

- Savings of £952,000 on staff costs mainly due to vacant posts during the year.
- Costs for running the Assembly Hall Theatre were under budget by £1,344,000 which was mainly due to a reduction in the fees usually paid to promoters. These fees are driven by income and, as explained above, the theatre was closed for most of the year due to the pandemic. A number of other cost savings were made to mitigate the loss to budget from income.

Net interest was £109,000 below budget. The bank interest rate was cut to 0.10% in March 2020 when it became clear that the coronavirus outbreak would pose a huge threat to the economy and has remained at that level to date. The Council's investment in a property development fund has generated net dividends of 4.98%, which has helped to achieve an average overall interest rate of 1.22%. This resulted in interest being £28,000 lower than budget. The remaining £81,000 under achievement to budget was from a reduction in income from the Council's investment property. The existing tenant, which was a restaurant, went into administration following lockdown, however the property was re-let to a new tenant in January 2021.

Net Transfers to Earmarked Reserves of £17,719,000 were made during the year. This included £15,140,000 transferred to the Grant Volatility reserve. The Council received additional Section 31 grant payments as the Government expanded business rates reliefs in response to the pandemic. Due to the required accounting treatment, the additional Section 31 grants are held by the billing authority rather than going through the Collection Fund. A deficit is held on the Collection Fund, which is then recovered from the billing authority over future years. This sum has therefore been transferred into the Grant Volatility reserve to meet the costs of the Council's share of the deficit in the future. It is important to note that this sum is committed and is not available to spend despite being transferred to a usable reserve. Transfers to the reserves were also made to fund revenue and capital investments in the future.

General Government grants show a surplus to budget of £21,215,000. As explained above the Government expanded business rates reliefs in response to the pandemic. The Council is reimbursed for the reliefs granted by Government through the payment of Section 31 grants. The payment of these grants, for the Tunbridge Wells proportion of the Collection Fund, was £14,509,000, which is shown within General Government grants.

The Government has also financially supported Councils through the pandemic in several ways. The Council has been compensated for losses in sales, fees and charges due to the pandemic. The Council had to bear the first 5% of the lost budgeted income and the Government compensated for 75p in every £1 thereafter. Compensation was based on net losses, so where the Council has been able to make costs savings, or has received other compensation, the compensation was based on the residual loss. The Council claimed £4,227,000 under this scheme. The Government also compensated Councils for 75% of irrecoverable losses in Council tax and business rates income. The expected claim for this Council is £1,309,000. The Government provided grants to address the immediate cost pressures of the pandemic and the Council received £1,429,000 during the year.

Business rates transferred from the collection fund were greater than budgeted by £1,031,000. This is due to a surplus held on the collection fund from previous years being paid back to the Council. This is from business rates growth in previous years which the Council is prudent and does not rely on when setting the budget.

The coronavirus pandemic clearly had a major impact and posed a huge financial challenge to the Council. The Council, however, went into the pandemic in a strong position to meet this financial challenge and has managed its finances extremely carefully in order to close the year with a small balance of £211,000 being transferred to the general fund. The challenge that the pandemic has posed is not over and remains a concern for the years ahead. Further

explanation of the Council's response to the pandemic is explained in Section 11 of this narrative report.

## 6. Capital Expenditure

The Council's Capital Programme was approved at the Cabinet meeting of 12 March 2020. A gross budget of £19,479,000 was approved which, in net terms, after allowing for specific funding, the amount to be met from the sale of assets or from the Capital and Revenue Initiative Reserve was £11,809,000. The table below shows how this changed during the year from additional approvals, deletions and reductions, and from spend being rescheduled to and from the next financial year.

	<b>Gross Expenditure</b>	<b>Income and Funding</b>	<b>Net Expenditure</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Original Approved Gross Capital Programme	19,479	(7,670)	11,809
Approvals Added or Increased	6,245	(4,411)	1,834
Approvals Deleted or Reduced	(3,622)	27	(3,595)
Deferred to 2021/22	(10,690)	7,624	(3,066)
Brought Forward from 2021/22	155	(138)	17
<b>Actual Expenditure 2020/21</b>	<b>11,567</b>	<b>(4,568)</b>	<b>6,999</b>

The largest schemes in 2020/21 were The Amelia Scott (£9,430,000), the Royal Victoria Place shopping centre Refurbishment – Phase 1 (£693,000), Disabled Facilities Grants (£660,000) and the Crescent Road Properties (£138,000).

Approvals added or increased include projects that were rescheduled from 2019/20 to 2020/21 (£1,396,000), and new additions added within the year, including the Town Hall refurbishment (£626,000) and the Great Hall Car Park structural works (£580,000).

Projects deferred to 2021/22 include a number of projects that were started in 2020/21 but will continue next year. These include The Amelia Scott (£4,623,000), the Disabled Facility Grants (£1,162,000) and the Acquisition Sites Sport Strategy (£1,083,000).

The Council used a total of £1,037,000 from the sale of assets, as part of a continuing programme to review its asset base and to obtain the best price in the market when sale is appropriate. A £250,000 donation from the Garfield Weston Foundation was also received for The Amelia Scott, via the Amelia Scott Cultural Trust.

## 7. Treasury Management and Pensions

### 7.1 Investments

As at 31 March 2021 the Council had £34.6 million of investments and cash balances, which is broken down into a long term investment of £9 million, which is an investment with a property investment fund, £10 million in a short term notice account and £15.6 million of bank account balances.

The Council achieved an investment return of 1.22% during the year which equated to investment income of £703,000.

### 7.2 Borrowing

The Council borrowed £20 million from the Public Works Loan Board in 2010/11 to fund property purchase within the capital programme. The final £1 million of this loan was repaid in July 2020 and the Council now holds no external borrowing. With reserves largely committed it may be necessary to enter into external borrowing in order to fund new capital schemes in the future.

### 7.3 Cash Flow Summary

The table below summarises the inflows and outflows of cash and cash equivalents:

2019/20		2020/21
£000		£000
(93,833)	Cash Inflows (Income)	(104,879)
87,097	Cash Outflows (Expenditure)	88,015
<b>(6,736)</b>	<b>Net Cashflows from Operating Activities</b>	<b>(16,864)</b>
<b>7,661</b>	<b>Net Cashflows from Investing Activities</b>	<b>(20,114)</b>
<b>(421)</b>	<b>Net Cashflows from Financing Activities</b>	<b>17,829</b>
<b>504</b>	<b>Net (increase) / decrease in cash and cash equivalents</b>	<b>(19,149)</b>

### 7.4 Pensions

The Council is a member of the Local Government Pension Scheme which is administered on behalf of the Council by Kent County Council. The net liability as at 31 March 2021 was £65.680 million, an increase of £7.967 million from the previous year.

The change in the pension fund deficit over the year is dependent on asset returns, corporate bond yields and market expectations of inflation which when taken together has resulted in an increase in the pension fund deficit compared to the previous year. The deficit is measured in line with accounting standards, which, for example, measure the value of the assets held by the Pension Fund according to their market value at 31 March 2021, rather than assessing the likely income over the period in which the benefits will be paid.

The most recent valuation of the Fund was carried out as at 31 March 2019 and set the contributions for the period from 1 April 2020 to 31 March 2023.

## 8. The Balance Sheet

The Balance Sheet shows the value of the Council's assets and liabilities at the end of the year. The net assets of the Council (assets less liabilities) are matched by the reserves held by the Council.

<b>31 March 2020</b>		<b>31 March 2021</b>
<b>£000</b>		<b>£000</b>
116,625	Property, Plant and Equipment	124,286
3,627	Heritage Assets	3,654
1,690	Investment Property	710
12,055	Other Long-Term Assets	14,148
37,946	Money Owed to the Council	37,629
(21,653)	Money Owed by the Council	(26,467)
(61,194)	Long Term Liabilities	(68,752)
<b>89,096</b>	<b>Net Assets</b>	<b>85,208</b>
21,229	Usable Reserves	39,466
67,867	Unusable Reserves	45,742
<b>89,096</b>	<b>Total Reserves</b>	<b>85,208</b>

As explained in Section 5 of this Narrative report an amount of £15,140,000 was transferred to the Grant Volatility reserve during the year from additional Section 31 grant payments received by Government to compensate for the expanded business rates reliefs given to businesses in response to the pandemic. Due to the required accounting treatment, the additional Section 31 grants are held by the billing authority rather than going through the Collection Fund. Instead a deficit is held on the Collection Fund, which is then recovered from the billing authority over future years. The Usable Reserve total therefore includes this

amount, to meet the costs of its share of the deficit in the future. It is important to note that this sum is committed and is not available to spend despite being held in a usable reserve.

## 9. Future Plans

### 9.1 Revenue Budget for 2021/22

The table below summarises budgeted net expenditure on services for 2021/22 compared to 2020/21 and shows how this is funded from government grants and Council tax. The budget for 2020/21 was prepared before the Covid-19 pandemic and although the budgets did not change, the actual outturn varied considerably.

This shows that there is a net amount of £1,935,000 being used from reserves to fund the revenue budget in 2021/22. This comprises a withdrawal of £3,000,000 from reserves which is to be used to temporarily balance the budget, less a transfer of £1,065,000 back into the reserves. The £1,065,000 consists of £860,000 to the Grant Volatility reserve in preparation for the reduction in the New Homes Bonus grant received from Government going forward, £120,000 to the rent advance and deposit reserve, which was set up to fund the schemes for households with a priority need for accommodation, plus smaller transfers totalling £85,000. This policy accords with the Government's advice that Councils should not make drastic budgetary decisions due to the pandemic and should use their reserves instead where necessary.

	<b>Budget 2020/21</b>	<b>Budget 2021/22</b>	<b>Budget Change</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>
Chief Executive	182	182	0
Finance, Policy and Development	2,850	5,510	2,660
Change and Communities	8,622	9,074	452
<b>Net Expenditure on Services</b>	<b>11,654</b>	<b>14,766</b>	<b>3,112</b>
Net Interest Receivable	(784)	(450)	334
Capital Charges	292	290	(2)
<b>Net Expenditure by Council</b>	<b>11,162</b>	<b>14,606</b>	<b>3,444</b>
General Grants and Non-Domestic Rates	(4,354)	(4,171)	183
Council Tax	(8,536)	(8,500)	36
<b>Income from Grants and Council Tax</b>	<b>(12,890)</b>	<b>(12,671)</b>	<b>219</b>

<b>Net contribution to/(withdrawal from) reserves</b>	<b>1,728</b>	<b>(1,935)</b>	<b>(3,663)</b>
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It should be noted that the services expenditure figures above are shown purely on a funding basis and therefore exclude adjustments between accounting and funding bases, as set out in Note 9 to the Statement of Accounts.

The table below shows the main variances in planned services expenditure from 2020/21 to 2021/22.

<b>Reason for Major Variances</b>	
Reduction in Sales, Fees and Charges	1,974
Other Reductions in Income	430
Employee Costs	309
Additional Contracts costs	224
Additional Planned Maintenance & Responsive Repairs	90
Additional Business Rates	85
Decrease in Interest Receivable	334
Decrease in Minimum Revenue Provision	(2)
<b>Difference in Net Expenditure</b>	<b>3,444</b>
Reduction in Government Grants	183
Council Tax increase	36
<b>Difference in Income From Grants and Council Tax</b>	<b>219</b>
<b>Difference in Net Withdrawal from/(contribution to) Earmarked Reserves</b>	<b>(3,663)</b>

Beyond 2021/22 the Council intends to return to its commitment to balance the revenue budget without the use of reserves. Its projections assume that the increase in the basic amount of Council Tax will be £5.00 for a Band D Property in 2022/23 and that fees and charges will rise again by an average of 3% each year.

## 9.2 Capital Programme 2021/22 to 2023/24

At their meeting of 4 February 2021 Cabinet approved a new capital programme covering the years 2021/22 to 2023/24. This was subsequently amended by deferrals from and to 2020/21 and by some additions and deletions to be approved at the meeting of 24 June 2021. The adjusted capital programme is summarised below:



	Reserves	Borrowing	Govt. Grants	Other Grants & Contribs.	Total
	£000	£000	£000	£000	£000
<b>2021/22</b>					
The Amelia Scott	1,468	2,000	0	5,117	8,585
Disabled Facilities Grants	0	0	2,134	21	2,155
Acquisition of Sites Sports Strategy	434	0	0	649	1,083
Great Hall Car Park	0	850	0	0	850
RVP Car Park Refurbishment	830	0	0	0	830
Benhall Mill Depot	800	0	0	0	800
Town Hall	0	588	0	0	588
Crescent Road Properties	0	0	0	377	377
IT Strategy	324	0	0	0	324
Other Schemes	1,606	392	0	735	2,733
<b>Total</b>	<b>5,462</b>	<b>3,830</b>	<b>2,134</b>	<b>6,899</b>	<b>18,325</b>
<b>2022/23 to 2023/24</b>					
Disabled Facilities Grants	0	0	1,648	0	1,648
Other Schemes	60	0	0	0	60
<b>Total</b>	<b>60</b>	<b>0</b>	<b>1,648</b>	<b>0</b>	<b>1,708</b>
<b>Total Programme</b>	<b>5,522</b>	<b>3,830</b>	<b>3,782</b>	<b>6,899</b>	<b>20,033</b>

## 10. Economic Climate

The global pandemic caused by the coronavirus Covid-19 has had an unprecedented impact on the local economy and the Council's financial and staffing resources.

Aside from the impact of the coronavirus, 2020/21 proved to be yet another challenging year as the Council was required to manage with zero revenue support grant. This represents a loss of £4.6 million since 2010. The Council is still relatively financially secure in comparison with other Councils and was able to fund the loss of income due to the pandemic with mitigation measures and government support.

This approach will be repeated for 2021/22 to help support the community and businesses to recover from the pandemic rather than seek to make cuts to services. This will also allow the Council to better understand the fundamental changes to how society lives and works following the pandemic and what this means for the local economy. This is particularly important for this Council which has been financially self-sufficient but more adversely impacted from the loss of income from sales, fees and charges due to the pandemic than areas that rely on relatively fixed local taxation and government financial support.

The Council has a culture of rigorous budget management, investing in digital technology and adapting services to reflect the needs of local residents, and despite the impact from the pandemic and the series of national and local lockdowns a sum of £211,000 was able to be transferred to the general fund reserve.

The economic strategy of encouraging growth to the borough has been impacted by the pandemic but the borough remains well positioned to attract new investment as economic confidence returns and should provide a good source of funding through the retained share of business rate growth. The borough has historically been one of the most economically resilient parts of the country and this has continued to be the case with some of the lowest levels of unemployment in the county and high levels of disposal income amongst residents. An Overview and Scrutiny Task and Finish Group is also looking into the impact of deprivation within the borough.

There is tough competition between primary destination town centres and private sector investors are very selective in choosing where to invest. The local residential market is encouraging despite the pandemic, as purchasers look to relocate to the borough especially from London and Hong Kong. There has been a reduction in commuting and greater working from home which is expected to result in more spend being made locally.

Local developers are reporting good interest in the new major housing schemes. The promotional material produced by the developers that are successfully attracting large numbers of people looking to move into the borough highlight the attractive environment and facilities of the borough (which are nearly all provided or funded as discretionary services by the Council).

The Amelia Scott project is progressing and a cross-party working group was established in October 2019 to look for alternatives of how the Council can address the pressing issues faced by the civic buildings. Council capital schemes give confidence to the private sector and help to incentivise future business rate growth that will provide the proceeds to the Council to fund services and bring growth and prosperity to future generations.

The cost of providing local services in an expensive and busy area such as the borough of Tunbridge Wells, continues to bring its own challenges regarding the ability of the Council and contractors to recruit and retain staff. This is a particular pressure for services where fees are set nationally by the Government, and for the Council results in planning and licensing application fees not covering the Council's costs for processing and determination.

During 2020/21 Council staff have continued to provide existing services from their own homes and worked additional hours to: house the homeless; deliver food parcels; help with test and trace; set up testing centres; and even stepping in for the NHS and arranging the vaccination appointments. In supporting local businesses, the Council put in place a system

to distribute funding to local businesses designed around their needs during this difficult time and distributed around £50 million involving processing around 10,000 applications.

The Council entered the Covid-19 pandemic on a sound financial footing with no long-term debt, cash reserves, a balanced revenue budget and a track record of clean annual audit letters. This provided some capacity to respond to and recover from the pandemic but with the significant reduction to income and relatively fixed expenditure (on a lean base following a decade of austerity) the Council will need to act to rebalance its finances and this was set out in the Section 25 Statement approved by Full Council in February 2021.

## 11. Impact of Covid-19 Pandemic

The Covid 19 lockdown measures began in the UK on the 23 March 2020 and have had a significant impact on the Council and its finances throughout 2020/21. Council services and their delivery methods have been adapted to the varying restrictions and Government have delegated additional responsibilities to Councils to support the management of the pandemic.

The financial impact had the potential to require the Council to use its reserves to fully fund revenue expenditure during the year, however the Government then promised that they would provide financial assistance to help Councils continue to provide their services. Whilst they have not fully covered all losses, they have delivered Covid Grants, Sales, Fees and Charges Compensation for losses, New Burdens Grants for the pandemic related services they required and compensation for Business Rates and Council Tax losses. This, combined with very careful management of revenue expenditure throughout the year, has resulted in this Council being able to fully fund all revenue expenditure without recourse to reserves.

The main Covid-19 considerations for the 2020/21 accounts have been the impact upon the sales, fees and charges, Government grants, Government Business Grants, Collection Fund, property valuations, pension valuations, investment valuations and impairments for doubtful debts.

- Sales, Fees and Charges – The Council underachieved on its budget by £7.8m, due mainly to losses in parking revenue and the closure of the Assembly Hall Theatre. The Government compensation scheme determines that the Council must bear the first 5% of lost budgeted income, but the Government will pay 75p in every £1 thereafter. The Council has therefore received £4.227m in compensation.
- Government Grants – The Government gave the Council £1.4m to address immediate Covid 19 pressures and subsequently gave £0.3m in New Burdens grants, mainly for the administration of the Business Grants.
- Collection Fund - Government agreed to compensate Councils for 75% of their irrecoverable losses in Council tax and business rates income. The Council has been able to claim £102,000 for Council Tax and £1.2m for Business Rates. Recovery rates, especially for Council tax, have been much more stable than anticipated.
- Property valuations - The Council had a proportion of its Property Plant and Equipment valued as at 31st March 2021, including the Royal Victoria Place Shopping Centre and the Investment Property at 33 Monson Road, which were most likely to have had their valuations affected by the pandemic. Whilst last year there was

uncertainty around property value fluctuations, they have mostly held firm and the properties revalued as at 31 March 2021 have, on average, decreased by less than 1%. Last year the Council's valuer declared a "material valuation uncertainty" in their valuation report, but they have removed that declaration for this financial year.

- Pension valuations – Many pension assets were valued on the 31 March, meaning there should be an immaterial impact upon the value of the fund. Last year, the Kent Pension Fund disclosed a 'material valuation uncertainty' in relation to the directly held property and pooled property funds within the assets of the pension fund. This was due to the general uncertainty around the property valuations of the assets caused by the pandemic. This year the fund is confident in its valuations and there is no uncertainty disclosure required.
- Investments and Investment Properties – The bank interest rate was cut to 0.10% in March 2020 when it became clear that the coronavirus outbreak would pose a huge threat to the economy. The Council is now keeping all of its cash either in its current bank account or very short term, partially due to the need to keep cash available to manage the pandemic, but also because the interest rate negotiated on the current account (0.15%), is competitive in the current climate. Whilst budgeted interest rates were 1.81% and actual 1.22%, the availability of extra cash from business grants and the deferment of aspects of the capital program, has meant that investment interest overall was only £25,000 less than budgeted. The Council has a £9 million investment with a property investment fund. The actual market value of the fund is recorded as at the 31 March 2021 and has suffered a small loss of 0.7% (£74,827) over 2020/21. The Council has one investment property, a restaurant, which closed on the 20 March 2020 due to the pandemic and the leaseholder subsequently went into administration. The property was leased again on 22 January 2021, but at a lower premium. The property has been revalued on the basis of the new lease payments at £710,000 (£1,690,000 2019/20).
- Debt Collection and provisions – The Council has £1.3m of outstanding trade accounts debt at 31 March 2021, the majority of which is with other local authorities or companies with sufficient reserves to settle their debts. The outstanding investment property debt has not been written off, as there may be proceeds from the administration process, but it has been fully provided for in the accounts.

## Provision of Services

The Council has been effective in continuing to provide its statutory services throughout the periods of Covid-19 lockdown. Services that are delivered in the community have been adapted to manage social distancing and infection control, whilst administrative functions have all adopted homeworking. The Council was well versed in its business continuity plans, having invested in technology to be able to work remotely, and this permitted staff to successfully provide services from home. The main service changes related to Covid-19 have been:

- Household waste collections continued, but garden waste collection services were suspended from 25 March through to 18 May 2020
- Assembly Hall Theatre closed and shows refunded
- Sports centres and community centres closed

- Gateway closed to all but essential users and new social distancing measures employed
- Meadow Road car park closed periodically, residents permit holders permitted to park in car parks, free parking for NHS workers, suspension of issuing of Penalty Charge Notices except to those parked dangerously or causing an obstruction during lockdowns, electronic payment only in most car parks from 1 June 2020
- Environmental protection ensuring that only businesses permitted to be trading are open and trading safely
- Additional capacity created at the Crematorium, with staff redeployed to provide extra shifts
- Unable to accept cheques and cash as security company not collecting during lockdowns
- Council meetings held online

New services have been established in response to Government initiatives to support the public and local businesses:

- A new community hub was created to provide food parcels and medicines
- A new wellbeing team provided telephone support to those in need
- A grants team has administered the delivery of over £50m of Government business grants
- Re-billing of all small businesses to give business rates relief
- Worked with businesses to formalise business rates payment holidays where necessary
- Signposted businesses to available financial assistance
- A new Business Resilience team has worked to find safe ways to re-open the town centre

The Assembly Hall Theatre, sports centres and community centres have re-opened in May 2021 and other services, like parking, have returned to normal as restrictions have lifted according to the Government's roadmap. The Council will follow Government advice.

## **Council's Workforce**

The Council has furloughed 17 of the Assembly Hall Theatre staff for varying periods throughout the year and has not made any redundancies.

Around 70 staff were redeployed to provide the new services listed above, but have moved back to their substantial roles as the Government has shifted priorities.

The Council has seen lower levels of sickness than usual, having taken steps to protect staff early in the pandemic and ask them to work from home. However, staff have been under considerable pressure managing the volumes of work created by the pandemic and recruitment has been delayed in order to save costs. Staff must be given time to take annual leave and recuperate over the next few months.

## Supply Chains

Government introduced a new Public Procurement Notice which obliged government bodies to support its supply chain financially, should they provide evidence of need. The Council has reviewed the financial position of all core suppliers, but has only needed to provide financial support to Fusion, the Council's leisure services provider. They were given £322,000 of support to reopen leisure centre facilities.

The Council procured Personal Protective Equipment for its frontline staff and the parishes. Agreements with existing suppliers have provided adequate supply.

Key contracts have been constantly reviewed and risks assessed. Where risks of failure have been identified, mitigating action has been taken to protect the core service. An example of such was the waste contract, where social distancing and sickness would have put the core service at risk. The garden waste collection was therefore suspended in order to protect the household waste collection.

## Reserves, Financial Performance and Financial Position

The Council has £39.47m of usable reserves; £4.30m in its General Fund, £3.33m in Capital Receipts, £2.78m in Capital Grants and Contributions and a further £29.06m in Earmarked reserves. The Capital Receipts reserve is mainly allocated to the "The Amelia Scott" project and the Grants and Contributions are already allocated for specific purposes. The Earmarked reserves contain £15.14m of Section 31 Business Rates grants and £0.26m of Council Tax compensation, which will need to be paid over to preceptors and Government over the next 2 years as the spreading of Business Rates and Council Tax deficits, required by this year's Collection Fund accounting regulations, are unwound. The Council's real Usable Reserves are therefore only £24.07m, which is still an increase of £2.84m since March 2020.

There was a real concern at the end of the last financial year, that reserves would need to be used to support the Council's revenue budget during 2020/21. However, through very careful cost management and Government grant support, the Council has managed to fully fund its operations without recourse to reserves. An amount of £211,000 was transferred to the General Fund at the end of the year, being £192,000 from the pension settlement reserve, which has now been closed, plus a small surplus to budget of £19,000.

Covid-19 severely affected the Council's revenue streams and this has continued into 2021/22. Government has pledged to continue providing financial support until the end of June 2021, which is helpful. However, it is not anticipated that the economy will have fully recovered by July and there may still be shortfalls to the Sales, Fees and Charges budgets thereafter. The Council continues to manage its expenditure very tightly, but reserves may be needed to fund operations for 2021/22. Whilst the Earmarked reserves have been allocated for particular projects or contingencies, not all have been contractually committed. There is £10.11m, including the balance in the General Fund, that could be reallocated to support the core activities of the Council should it be needed.

Using Council reserves to support revenue would have an impact upon some of the smaller projects on the capital programme, but more importantly, would suspend some more ambitious projects aimed at providing service enhancements and revenue generation

opportunities. It may be possible to borrow to finance these projects in the future, but this would be dependent upon the Council's ability to pay the financing costs.

## Cash Flow Management

Cash flow has been closely monitored since the pandemic lockdown began. The Council now holds its reserves in its current account or in very short term investments and benefits from positive creditor cash flows. At present there is little benefit to the Council investing longer term due to the minimal interest rates on offer.

The Government has provided cashflow support for the Business Rates Reliefs they have awarded and the Council has been given millions of pounds upfront to distribute as Business Grants. In the short term, the Council has more than sufficient cash to continue providing services at the existing levels.

## Major Risks to the Authority

The Council managed the financial effects of the Covid-19 pandemic very successfully in 2020/21, however, this was with the support of Government grants for Sales, Fees and Charges and general pandemic costs. These grants are still available to the end of June 2021, but unless the economy has sufficiently recovered, there is still a risk to Sales, Fees and Charges, Business Rates and Council Tax income. This Council has a long history of managing its costs to balance its budget and has done so again in this financial year. It will be cautious moving into 2021/22, but does have available reserves that can be utilised, should the economy take longer to recover.

It is now recognised that there may be long term changes to behaviour which could affect high street businesses, the amount of time people spend working in offices and the services required of the Council from their residents. This will impact both income and costs as services are adapted to meet the post Covid normal.

These changing patterns of behaviour are being monitored closely and, of course, are dependent upon the achievement of the Government's roadmap out of the pandemic. If the pandemic persists or worsens again, and the economy regresses, then the Council's revenue budget will become unsustainable. The Council will, regardless, need to consider its levels of service and whether it needs to reformulate its capital programme, due to the residual effects of the pandemic.

## Plans for Recovery

The Council is responding to Government advice regarding the lifting of the lockdown restrictions. They are working with the business community to ensure the safety of shoppers and workers and to ensure that the local economy can open once more.

Government have financed many businesses through this period, with grants to help cover overhead costs and payments to cover the salaries of furloughed staff. The Council has also had a discretionary grants facility, which it has used to protect other small and medium sized

businesses from financial hardship. The aim is that the local economy will open up again fully in the near future.

The Council has also received financial support from the government, which has certainly helped through the height of the pandemic. However, the Council is now watching the progress of the economy carefully and monitoring the behaviours of its residents to inform a review of service levels and whether the approved capital programme is still fit for purpose. It is uncertain as to how long this process will take as it is dependent upon the effects of the pandemic and speed with which economic recovery can take place.

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# Annual Governance Statement

## Scope of Responsibility

For Tunbridge Wells Borough Council our governance framework comprises the policies, plans, processes, culture, and values we have in place to ensure that we define and deliver our intended results. This is our 'system of internal control'. To deliver good governance, we must achieve our results while also acting in the public interest.

The Council has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework: 'Good Governance in Local Government'. We must conduct a review, at least once a year, of the effectiveness of our system of internal control and report our findings in an annual governance statement. We must prepare the statement in line with proper practices and report it to a committee of Councillors. This is our Annual Governance Statement for 2020/21 which meets the requirements of the Accounts and Audit Regulations 2015, regulation 6(1) which requires an authority to conduct a review of the effectiveness of its system of internal control and prepare an annual governance statement.

## Context and our ambitions

Our vision is to encourage investment and sustainable growth, and to enhance quality of life for all. We work towards this vision by highlighting twelve corporate priorities from our Five Year Plan, but focusing especially on the three under Our Borough:

### Our Borough

- To support a **prosperous** borough
- To support a **well** borough
- To support an **inclusive** borough

### Our Services

- To provide **digital** choice
- To provide **quality** services
- To provide **responsive** services

### Our People

- To have effective **leadership**
- To have relevant **skills**
- To have high levels of **wellbeing**

## Providing Value

- To ensure **innovation** in our services
- To ensure effective **partnership** working
- To ensure we work in a **business-like** way

You can read more on our corporate priorities in our Five-Year Plan 2017-2022 on our website. The current Five-Year Plan runs until 2022 but is currently being updated with a view to consult on the new proposed priorities at the end of 2021. Two new projects have been formally agreed to be included in the Five-Year plan. These are:

- Reviewing the future of the Town Hall
- Reviewing the future of the Assembly Hall Theatre

The Amelia Scott project is progressing and a cross-party working group was established in October 2019 to look for alternatives of how the Council can address the pressing issues faced by the civic buildings.

In July 2019 Full Council declared a climate emergency. A climate cross-party task force has been established and a dedicated report is due with actions to make the Borough carbon neutral by 2030.

## The Governance Framework

We design our governance to ensure that we take a fitting and proportionate approach to managing risk while ensuring we deliver our results. These arrangements cannot remove risks but rather provide a reasonable degree of assurance of our effectiveness.

The governance framework has been in place at Tunbridge Wells Borough Council during the year ended 31 March 2021 and up to the date of approval of the Financial Report (Following the Covid-19 Pandemic temporary governance arrangements were agreed with the Group Leaders and these continues to be reviewed).

We also have specific parts within the framework, including:

- The committees, boards and panels we have set up to ensure democratic engagement and accountability are central to our decision-making;
- Our arrangements for the oversight and scrutiny of decisions and policy development by Councillors;
- Delegations through our constitution which document the roles and responsibilities of executive and non-executive Councillors and our statutory (and other senior) officers;
- Our risk management arrangements that help us mitigate threats and make the most of opportunities which present themselves;

- Our performance, safeguarding and accountability arrangements that help us analyse and act on performance information as a means of improving services and delivering better results for our residents;
- A high performing and independent Internal Audit service, well regarded by our External Auditors and working in full conformance with the Public Sector Internal Audit Standards;
- Independent oversight and challenge provided by our External Auditors, Government Inspectorates and the Local Government Ombudsman;
- Our procedure rules and internal management of:
  - Financial management and control
  - Commissioning and procurement
  - Information governance and data security
  - Health and safety
  - Complaints handling
  - Whistleblowing and Anti-fraud and corruption

### **Review of effectiveness**

We have a statutory responsibility for conducting, at least yearly, a review of the effectiveness of our governance arrangements. That review should ensure we have a sound system of governance which supports our continuous improvement in how we work. As part of this review, we consider a combination of economy, efficiency and effectiveness.

We have a continuous review approach. We consider decisions taken and considered by the Council and its committees, the Management Board, the work of the Audit & Governance Committee, internal auditors, service managers and work undertaken by external auditors and inspectorates. This Annual Governance Statement draws on that work and presents a conclusion in relation to our governance arrangements.

### **Behave lawfully, with integrity and in the public interest and demonstrating this through our conduct and behaviour**

The Council has adopted a Code of Corporate Governance prepared in line with the principles outlined in the 2007 edition of the CIPFA/SOLACE: 'Delivering Good Governance in Local Government'. We recognise the need to update this Code, but it remains consistent with the 2016 principles. The Council has also adopted codes of conduct for members and officers. We have provided training on the various codes supplemented with written guidance and member briefings. Officers and members must declare interests that may impact on the Council's decision-making. In those circumstances where Members or Officers have a financial or other significant interest they withdraw from decision-making. The Monitoring

Officer holds these interests on a register subject to regular review. We also publish the register of Member Interests on the Council's website.

The Monitoring Officer and the Audit & Governance Committee keep the Council's Constitution under review. Changes come through the Constitutional Review Working Party (CRWP) and the working party have met when required. The most recent review concerned the Code of Conduct Complaints Handling Process with the report considered by the Audit & Governance Committee in July 2020.

All members and officers are under a duty to ensure that they comply with the relevant laws, regulations, internal policies and procedures, and that spending is lawful. Means are in place to ensure compliance including a scheme of delegation, authorisations, and an active Internal Audit service. We preserve awareness through regular briefings and information posted on the intranet as well as a comprehensive induction programme for Councillors and staff.

The Council keeps a Confidential Reporting Code (also known as a Whistle-Blowing Charter) attached to the Council's Constitution. The Council wants all its officers and members to be part of the drive towards exemplary standards in public life. The policy aims to promote a culture of honesty and openness, and to reassure anyone who worries about their position if they speak up. The Code includes a promise from senior officers to treat seriously claims made in good faith. It promises to look into claims and report results to the complainant. The Code also states no one will suffer any disciplinary action from a complaint made in good faith.

We have received no reports through the Whistleblowing Charter during 2020/21.

The Council's Standards Arrangements assign the works of the Standards Committee to the Audit & Governance Committee. This Committee helps the Council in assuring its overall governance. The Committee includes independent members who have been effective in providing challenge on various governance issues. The Audit & Governance Committee have produced annual reports which provide further details of their work.

## **Ensuring openness and comprehensive stakeholder engagement**

The Council has a good record of being transparent about spending public money. For many years the Council has made public, details of senior officers' salaries within the published Statement of Accounts. As part of the annual audit the public can seek further information on the various vouchers which support our figures.

The Council also places a notice every year in the local press showing the allowances and expenses paid to every member of the Council.

The Council has been at the forefront of making it even easier to see where it spends taxpayers' money. We hope that such wide publication of information will turn the tide on the number of freedom of information requests from the media and activists which continue to demand significant administration time.

## **Defining outcomes in terms of sustainable economic, social and environmental benefits**

In September 2017 the Council agreed our Five Year Plan. The 'Strategic Compass' aligns with the Council's Five Year Plan, setting out our corporate commitments to staff and elected members. The 'Strategic Compass' adopts a balanced scorecard approach and encapsulates all priorities for the community, residents and customers, staff and providing value for money.

The Council integrates its approach to strategic, financial and service planning. We developed the corporate Five Year Plan in parallel with the Medium Term Financial Strategy update and the Strategic Compass. The Cabinet (and other committees of the Council) receive quarterly reports on the progress made against our Plan as well as performance on key performance measures, finances and governance. The Council's management team considers various metrics on performance, finance, customer care and sickness absence each quarter.

There will need to be a fundamental review of the Council's Five Year Plan and Medium Term Financial Strategy in-light of the Covid-19 pandemic for approval by April 2022.

## **Determining the intervention necessary to optimise the achievement of intended outcomes**

The Council's Constitution sets out how the Council works. It outlines how we take decisions and the procedures we follow to ensure that these are efficient, transparent and accountable to local people. We continually review the Constitution to ensure its effectiveness. The most recent version of the Council's Constitution is on the Council's website at:

<http://www.tunbridgewells.gov.uk/Council/Councillors-and-meetings/how-the-Council-works/Council-constitution>

Under the Constitution, the whole Council controls our policy and budget.

The Council's Cabinet is responsible for shaping and ensuring the delivery of the Council's day-to-day services within the boundaries of the Five-Year Plan and Budget. We publish a Forward Plan of Key Decisions to enable their consideration by other elected members, stakeholders and the public. Cabinet meets regularly in public. Further details of individual Cabinet members and Cabinet as a whole (including links to agendas and minutes) is on our website:

<http://www.tunbridgewells.gov.uk/Council/Councillors-and-meetings/how-the-Council-works>

The Council's Overview and Scrutiny work falls to its Overview and Scrutiny Committee. The committee undertakes special policy reviews, and through 'call-in' challenges the decisions made by Cabinet.

Further details of the membership and work of this committee can be found on the website:

<http://democracy.tunbridgewells.gov.uk/mgCommitteeDetails.aspx?ID=359>

Our Governance arrangements include three Cabinet Advisory Boards whose role is to help develop Cabinet key decisions and to help develop the policy recommended to Council. Full details of the governance arrangements are on our website:

<http://democracy.tunbridgewells.gov.uk/ieListDocuments.aspx?CId=134&MIId=1506&Ver=4>

## **Developing the entity's capacity, including the capability of its leadership and the individuals within it**

The Council seeks to identify and fulfil the learning and development needs of members and officers. We identify officer training needs through annual appraisals, six-monthly review and continuing management oversight. We have a corporate training budget and training calendar to meet identified development needs.

## **Managing risks and performance through control and strong public financial management**

The Council has a Risk Management Strategy providing a comprehensive approach for identifying, evaluating and managing risk. The strategy sets out the role of members and identifies the Chief Executive as responsible for leading the Council's risk management with specific responsibilities falling to risk owners.

Cabinet and senior managers regularly review the strategic risks, and developed action plans to manage those risks. The Strategic Risk Register focuses on those areas which present the greatest risk to the Council not achieving its objectives and Strategic Plan.

The Risk Register is subject to periodic reviews by the Council's Management Board, with risk owners invited to attend the Audit and Governance Committee throughout the year.

We recognised the opportunity to improve our performance management processes by renewing our approach to service planning. This will help us to ensure consistency and shared focus in pursuing the Council's Strategic Objectives and tracking progress towards their delivery.

In January 2019 Management Board approved a refreshed framework guiding our services in identification and management of operational risk. We launched this framework in February 2019 alongside the renewed service planning approach.

# Implementing good practices in transparency, reporting and audit to deliver effective accountability

## Internal Audit Opinion

The Head of Internal Audit will present the annual report and opinion to the Audit and Governance Committee on 27 July 2021. The specific extract of the report which includes the opinion reads:

### Internal Control

I am satisfied that during the year ended 31 March 2021 the Council managed a system of internal control that offers sound assurance on control effectiveness.

### Governance

I am satisfied the Council's corporate governance arrangements for the year ended 31 March 2021 comply in all material respects with guidance on proper practices. Proper Practices are defined by CIPFA/SOLACE and set out in the Delivering Good Governance in Local Government Framework 2016.

### Risk Management

I am satisfied the risk management arrangements at the Council for the year ended 31 March 2021 are effective and provide sound assurance.

## Assessment of Internal Audit

In line with the demands of the Public Sector Internal Audit Standards the Internal Audit service received a review from a qualified, independent assessor from outside the organisation. This external review is required every five years and was due in 2020.

The Internal Audit Service commissioned CIPFA to undertake the assessment in early 2020. CIPFA's conclusion was that Mid Kent Audit "*Fully Conforms*" with the Standards and the accompanying Local Government Application Note. This puts Mid Kent Audit in the rare position of having received "*Fully Conforms*" assessments from both major professional bodies relevant to local government internal audit, having received the same result from the Institute of Internal Audit in 2015.

## Future appointment of external auditors

In December 2016 our Full Council agreed to opt into the Local Government Association set up sector-led body (PSAA) for appointing external auditors. PSAA completed its procurement

in late 2017 and confirmed Grant Thornton will continue as the Council's external auditors after 2017/18. This arrangement continues until at least 2022/23.

## Other review and assurance

The Council has various other review and assurance sources which, between them, contribute to the overall effectiveness of the Council's control environment. These include:

- The Council, Cabinet and committees advised by the Council's Management Board;
- Corporate Asset issues come before a Development Advisory Panel to ensure the Council adopts a comprehensive approach to buying, maintaining, reviewing and disposing of property and assets;
- Human Resources oversees the Council's overall approach to effective people management, including regular appraisals and providing relevant training and development;
- A standardised approach to project management with extra resources put into key projects to ensure satisfactory management and delivery to time, cost and quality;
- The Council works with Maidstone and Swale Councils to look at opportunities for partnership working, but has an open attitude to working with anyone that can improve value for money. In this partnership, services undergo external review, satisfaction surveys and benchmarking, plus examining service processes to assess value for money.

In the summer of 2016, the Council developed plans with the Local Government Association (LGA) to volunteer to have a peer challenge to help improve performance and learning from others within the sector. The three day on-site assessment reviewed the following areas;

- Understanding of the local place and priority setting
- Leadership of place
- Financial planning and viability
- Organisational leadership and governance; and
- Capacity to deliver

The Cabinet received the overall positive findings from the LGA Peer Challenge in March 2017.

<https://democracy.tunbridgewells.gov.uk/documents/s31249/9a%20LGA%20Corporate%20Peer%20Challenge%20-%20Appendix%20A%20-%20Feedback%20Report.pdf>

In January 2019 the LGA Peer Review team undertook a follow-up visit. The follow up letter is a very positive assessment of the progress that the Council has made since the initial LGA Peer Review in 2016. Cabinet considered the findings of the follow-up review at their meeting on 11 April 2019. The follow-up letter makes clear that the Council has performed well against the recommendations set in 2016 and made a number of positive comments including:



- The Council has good governance at the heart of which is good officer/member relationships and good support for Councillors.

The follow-up letter also outlines some areas for further attention including:

- Building a complete picture of how the Council's growth projects help tackle social challenges and then communicate that to a wide range of audiences.

## Significant governance issues

In March 2020, in accordance with the Civil Contingences Act 2004 the Council declared a business continuity emergency in response to the coronavirus pandemic. Much of the time since then has been focused on ensuring that Council services can continue to be delivered, assisting local residents – and the voluntary and community organisations that support them, and supporting local businesses cope with the various restrictions on how they do business and in the reopening of the local economy. The Council has also supported local Primary Care Networks with the roll-out of the vaccine. Whilst, at the time of writing this statement, the prevalence and spread of the virus have reduced significantly, it is likely that issues associated with the pandemic will affect us for some time to come and there remains a risk of further 'waves' of infection associated with new variants of concern. The Council is an active participant in the Kent Resilience Forum (KRF), which comprises emergency responders and specific supporting agencies.

At the time of writing, the Government has set out a road map to ease the restrictions following the success of the vaccination programme, it is clear that the legacy of the pandemic will be far reaching for the community and the role of the Council in how society and the economy recovers and functions in the future. It will certainly impact on the Council's finances and has the potential to impact on how it operates.

Whilst this Statement relates to the Financial Year 2020/21, at the time of writing Local Council elections had left the Council in No Overall Control politically with the Leading Group holding 24 seats and the opposition parties 13, five and five with one independent Councillor. Looking forward, the Council will need to adjust its political and operating structures to reflect this situation. This Council is one of only two out of the 12 districts in Kent that elects in thirds, and there are further local elections planned in May 2022.

## Assurance conclusion

Good governance is about working properly. It is how the Council shows it takes decisions for the good of its residents, in a fair, equitable and open way. It also demands standards of behaviour that support good decision-making; collective and individual integrity, openness and honesty. It is the foundation for the delivery of good quality services that meet all local people's needs. It is fundamental to showing public money is well spent. Without good governance Councils will struggle to improve services.

From the review, assessment and continuing monitoring work undertaken and supported by the work of Internal Audit, we have decided that, overall, key systems work soundly with no fundamental control weaknesses.

We can confirm, to the best of our knowledge and belief, having made proper enquiries, that this statement provides an accurate and fair view.

Signed:



**Cllr Alan McDermott**  
**Leader of the Council**



**William Benson**  
**Chief Executive**  
On behalf of Tunbridge Wells Borough Council

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# Statement of Responsibilities

## Statement of Responsibilities for the Statement of Accounts

### The Borough Council's Responsibilities

The Council is required to:

- make arrangements for the proper administration of its financial affairs and to ensure that one of its officers has the responsibility for the administration of those affairs. In this Council, that officer is the Director of Finance, Policy and Development.
- manage its affairs to secure economic, efficient and effective use of resources and to safeguard its assets.
- approve the Statement of Accounts

### The Responsibilities of the Director of Finance, Policy and Development

The Director of Finance, Policy and Development is responsible for the preparation of the Council's Statement of Accounts in accordance with proper practices as set out in the CIPFA/LASAAC Code of Practice on Local Council Accounting in the United Kingdom (the Code).

In preparing this Statement of Accounts the Director of Finance, Policy and Development has:

- selected suitable accounting policies and then applied them consistently
- made judgements and estimates that were reasonable and prudent
- complied with the local authority code

The Director of Finance, Policy and Development has also:

- kept proper accounting records which were up to date
- taken reasonable steps for the prevention and detection of fraud and other irregularities

By signing the Statement of Accounts, the Director of Finance, Policy and Development is stating that the accounts present a true and fair view of the financial position of the authority as at 31 March 2021 and its expenditure and income for the year ended 31 March 2021.

Signed:



L M Colyer FCPFA

Director of Finance, Policy and Development

21 June 2021

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# Independent Auditor's Report

## Independent Auditor's Report to the Members of Tunbridge Wells Borough Council

To be added after audit

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# Financial Statements

## Comprehensive Income and Expenditure Statement

2019/20	2019/20	2019/20		2020/21	2020/21	2020/21
Expend	Income	Net		Expend	Income	Net
£000	£000	£000		£000	£000	£000
198	0	198	Chief Executive	202	0	202
46,074	(38,943)	7,131	Finance, Policy and Development	45,157	(33,694)	11,463
4,442	0	4,442	Calverley Square Reversal of 2018/19 Capital	0	0	0
0	0	0	Covid-19 Business Grants	4,032	(4,032)	0
24,105	(11,164)	12,941	Change and Communities	21,853	(8,455)	13,398
<b>74,819</b>	<b>(50,107)</b>	<b>24,712</b>	<b>Cost of Services</b>	<b>71,244</b>	<b>(46,181)</b>	<b>25,063</b>
0	(930)	(930)	(Gain)/Loss on Disposal of Non-Current Assets	0	(410)	(410)
2,533	0	2,533	Parish Council Precepts	2,695	0	2,695
56	0	56	Pension Administration Expenses	75	0	75
<b>2,589</b>	<b>(930)</b>	<b>1,659</b>	<b>Other Operating Expenditure</b>	<b>2,770</b>	<b>(410)</b>	<b>2,360</b>
439	0	439	Interest Payable	82	0	82
0	(959)	(959)	Interest and Investment Income	0	(707)	(707)
1,279	0	1,279	Pensions Interest Expense and Income	1,326	0	1,326
<b>1,718</b>	<b>(959)</b>	<b>759</b>	<b>Financing and Investment Income and Expenditure</b>	<b>1,408</b>	<b>(707)</b>	<b>701</b>
0	(5,006)	(5,006)	Government Grants and Contributions	0	(23,908)	(23,908)
0	(1,006)	(1,006)	Capital Grants and Contributions	0	(4,767)	(4,767)

## Appendix A

0	(10,653)	(10,653)	Council Tax Receivable	0	(11,068)	(11,068)
18,803	(20,687)	(1,884)	Business Rates Retained Income	19,103	(7,444)	11,659
<b>18,803</b>	<b>(37,352)</b>	<b>(18,549)</b>	<b>Taxation and Non-Specific Grant Income</b>	<b>19,103</b>	<b>(47,187)</b>	<b>(28,084)</b>
		<b>8,581</b>	<b>(Surplus) or Deficit on Provision of Services</b>			<b>40</b>
		(3,089)	Surplus on revaluation of non-current assets			(2,176)
		1,393	Impairment losses on non-current assets charged to Revaluation Reserve			210
		359	Re-measurement of defined benefit liability			5,814
		<b>(1,337)</b>	<b>Other Comprehensive Income and Expenditure</b>			<b>3,848</b>
		<b>7,244</b>	<b>Total Comprehensive Income and Expenditure</b>			<b>3,888</b>

# Movement in Reserves Statement

## Movement in Reserves 2020/21

	General Fund	Capital Grants & Contribs	Capital Receipts	Total Usable Reserves	Unusable Reserves	Total Reserves
	£000	£000	£000	£000	£000	£000
<b>Balance as at 31 March 2020</b>	<b>15,351</b>	<b>1,802</b>	<b>4,076</b>	<b>21,229</b>	<b>67,867</b>	<b>89,096</b>
Surplus or (deficit) on provision of services (accounting basis)	(40)	0	0	(40)	0	(40)
Other Comprehensive Expenditure and Income	0	0	0	0	(3,848)	(3,848)
<b>Total Other Comprehensive Expenditure and Income</b>	<b>(40)</b>	<b>0</b>	<b>0</b>	<b>(40)</b>	<b>(3,848)</b>	<b>(3,888)</b>
Adjustments between accounting and funding basis under regulation	18,050	979	(752)	<b>18,277</b>	(18,277)	<b>0</b>
<b>Net Increase / (Decrease) in Year</b>	<b>18,010</b>	<b>979</b>	<b>(752)</b>	<b>18,237</b>	<b>(22,125)</b>	<b>(3,888)</b>
<b>Balance as at 31 March 2021</b>	<b>33,361</b>	<b>2,781</b>	<b>3,324</b>	<b>39,466</b>	<b>45,742</b>	<b>85,208</b>



## Movement in Reserves 2019/20

	General Fund	Capital Grants & Contribs	Capital Receipts	Total Usable Reserves	Unusable Reserves	Total Reserves
	£000	£000	£000	£000	£000	£000
<b>Balance as at 31 March 2019</b>	<b>19,678</b>	<b>1,156</b>	<b>3,579</b>	<b>24,413</b>	<b>71,927</b>	<b>96,340</b>
Surplus or (deficit) on provision of services (accounting basis)	(8,581)	0	0	(8,581)	0	(8,581)
Other Comprehensive Expenditure and Income	0	0	0	0	1,337	1,337
<b>Total Other Comprehensive Expenditure and Income</b>	<b>(8,581)</b>	<b>0</b>	<b>0</b>	<b>(8,581)</b>	<b>1,337</b>	<b>(7,244)</b>
Adjustments between accounting and funding basis under regulation	4,254	646	497	5,397	(5,397)	0
<b>Net Increase / (Decrease) in Year</b>	<b>(4,327)</b>	<b>646</b>	<b>497</b>	<b>(3,184)</b>	<b>(4,060)</b>	<b>(7,244)</b>
<b>Balance as at 31 March 2020</b>	<b>15,351</b>	<b>1,802</b>	<b>4,076</b>	<b>21,229</b>	<b>67,867</b>	<b>89,096</b>

## The Balance Sheet

31 March 2020	Note		31 March 2021
£000			£000
116,625	12	Property, Plant and Equipment	124,286
3,627	13	Heritage Assets	3,654
1,690	14	Investment Property	710
1,079		Intangible Assets	1,035
10,488	16	Long Term Investments	10,413
488	17	Long Term Debtors	2,700
<b>133,997</b>		<b>Long Term Assets</b>	<b>142,798</b>
19,671	16	Short Term Investments	106
156		Inventories	116
10,108	17	Short Term Debtors	11,263
6,835	16	Cash and Cash Equivalents	25,984
1,176	15	Assets Held for Sale	160
<b>37,946</b>		<b>Current Assets</b>	<b>37,629</b>
(1,005)	16	Short Term Borrowing	0
(16,533)	18	Short Term Creditors	(21,301)
(3,445)	18	Short Term Provisions	(4,106)
(670)	19	Capital Grants Receipts in Advance	(1,060)
<b>(21,653)</b>		<b>Current Liabilities</b>	<b>(26,467)</b>
(137)	18	Long Term Creditors	(13)
(57,713)	21	Long Term Pension Liability	(65,680)
(3,344)	19	Capital Grants Receipts in Advance	(3,059)
<b>(61,194)</b>		<b>Long Term Liabilities</b>	<b>(68,752)</b>
<b>89,096</b>		<b>Net Assets</b>	<b>85,208</b>

## Appendix A

31 March 2020	Note		31 March 2021
£000			£000
21,229	10	<b>Usable Reserves</b>	39,466
67,867	10	<b>Unusable Reserves</b>	45,742
<b>89,096</b>		<b>Total Reserves</b>	<b>85,208</b>



L M Colyer FCPFA

Director of Finance, Policy and Development

21 June 2021

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## The Cash Flow Statement

2019/20		2020/21
£000		£000
(32,137)	Taxation	(17,249)
(39,523)	Grants	(73,509)
(17,910)	Sale of goods and rendering of services	(10,436)
(953)	Interest received	(856)
(3,310)	Other receipts from operating activities	(2,829)
<b>(93,833)</b>	<b>Cash inflows generated from operating activities</b>	<b>(104,879)</b>
12,833	Employees	12,962
28,034	Housing Benefit paid out	27,059
18,881	National Non-Domestic Rates tariff and levies	19,107
2,786	Precepts paid	2,953
21,234	Cash paid to suppliers of goods and services	20,109
60	Interest paid	12
3,269	Other payments for operating activities	5,813
<b>87,097</b>	<b>Cash outflows generated from operating activities</b>	<b>88,015</b>
<b>(6,736)</b>	<b>Net cash flows from operating activities</b>	<b>(16,864)</b>
2,583	Purchase of property, plant and equipment, investment property and intangible assets	10,416
32,500	Purchase of short-term and long-term investments	0
(2,610)	Proceeds from the sale of property, plant and equipment, investment property and intangible assets	(6,158)
(21,000)	Proceeds from sale of short-term and long-term investments	(19,500)
(3,812)	Grants and contributions to non-current assets	(4,872)
<b>7,661</b>	<b>Net cashflows from investing activities</b>	<b>(20,114)</b>
2,000	Repayments of short-term and long-term borrowing	1,000
308	Changes in Council Tax balances held for preceptors	681
(2,729)	Changes in Business Rates balances held for Central Government	16,148

## Appendix A

<b>(421)</b>	<b>Net cashflows from financing activities</b>	<b>17,829</b>
<b>504</b>	<b>Net (increase) / decrease in cash and cash equivalents</b>	<b>(19,149)</b>

7,339	Cash and Cash Equivalents as at 1 April	6,835
6,835	Cash and Cash Equivalents as at 31 March	25,984
<b>504</b>	<b>Net (increase) / decrease in cash and cash equivalents</b>	<b>(19,149)</b>

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# Notes to the Financial Statements

## 1. Expenditure and Funding Analysis

The Expenditure and Funding Analysis demonstrates to the tax payers how the funding available to the Council (government grants, rents, Council tax, and business rates) for the year has been used in providing services in comparison with those resources consumed or earned by Councils in accordance with generally accepted accounting practices. The Expenditure and Funding Analysis also shows how this expenditure is allocated for decision making purposes between the Council's Directorates. Income and expenditure accounted for under generally accepted accounting practices is presented more fully in the Comprehensive Income and Expenditure Statement.

	<b>Net Expenditure Chargeable to General Fund Balances</b>	<b>Adjustments between Funding and Accounting Basis</b>	<b>Net Expenditure in the Comprehensive Income and Expenditure Statement</b>
<b>2020/21</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Chief Executive	181	21	202
Finance, Policy and Development	7,170	4,293	11,463
Change and Communities	10,863	2,535	13,398
<b>Net Cost of Services</b>	<b>18,214</b>	<b>6,849</b>	<b>25,063</b>
Other Operating Expenditure	3,021	(661)	2,360
Financing and Investment Income	(700)	1,401	701
Taxation and Non-Specific Grant Income	(38,545)	10,461	(28,084)
<b>(Surplus) or Deficit</b>	<b>(18,010)</b>	<b>18,050</b>	<b>40</b>
Opening General Fund Balance at 1 April 2020	(15,351)		
(Surplus) or Deficit on General Fund	(18,010)		
<b>Closing General Fund Balance at 31 March 2021</b>	<b>(33,361)</b>		

## Appendix A

	Net Expenditure Chargeable to General Fund Balances	Adjustments between Funding and Accounting Basis	Net Expenditure in the Comprehensive Income and Expenditure Statement
<b>2019/20</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Chief Executive	171	27	198
Finance, Policy and Development	8,734	2,839	11,573
Change and Communities	9,768	3,173	12,941
<b>Net Cost of Services</b>	<b>18,673</b>	<b>6,039</b>	<b>24,712</b>
Other Operating Expenditure	3,230	(1,571)	1,659
Financing and Investment Income	(908)	1,667	759
Taxation and Non-Specific Grant Income	(16,668)	(1,881)	(18,549)
<b>(Surplus) or Deficit</b>	<b>4,327</b>	<b>4,254</b>	<b>8,581</b>
Opening General Fund Balance at 1 April 2019	(19,678)		
(Surplus) or Deficit on General Fund	4,327		
<b>Closing General Fund Balance at 31 March 2020</b>	<b>(15,351)</b>		

## 2. Note to the Expenditure and Funding Analysis

This note details the main adjustments from Net Expenditure Chargeable to the General Fund Balance to arrive at the amounts in the Comprehensive Income and Expenditure Statement.

	Adjustments for Capital Purposes	Net Change for Pensions Adjustments	Other Differences	Total Adjustments
<b>2020/21</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Chief Executive	0	22	(1)	21
Finance, Policy and	4,337	(189)	145	4,293

## Appendix A

Development				
Change and Communities	1,689	907	(61)	2,535
<b>Net Cost of Services</b>	<b>6,026</b>	<b>740</b>	<b>83</b>	<b>6,849</b>
Other Operating Expenditure	(446)	75	(290)	(661)
Financing and Investment Income	0	1,326	75	1,401
Taxation and Non-Specific Grant Income	(4,768)	0	15,229	10,461
<b>Difference between General Fund Surplus / Deficit and CIES Surplus / Deficit</b>	<b>812</b>	<b>2,141</b>	<b>15,097</b>	<b>18,050</b>

	Adjustments for Capital Purposes	Net Change for Pensions Adjustments	Other Differences	Total Adjustments
<b>2019/20</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
Chief Executive	0	28	(1)	27
Finance, Policy and Development	2,231	398	210	2,839
Change and Communities	2,125	1,110	(62)	3,173
<b>Net Cost of Services</b>	<b>4,356</b>	<b>1,536</b>	<b>147</b>	<b>6,039</b>
Other Operating Expenditure	(1,403)	56	(224)	(1,571)
Financing and Investment Income	0	1,279	388	1,667
Taxation and Non-Specific Grant Income	(1,006)	0	(875)	(1,881)
<b>Difference between General Fund Surplus / Deficit and CIES Surplus / Deficit</b>	<b>1,947</b>	<b>2,871</b>	<b>(564)</b>	<b>4,254</b>

The total adjustments are also shown in the General Fund adjustments between accounting and funding basis in Note 9.



The Adjustments for Capital Purposes in 2020/21 of £4.768 million include £3.472 million of contributions received for the Amelia Scott capital project, £595k of disabled facilities grants, £476k of S106 grants received and £225k for smaller capital projects.

The Other Differences of £15.229 million is the transfer from the Collection Fund needed in 2020/21 to meet the income for Council tax and business rates as set out in the budget (£164k Council tax and £15.065 million business rates). This has resulted in a deficit on the Collection Fund for which the Council has been compensated through the payment of Section 31 grants.

## 3. Accounting Policies

### 3.1 General Principles

The Statement of Accounts summarises the Council's transactions for the 2020/21 financial year and its position at the end of March 2021, the close of the financial year. The Council is required to prepare an Annual Statement of Accounts by the Accounts and Audit Regulations 2015, which those Regulations require to be prepared in accordance with proper accounting practices. These practices under Section 21 of the 2003 Act primarily comprise the Code of Practice on Local Authority Accounting in the United Kingdom 2020/21 supported by International Financial Reporting Standards (IFRS).

The accounting convention adopted in the statement of accounts is principally historical cost, modified by the revaluation of certain categories of non-current assets and financial instruments.

### 3.2 Accruals of Income and Expenditure

Activity is accounted for in the year that it takes place, not simply when cash payments are made or received. In particular:

- Revenue from contracts with service recipients, whether for services of the provision of goods, is recognised when the goods or services are transferred to the service recipient in accordance with the performance obligations in the contract.
- Supplies are recorded as expenditure when they are consumed – where there is a gap between the date supplies are received and their consumption, and where the amounts are significant, they are carried as inventories on the Balance Sheet.
- Expenses in relation to services received, including service provided by employees, are recorded as expenditure when the services are received, rather than when the payments are made.
- Interest receivable on investments and payable on borrowings is accounted for respectively as income and expenditure on the basis of the effective interest rate for the relevant financial instrument rather than the cash flows fixed or determined by the contract.
- Where income and expenditure have been recognised but cash has not been received or paid, a debtor or creditor for the relevant amount is recorded in the Balance Sheet.

Where debts may not be settled, the balance of debtors is written down and a charge made to revenue in financing and investment income and expenditure for the income that might not be collected.

## 3.3 Cash and Cash Equivalents

Cash is represented by cash in hand and deposits with financial institutions repayable without penalty on notice of not more than 24 hours. Cash equivalents are highly liquid investments that mature three months or less from the date of acquisition and that are readily convertible to known amounts of cash with insignificant risk of change in value.

The Council does not operate a cash overdraft on its bank account.

## 3.4 Charges to Revenue for Non-Current Assets

The Surplus or Deficit on the Provision of Services is debited or credited with the following amounts to record the cost of holding non-current assets during the year:

- Depreciation attributable to the assets used by the relevant service.
- Revaluation and impairment losses on assets used by the service where there are no accumulated gains in the Revaluation Reserve against which the losses can be written off.
- Amortisation of intangible assets attributable to the service.
- Any revenue costs which are met from capital resources as Revenue Expenditure Financed from Capital under Statute.

The Council is not required to raise Council Tax to fund these charges, and they are therefore reversed through an appropriation from the Capital Adjustment Account to the General Fund. However, the Council is required to make an annual contribution from revenue, to the Capital Adjustment Account, towards the reduction in its overall borrowing requirement. This is termed as the Minimum Revenue Provision (MRP).

## 3.5 Council Tax and Non-Domestic (Business) Rates

Revenue relating to Council Tax and Business Rates is measured at the full amount receivable (net of any impairment losses) as they are non-contractual, non exchange transactions. Revenue is recognised when it is probable that the economic benefits of the transaction will flow to the Council and the amount of revenue can be measured reliably.

The Council Tax and Business Rates income included in the Comprehensive Income and Expenditure Statement is the accrued income for the year, which consists of:

- The Council's Council Tax precept and Business Rate share from the Collection Fund, i.e. the amount billed for the year, and
- The Council's share of the actual Council Tax and Business Rate surplus or deficit on the Collection Fund at the end of the current year, adjusted for the Council's share of the surplus or deficit on the fund at the preceding year end that has not been distributed or recovered in the current year.

The latter is not required by regulation to be credited to the General Fund and so is taken to the Collection Fund Adjustment Account and included as a reconciling item in the Movement in Reserves Statement on the General Fund balance.

The Council as billing authority recognises a creditor in its balance sheet for cash collected from taxpayers and businesses on behalf of major preceptors but not yet paid to them, or a debtor for cash paid to major preceptors.

## 3.6 Contingent Assets

A contingent asset is a possible asset that arises from a past event and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council. Typically a contingent asset is related to a legal action by the authority, whose outcome is uncertain when the balance sheet is compiled.

Contingent assets are not recognised in the balance sheet, but their existence is recorded in a note to the accounting statements.

## 3.7 Contingent Liabilities

A contingent liability is a possible obligation that arises from a past event and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the Council. Typically a contingent liability is related to a legal action against the authority, whose outcome is uncertain when the balance sheet is compiled.

Contingent liabilities are not recognised in the balance sheet, but their existence is recorded in a note to the accounting statements.

## 3.8 Employee Benefits

Under the Code employee benefits are accounted for when the Council is committed to pay an employee. Employee benefits are split into three categories:

### Benefits Payable During Employment

Short-term employee benefits are those due to be settled wholly within 12 months of the year end. They include such benefits as wages and salaries, paid annual leave and paid sick leave, non-monetary benefits for current employees and are recognised as an expense for services in the year in which employees render service to the Council.

An accrual is made for the cost of holiday entitlements earned by employees but not taken before the year end that employees can carry forward into the next financial year. The accrual is charged to surplus or deficit on the provision of services, but then reversed out through the Movement in Reserves Statement to the accumulated absences account so that holiday entitlements are charged to revenue in the financial year in which the holiday absence occurs.

## Termination Benefits

Termination benefits are amounts payable as a result of a decision by the Council to terminate an officer's employment before the normal retirement date or an officer's decision to accept voluntary redundancy in exchange for those benefits and are charged on an accruals basis to the appropriate service line in the Comprehensive Income and Expenditure Statement.

## Post-Employment Benefits

The majority of employees of the Council are members of the Local Government Pension Scheme, administered by Kent County Council for local authorities within Kent. This scheme provides defined benefits to members (retirement lump sums and pensions), earned as employees work for the Council. The Council therefore accounts for this scheme as a defined benefit plan.

The liabilities of the Kent County Council pension scheme attributable to this Council are included in the Balance Sheet on an actuarial basis using the projected unit method – i.e. an assessment of the future payments that will be made in relation to retirement benefits earned to date by employees, based on assumptions about mortality rates, employee turnover rates, etc, and projections of earnings for current employees.

Liabilities are discounted to their value at current prices, using a discount rate of 2.35% (based on the annualised yield at the 20 year point on the Merrill Lynch AA rated corporate bond curve).

The Council includes the assets of the Kent County Council Pension Fund attributable to this Council in the Balance Sheet at their fair value:

- Quoted securities – current bid price
- Unquoted securities – professional estimate
- Unitised securities – current bid price
- Property – market value
- Target return portfolio – current bid price

The change in the net pensions liability is analysed into the following components:

- Service cost comprising:
  - Current service cost – the increase in liabilities as a result of years of service earned this year, allocated in the Comprehensive Income and Expenditure Statement to the service for which the employees worked.
  - Past service cost – the increase in liabilities arising from current year decisions whose effect relates to years of service earned in earlier years. Past service costs include the cost of curtailments, which are normally linked to an event giving rise to a post employment benefit.
  - Net interest on the defined liability – the change to the net pension liability that arises from the passage of time during the year. This is debited to the Financing and Investment Income and Expenditure section of the Comprehensive Income and Expenditure Statement.

- Remeasurements comprising:
  - The return on plan assets – excluding amounts in net interest on the net defined benefit liability – charged to the Pensions Reserve as Other Comprehensive Income and Expenditure.
  - Actuarial gains and losses – changes in the net pensions liability that arise because events have not coincided with assumptions made at the last actuarial valuation or because the actuaries have updated their assumptions – charged to the Pensions Reserve as Other Comprehensive Income and Expenditure.
- Contributions paid to Kent County Council Pension Fund – cash paid as employer's contributions to the pension fund in settlement of liabilities, not accounted for as an expense.

Statutory provisions require the Council to charge the General Fund balance with the amount payable by the Council to the pension fund in the year, not the amount calculated according to the relevant accounting standards. This means that there are appropriations to and from the Pensions Reserve to remove the notional debits and credits for retirement benefits and replace them with debits for the cash paid to the pension fund and the amounts payable to the fund but unpaid at the year-end. The negative balance that arises on the Pensions Reserve thereby measures the beneficial impact to the General Fund of being required to account for retirement benefits on the basis of contributions paid rather than as benefits are earned by the employee.

## 3.9 Events After the Reporting Period

Events after the Balance Sheet reporting period are those events, both favourable and unfavourable, that occur between the end of the financial year and the date when the Statement of Accounts is authorised for issue. Two types of events can be identified:

- Those that provide evidence of conditions that existed at the end of the reporting period – the Statement of Accounts is amended to reflect such events;
- Those that are indicative of conditions that arose after the reporting period - the Statement of Accounts is not adjusted to reflect such events, but where such a category of events would have a material effect, disclosure is made in the notes of the nature of events and their estimated financial effect.

Any event taking place after the accounts are authorised for issue is not reflected in the Statement of Accounts.

## 3.10 Financial Instruments

### Financial Liabilities

Financial liabilities are recognised on the Balance Sheet when the authority becomes a party to the contractual provisions of a financial instrument and are initially measured at fair value and are carried at their amortised cost. Annual charges to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Account for interest payable are based on the carrying amount of the liability, multiplied by the effective rate of interest for the instrument. The effective interest rate is the rate that exactly discounts

estimated future cash payments over the life of the instrument to the amount at which it was originally recognised.

## Financial Assets

Financial assets are classified based on a classification and measurement approach that reflects the business model for holding the financial assets and their cash flow characteristics. There are three main classes of financial assets measured at:

- Amortised cost
- Fair value through profit or loss (where reference is made to profit or loss, as per the standards, for Local Authorities this means Income and Expenditure), and
- Fair value through other comprehensive income

The Council's business model is to hold investments to collect contractual cash flows. Financial assets are therefore classified as amortised cost, except for those whose contractual payments are not solely payment of principal and interest, where the cash flows do not take the form of a basic instrument.

Financial assets measured at amortised cost are recognised on the Balance Sheet when the authority becomes a party to the contractual provisions of a financial instrument and are initially measured at fair value. They are subsequently measured at their amortised cost. Annual credits to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement for interest receivable are based on the carrying amount of the asset multiplied by the effective interest rate for the instrument. This means the amount presented in the Balance Sheet is the outstanding principal receivable, plus accrued interest, and interest credited to the Comprehensive Income and Expenditure Statement is the amount receivable for the year in the loan agreement.

Any gains or losses that arise on the de-recognition of an asset are credited or debited to the Financing and Investment Income and Expenditure in the Comprehensive Income and Expenditure Statement.

## Expected Credit Loss Model

The Council recognises expected credit losses on all of its financial assets held at amortised cost, either on a 12 month or lifetime basis. The expected credit loss model also applies to lease receivables and contract assets. Only lifetime losses are recognised for trade receivables (debtors) held by the Council.

Impairment losses are calculated to reflect the expectation that the future cash flows might not take place because the borrower could default on their obligations. Credit risk plays a crucial part in assessing losses. Where risk has increased significantly since an instrument was initially recognised, losses are assessed on a lifetime basis. Where risk has not increased significantly or remains low, losses are assessed on the basis of 12 month expected losses.

## **Financial assets measured at fair value through other comprehensive income**

Financial assets that are measured at fair value through other comprehensive income (FVOCI) are recognised on the Balance Sheet when the authority becomes a party to the contractual provisions of a financial instrument and are initially measured and carried at fair value. Fair value gains and losses are recognised as they arise in other comprehensive income.

## **Financial assets measured at fair value through profit or loss**

Financial assets that are measured at fair value through profit and loss (FVPL) are recognised on the Balance Sheet when the Council becomes a party to the contractual provisions of a financial instrument and are initially measured and carried at fair value. Fair value gains and losses are recognised as they arrive in the Surplus or Deficit on the Provision of Services.

## **Fair Value Measurement**

Fair value of an asset is the price that would be received to sell an asset in an orderly transaction between market participants at the measurement date. The fair value measurements of the authority's financial assets are based on the following techniques:

- Instrument with quoted market prices – the market price
- Other instruments with fixed and determinable payments – discounted cash flow analysis

The inputs to the measurement techniques are categorised, within the fair value hierarchy, in accordance with the following three levels:

- Level 1 – fair value is only derived from quoted prices in active markets for identical assets or liabilities.
- Level 2 – fair value is calculated from inputs other than those quoted prices, that are observable for the asset or liability.
- Level 3 – fair value is determined using unobservable inputs, eg non-market data such as cash flow forecasts or estimated creditworthiness.

Any gains and losses that arise on the de-recognition of the asset are credited or debited to the Financing and Investment Income and Expenditure in the Comprehensive Income and Expenditure Statement.

The Council's investment in the CCLA Property Fund is classified as a fair value through profit or loss asset as the contractual terms of the asset do not only give rise on specified dates to cash flow of payments of principal and interest on the principal amount outstanding, the asset is also subject to gains and losses in value. This would mean that any changes in valuation would impact the Council's budget but the Council uses the temporary override, agreed by MHCLG, for English Local Authorities for a 5 year period starting 1 April 2018. Any gains or losses credited to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement are therefore reversed out through the

Movement in Reserves Statement through an account solely for the purpose of recognising fair value gains and losses which is the Financial Instruments Revaluation Reserve.

All financial instruments are categorised in accordance with the hierarchy in Note 16.

## 3.11 Government Grants and Contributions

Whether paid on account, by instalments or in arrears, the Council recognises government grants and third party contributions and donations when they are received.

Amounts recognised as due to the Council are not credited to the Comprehensive Income and Expenditure Statement until conditions attached to the grant or contribution have been satisfied. Conditions are stipulations that specify that the future economic benefits or service potential embodied in the asset acquired using the grant or contribution are required to be consumed by the recipient as specified, or future economic benefits or service potential must be returned to the transferor.

Monies advanced as grants and contributions for which conditions have not been satisfied are carried in the Balance Sheet as creditors. When conditions are satisfied, the grant or contribution is credited to the relevant service line (attributable revenue grants and contributions) or taxation and non-specific grant income and expenditure (non-ringfenced revenue grants and all capital grants) in the Comprehensive Income and Expenditure Statement.

Where capital grants are credited to the Comprehensive Income and Expenditure Statement, they are reversed out of the General Fund balance in the Movement in Reserves Statement. Where the grant has yet to be used to finance capital expenditure, it is posted to the capital grants unapplied reserve. Where it has been applied, it is posted to the capital adjustment account. Amounts in the capital grants unapplied reserve are transferred to the capital adjustment account once they have been applied to fund capital expenditure.

## 3.12 Heritage Assets

Tangible heritage assets have historical, artistic, scientific, technological, geophysical or environmental qualities that are held and maintained principally for their contribution to knowledge and culture.

Expenditure on the acquisition, creation or enhancement of heritage assets is capitalised on an accruals basis. Expenditure that secures but does not add to an asset's value is charged to the Comprehensive Income and Expenditure Account as an expense when it is incurred. The estimated values of donations of assets are also capitalised as they occur, with the corresponding value of the donation being recognised in the "Taxation and Non-Specific Grant Income" section of the Comprehensive Income and Expenditure Statement. As this notional income is not a legal credit to the General Fund, a corresponding transfer is made from the General Fund to the Capital Adjustment Account.

The value of assets based on insurance values, which are reviewed and amended on an annual basis, any change being debited or credited to the Revaluation Reserve, to the extent to which there is a balance in the reserve for the particular asset. In the event that there is no



balance in the Revaluation Reserve, a reduction is charged to the relevant service heading as an impairment in the Comprehensive Income and Expenditure Statement. A corresponding transfer is made, however, from the Capital Adjustment Account to the General Fund, as such impairments are not a legal charge on the General Fund. An annual review is also made for impairments caused by theft or physical or economic damage. Any such impairments are accounted for in the same way as those to items of property, plant and equipment.

Disposals of heritage assets are accounted for in the same way as those of items of property, plant and equipment.

## 3.13 Intangible Assets

Expenditure on non-monetary assets that do not have physical substance but are controlled by the Council as a result of past events (e.g. software licences) is capitalised when it is expected that future economic benefits or service potential will flow from the intangible asset to the Council.

Internally generated assets are capitalised where it is demonstrable that the project is technically feasible and is intended to be completed (with adequate resources being available) and the Council will be able to generate future economic benefits or deliver service potential by being able to sell or use the asset. Expenditure is capitalised where it can be measured reliably as attributable to the asset and is restricted to that incurred during the development phase (research expenditure cannot be capitalised).

Expenditure on the development of websites is not capitalised if the website is solely or primarily intended to promote or advertise the authority's goods or services.

Intangible assets are measured initially at cost. The depreciable amount of an intangible asset is written down over its useful life, as estimated by the ICT Shared Service Manager, to the appropriate line in the Comprehensive Income and Expenditure Statement. No intangible assets are recorded with indefinite lives. An asset is tested for impairment whenever there is an indication that the asset might be impaired, and any losses are posted to the appropriate line in the Income and Expenditure Statement.

The calculated amounts for amortisation and impairment are charged to the Cost of Services in the Comprehensive Income and Expenditure Account, but they are not legal charges against the General Fund. A transfer is therefore made from the Capital Adjustment Account to the General Fund to reverse the impact.

## 3.14 Inventories

Where the values are significant to an operation, inventories are included in the Balance Sheet at the lower of cost and net realisable value.

## 3.15 Investment Property

Investment properties are those that are used solely to earn rentals/and or for capital appreciation. The definition is not met if the property is used in any way to facilitate the delivery of services or production of goods or is held for sale.

Investment properties are initially measured at cost and subsequently at fair value, being the price that would be received to sell such an asset in an orderly transaction between market participants at the measurement date. As a non-financial asset, investment properties are measured at highest and best use. Investment properties are subject to revaluation on an annual basis but due to the nature and size of the portfolio valuations will be carried out every three years or earlier where a material change in value is considered. Investment properties are not depreciated. Gains and losses on revaluation are posted to the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement. The same treatment is applied to gains and losses on disposal.

Rentals income received in relation to investment properties are credited to the Financing and Investment Income line and result in a gain for the General Fund Balance. However, revaluation and disposal gains and losses are not permitted by statutory arrangements to have an impact on the General Fund Balance. The gains and losses are therefore reversed out of the General Fund Balance in the Movement in Reserves Statement and posted to the Capital Adjustment Account and the Capital Receipts Reserve.

## 3.16 Leases

Leases are classified as finance leases where the terms of the lease transfer substantially all the risks and rewards incidental to ownership of the property, plant or equipment from the lessor to the lessee. All other leases are classified as operating leases.

Where a lease covers both land and buildings, the land and buildings elements are considered separately for classification.

Arrangements that do not have the legal status of a lease but convey a right to use an asset in return for payment are accounted for under this policy where fulfilment of the arrangement is dependent on the use of specific assets.

The Council has a number of leasing agreements, acting both as lessee (paying for the use of assets) and as lessor (receiving money for the use of assets owned by others).

The Council may also enter into an agreement which, while not itself a lease, nevertheless contains a right to use an asset in the same way as a lease. Such agreements are treated as either finance leases or operating leases as set out below (the Council has no such arrangements at present).

The Council reviews all of its leases to determine how they stand against various detailed criteria which distinguish between finance and operating leases, to determine whether the risks and rewards have been transferred to the lessee. In undertaking this review, however, the Council operates a de minimis level, so that all leases with a term of less than 10 years, or for assets valued at less than £10,000 would be treated within the accounts as an

operating lease without a detailed analysis. All leases of land are considered to be operating leases, including the land element of a lease of a building.

## **Finance Leases – Council acting as Lessee**

Where the Council uses or occupies an asset held under a finance lease, the asset is recognised as such in the appropriate line in the balance sheet, subject to the de minimis limit in Note 3.17 below. The value recognised is the fair value, or (if lower) the present value of the minimum lease payments. This value is offset on the balance sheet by a creditor or long term liability for the leasing charge.

As these assets are included as part of the Council's property, plant and equipment balance, they are subsequently accounted for, in relation to disposal, depreciation, impairment, etc, as set out below in Note 3.17.

Minimum lease payments are apportioned between interest payable as the finance charge and the reduction of the outstanding liability. The finance charge is calculated to produce a constant periodic rate of interest on the remaining balance of the liability.

## **Operating Leases – Council acting as Lessee**

Lease payments for operating leases are recognised as an expense on a straight-line basis over the lease term, unless they can be otherwise apportioned in line with benefits received.

## **Finance Leases – Council acting as Lessor**

Where the Council acts as lessor for an asset held under a finance lease, the relevant asset is written out of the balance sheet as a disposal, and accounted for in line with Note 3.17 below. At the start of the lease a receivable (long term debtor or short term debtor) is recognised as at an amount equal to the net investment in the lease. The lease payment receivable is apportioned between the repayment of principle and interest, the interest being calculated to produce a constant periodic rate of interest on the remaining balance of the liability.

## **Operating Leases – Council acting as Lessor**

Income from operating leases is recognised on a straight-line basis over the lease term, unless they can be otherwise apportioned in line with the benefits provided.

## **3.17 Property, Plant and Equipment**

Assets that have a physical substance and are held for use in the production or supply of goods or services, for rental to others, or for administrative purposes and that are expected to be used during more than one financial year are classified as property, plant and equipment. They exclude assets which are held purely for investment purposes (Investment properties) and assets which the Council is actively seeking to sell (Assets available for sale). Property, plant and equipment consists of the following categories:

- Land and buildings – properties owned by the Council, other than those in another category shown below, or Investment Properties.
- Vehicles, plant and equipment – individual items or groupings of items which are purchased from capital resources.
- Infrastructure – for this Council this category includes only footway lighting.
- Community assets – properties such as parks, which are used for the community as a whole, with no determinable market value in their present use, and which are not likely to be sold.
- Surplus assets - individual properties which the Council has determined to be surplus to operational requirements as they are not being used to provide services.
- Assets under construction – capital expenditure on an asset before it is brought into use.

## Recognition

Expenditure on the acquisition, creation or enhancement of property, plant and equipment is capitalised on an accruals basis, provided that it is probable that the future economic benefits or service potential associated with the item will flow to the Council and the cost of the item can be measured reliably. Expenditure that secures but does not add to an asset's potential to deliver future economic benefits or service potential (e.g. repairs and maintenance) is charged to the Comprehensive Income and Expenditure Account as an expense when it is incurred.

## Measurement

Assets are initially measured at cost, comprising all expenditure that is directly attributable to bringing the asset into working condition for its intended use. The Council does not capitalise borrowing costs incurred while assets are under construction.

Assets are carried in the Balance Sheet using the following measurement bases:

- Land and buildings – current value, usually based on the market value for the existing use (EUV). Some specialised properties, where the valuer cannot identify a market for the asset, are instead valued on the basis of depreciated replacement cost (DRC).
- Vehicles, plant and equipment – current value, for which depreciated historical cost is normally used as a proxy.
- Infrastructure – depreciated historical cost.
- Community Assets – historical cost, depreciated where appropriate.
- Surplus assets – current value measurement basis is fair value, estimated at highest and best use from a market participant's perspective.
- Assets under construction – historical cost.

## Revaluation

The Council re-values assets included in the Balance Sheet at current value when there have been material changes in the value, but as a minimum every five years. Increases in valuations are matched by credits to the Revaluation Reserve to recognise unrealised gains.

Gains are credited to the Income and Expenditure Account where they arise from the reversal of an impairment loss previously charged to a service revenue account. Reductions in value are charged to the Revaluation Reserve, up to the amount held for that asset in the Revaluation Reserve, or otherwise to the Comprehensive Income and Expenditure Statement.

The Revaluation Reserve contains revaluation gains recognised since 1 April 2007 only, the date of its formal implementation. Gains arising before that date have been consolidated into the Capital Adjustment Account.

## **Impairment**

The values of each category of assets and of material individual assets that are not being depreciated are reviewed at the end of each financial year for evidence of reductions in value. Where impairment is identified as part of this review or as a result of a valuation exercise, it is written off against any revaluation gains attributable to the relevant asset in the Revaluation Reserve, with any excess charged to the relevant service revenue account.

Where an impairment loss is reversed subsequently, the reversal is credited to the relevant service line(s) in the Comprehensive Income and Expenditure Statement, up to the amount of the original loss, adjusted for depreciation that would have been charged if the loss had not been recognised.

## **Depreciation**

Depreciation is provided for on all assets with a determinable finite life by allocating the value of the asset in the Balance Sheet over the periods expected to benefit from their use. Depreciation is based on the opening net book value, as adjusted by gains or losses arising from revaluations at 1 April each year.

Depreciation is calculated on the following bases:

- Land – not subject to depreciation.
- Buildings – straight-line allocation over the useful life of the property as estimated by the valuer.
- Vehicles, plant and equipment – a percentage of the value of each class of assets in the Balance Sheet.
- Infrastructure – straight-line allocation over 30 years.
- Community assets – not subject to depreciation.
- Surplus assets – straight-line allocation over the useful life of the property as estimated by the valuer.
- Assets under construction – not subject to depreciation.

Where new assets are acquired or brought into use, depreciation is charged from the start of the following year. Depreciation is charged for the full final year when assets are sold.

Where an asset has major components with different estimated useful lives, these are depreciated separately.

Depreciation is charged to the Cost of Services in the Comprehensive Income and Expenditure Account, but is not a legal charge against the General Fund. A transfer is therefore made from the Capital Adjustment Account to the General Fund to reverse the impact.

Revaluation gains are also depreciated, with an amount equal to the difference between current value depreciation charged on assets and the depreciation that would have been chargeable based on their historical cost being transferred each year from the Revaluation Reserve to the Capital Adjustment Account.

## **Disposals and Non-current Assets Held for Sale**

When it becomes probable that the carrying amount of an asset will be recovered principally through a sale transaction rather than through its continued use, it is reclassified as an Asset Held for Sale. The asset is revalued immediately before its reclassification and then carried at the lower of this amount and fair value less costs to sell. Where there is a subsequent decrease to fair value less costs to sell, the loss is posted to the Other Operating Expenditure line in the Comprehensive Income and Expenditure Statement. Gains to fair value are recognised only up to the amount of any losses previously recognised in the Surplus or Deficit on Provision of Services. Depreciation is not charged on Assets Held for Sale.

If assets no longer meet the criteria to be classified as Assets Held for Sale, they are reclassified back to property, plant and equipment and valued at the lower of their carrying amount before they were classified as held for sale, adjusted for depreciation or revaluations that would have been recognised had they not been classified as Held for Sale, and their recoverable amount at the date of the decision not to sell.

When an asset is disposed of or decommissioned, the carrying amount of the asset in the Balance Sheet is written off to the Other Operating Expenditure line in the Comprehensive Income and Expenditure Account. An equivalent transfer is made to the General Fund to the Capital Adjustment Account to eliminate impact on the General Fund, and any revaluation gains accumulated for the asset in the Revaluation Reserve are also transferred to the Capital Adjustment Account.

Amounts received for a disposal in excess of £10,000 are categorised as capital receipts. These are credited to the Other Operating Expenditure line in the Comprehensive Income and Expenditure Account, but an equivalent appropriation is made from the General Fund to the Capital Receipts Reserve. There is a legal requirement that sale proceeds held in this reserve can only be used to reduce debt or to finance capital expenditure.

In some cases the receipt of income from asset disposals is delayed until a future financial year. In such cases a credit is made to the unusable Deferred Capital Receipts Reserve, matched by a long-term or short term debtor. When the income is received, the debtor is written down and a transfer is made from the Deferred Capital Receipts Reserve to the Capital Receipts Reserve.

## 3.18 Prior Period Adjustments, Changes in Accounting Policies and Estimates and Errors

Prior period adjustments may arise as a result of a change in accounting policies or to correct a material error. Changes in accounting estimates are accounted for prospectively, ie in the current and future years affected by the change and do not give rise to a prior period adjustment.

Changes in accounting policies are only made when required by proper accounting practices or the change provides more reliable or relevant information about the effect of transactions, other events and conditions on the Council's financial position or financial performance. Where a change is made, it is applied retrospectively, unless stated otherwise, by adjusting opening balances and comparative amounts for the prior period as if the new policy had always applied.

Material errors discovered in prior period figures are corrected retrospectively by amending opening balances and comparative amounts for the prior period.

## 3.19 Provisions

The Council recognises provisions to represent liabilities of uncertain timings or amounts. Provisions in the balance sheet represent cases where:

- The Council has a present obligation as a result of a past event.
- It is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation.
- A reliable estimate can be made of the amount of the obligation.

Provisions may sometimes relate to income, where the Council has collected income in a previous financial year and has a quantifiable liability to repay some or all of it. In the particular case of the provision for losses arising from rating appeals, the whole of the provision is included in the Collection Fund Statement, but only the Council's 40% share of the liability is included in the Balance Sheet.

## 3.20 Reserves

The Council maintains both usable and unusable reserves. The usable reserves consist of general and earmarked reserves. General reserves are to meet general rather than specific future expenditure and earmarked reserves are for specific purposes. No expenditure is charged directly to a reserve, but is charged to the service revenue account within the Comprehensive Income and Expenditure Statement, which is then offset by a reserve appropriation within the Movement in Reserves Statement. The unusable reserves are held for statutory reasons and to comply with proper accounting practice, for example non-current assets and retirement benefits, which do not represent resources available for use by the Council.

### 3.21 Revenue Expenditure Financed from Capital under Statute

Expenditure incurred during the year that may be capitalised under statutory provisions but does not result in the creation of a non-current asset, is charged as expenditure to the relevant service revenue account in the year. Where the Council has determined to meet the cost of this expenditure from existing capital resources or by borrowing, a transfer to the Capital Adjustment Account then reverses out the amounts charged, so there is no impact on the level of Council Tax.

### 3.22 Value Added Tax (VAT)

VAT is included as an expense only to the extent that it is not recoverable from Her Majesty's Revenue and Customs (HMRC). VAT receivable is excluded from income, except in the unusual circumstance where VAT was charged to customers in a previous financial year, but where the Council was able to challenge successfully the legality of the charge. In these circumstances recovered VAT is credited to the appropriate line in the Comprehensive Income and Expenditure Statement.

## 4. Accounting Standards that have been issued but have not yet been adopted

The Code requires changes in accounting policy to be applied retrospectively unless alternative transitional arrangements are specified in the Code. An authority is required to disclose information relating to the impact of an accounting change that will be required by a new standard that has been issued but not yet adopted by the Code for the relevant year. The additional disclosures that will be required in the 2021/22 financial statements in respect of accounting changes that are introduced in the 2021/22 Code are:

- Definition of a Business: Amendments to IFRS 3 Business Combinations
- Interest Rate Benchmark Reform: Amendments to IFRS 9, IAS 39 and IFRS 7
- Interest Rate Benchmark Reform – Phase 2: Amendments to IFRS 9, IAS 39, IFRS 7, IFRS 4 and IFRS 16.

There are no new standards that have been issued but not yet adopted which, when adopted, are expected to have a material impact on the Council's financial statements.

The implementation of IFRS 16 Leases has been deferred by another year. This means the effective date for implementation is now 1 April 2022, which would impact the statements in 2022/23.



## 5. Critical Judgements in Applying Accounting Policies

In applying the accounting policies set out in Note 3 the authority has to make critical judgements about complex transactions. In 2020/21 the Covid-19 pandemic has added many unprecedented complexities and uncertainties to the accounts. The main areas of issue are laid out below:

### 5.1 Covid-19 Pandemic

The Covid-19 Pandemic will have an impact on the Council's finances in specific areas within the financial statements including:

- Valuation uncertainty within Property, Plant and Equipment (Note 12)
- Valuation uncertainty for Investment Properties (Note 14)
- Valuation of Property Investment Funds (Note 16)
- Impairment of Debtors balances (Note 17)
- Grants and Contributions (Note 19)
- Pension Fund Assets and Liabilities (Note 21)
- Business Rates Income (Notes to the Collection Fund Statement 2.1 and 2.2)

Each Note has a Covid-19 section to explain the judgements applied.

### 5.2 Covid-19 Grants

In response to the pandemic the Government announced a number of grant packages to be paid out to support local businesses and residents. The Council was required to administer these schemes, in line with the eligibility criteria, and was reimbursed by Government for the payments. The accounting treatment of such transactions needs to have regard to the general principle of whether the Council is acting as the principal or agent. Where the Council deems it is acting as agent, the transactions shall not be reflected in the Council's Comprehensive Income and Expenditure Statement and will only be reflected where there is a debtor or creditor closing position. Where the Council deems it is acting as principal the transactions are reflected in both the Comprehensive Income and Expenditure Statement and Balance Sheet as appropriate.

The Council deems itself to be acting as Agent for the following grants:

- Small Business Grant and Retail, Hospitality and Leisure Grant Funds
- Christmas Support Payment for Wet Led Pubs
- Local Restrictions Support Grant (Closed)
- Closed Businesses Lockdown Payment
- Self-Isolation Payments (Mandatory)

The Council deems itself to be acting as Principal for the following grants:

- Additional Restrictions Grant

- Local Authority Discretionary Grant Fund
- Local Restrictions Support Grant (Open)
- Self-Isolation Payments (Discretionary)

The Council received additional funding to support its cost of services or offset its income losses and has determined itself to be acting as the principal for these payments. The Council needs to consider whether the grants are awarded to support expenditure on specific services, and should therefore be credited to Cost of Services, or is in the form of an unringfenced general grant and should therefore be disclosed within Taxation and Non-Specific Grant Income on the Comprehensive Income and Expenditure Statement.

The Council has treated the following as service specific grants within Cost of Services:

- Council Tax Hardship Fund
- Containment, Test and Trace, Enforcement and Compliance
- Emergency Assistance, Winter Grant Scheme and Clinically Extremely Vulnerable
- National Leisure and Culture Recovery Funds
- Coronavirus Job Retention Scheme

The Council has treated the following as non-specific grant income:

- Covid-19 Emergency Funding
- Compensation Scheme for lost sales, fees and charges
- New Burdens Grants for administering grant schemes
- Business Rate Relief Section 31 Grants
- Local Tax Income Guarantee – Business Rates
- Local Tax Income Guarantee – Council Tax

## 5.3 Going Concern

It is assumed that the Council will continue in operational existence for the foreseeable future and accordingly the Accounts have been prepared on a going concern basis.

## 5.4 Pooled Fund Investment

The Council has an investment with the Churches, Charities and Local Authorities (CCLA) Property Fund and any change in its fair value is recognised as fair value through profit and loss. The Ministry of Housing, Communities and Local Government (MHCLG) agreed a temporary override for English Local Authorities for a 5 year period starting 1 April 2018 which the Council uses to account for any changes in the fair value of this pooled investment. This means any changes in valuation do not impact the Council's budget and are held in the Financial Instrument Revaluation Reserve.

## 5.5 Embedded Lease

Under the accounting Code of Practice some legal agreements, such as waste collection contracts, may be regarded as containing a lease for the use of assets operated by the contractors. Such leases, in turn, may be judged to be either finance leases or operating

leases, as set out in Note 3.16. The Council has examined its service contracts, particularly the Waste Collection contract, and has determined that, in the circumstances in which the contracts were negotiated and operated, that they do not contain such a lease.

## 5.6 Valuations

The Council is required to revalue Land & Building Assets included in the Balance Sheet as a minimum every five years. The Council re-values the Royal Victoria Place shopping centre every 3 years. Materiality will be verified each year by a desktop calculation using property indices calculated from previous valuations movements over the last 5 years. The method of valuation used is Existing Use Value in accordance with the Royal Institute of Chartered Surveyors definition UKVS 1.3, which uses the estimated amount for which a property should exchange between a willing buyer and seller assuming vacant possession and disregarding potential alternative uses. This is due to the shopping centre being owned by the Council to ensure that it remains a shopping centre for the borough and that the Council has influence over the uses of the property and the way it is managed. It is considered to be a vital asset, providing a vital service for the wellbeing of the Borough and the community that live within.

The Council's multi-storey car parks are also valued every 3 years because they comprise a significant proportion of the Council's assets and their value can fluctuate. They are valued on Existing Use Value on the grounds that they are supplying a service to the authority and there is an active market for car parks.

## 5.7 Group Accounts

The Tunbridge Wells Property Holdings Company began trading on 18 May 2015 and is a wholly owned subsidiary of the Council, as explained in Note 26. The revenue has only been £239,000 during the year and is considered immaterial. Hence the Council has determined that it is not yet necessary to provide Group Accounts. This will be monitored in the future and should the revenue become material, Group Accounts will be provided.

# 6. Assumptions Made About the Future and Other Major Sources of Estimation Uncertainty

Key estimates and assumptions are made in order to give the most accurate representation of the Council's financial position.

## 6.1 Post Employment Benefits

The authority recognises and discloses its retirement benefit obligation in accordance with the measurement and presentational requirements of IAS 19 Employee Benefits. The estimation of the net pension liability depends on a number of complex judgements and estimates relating to the discount rate used, the rate at which salaries are projected to increase, changes in retirement ages, mortality rates and expected returns on pension fund assets. A firm of actuaries is engaged to provide the authority with expert advice about the assumptions to be applied. Changes in these assumptions can have a significant effect on

the value of the authority's retirement benefit obligation. The key assumptions are set out in Note 21.

In 2021/20 the Kent Pension Fund disclosed a 'material valuation uncertainty' in relation to the directly held property and pooled property funds within the assets of the pension fund. This was due to uncertainty following the outbreak of Covid-19. The Pension Fund no longer considers the level of uncertainty sufficient to warrant such a disclosure in this financial year.

## 6.2 Property, Plant and Equipment Valuations

The valuer is a member of the Royal Institute of Chartered Surveyors. For the majority of assets the basis of valuation for fair value is market value in its existing use (EUV). For a minority of specialised properties where the valuer is unable to identify market evidence of such a value, and these assets are instead measured on the basis of depreciated replacement cost (DRC).

The significant assumptions applied in estimating the fair value are:

- A continuation of the existing use.
- Mains services for built properties are connected to the properties and drainage is to the public sewer.
- There is no environmental contamination.
- Buildings being marketed for sale or let have an Energy Performance Certificate in place, which has not revealed any shortcomings impacting on the value.
- Freehold interests are not subject to easements, restrictive covenants, encumbrances, leases or licences that would adversely affect their sale.
- Accuracy and completeness of information provided by Council officers.

## 6.3 Investment Property Valuation

The accounting treatment for investment properties is set out in Accounting Policy 3.15. The Council's sole Investment Property is measured at Fair Value, using the investment method, which is derived from the market rent and expected yield.

Investment Properties are subject to annual revaluation, but as the Council only holds one asset in this category and due to the nature of the property, this valuation is usually carried out every three years. Should market conditions change substantially during a period, as they did in 2020/21, these assets will be subject to revaluation. This property has therefore been revalued as at 31 March 2021. If a full valuation is not due, then the valuation will be verified for material movement, by a desktop exercise to compare the rental values of similar properties on the market, in similar locations, as the fair value of the investment property is based upon the rental value.

## 7. Events after the Reporting Period

The Council has included land at Speldhurst Road as Assets held for Sale on the Balance Sheet as at 31 March 2021. The sale completed on the 6 April 2021 and the full value of £159,482 held on the Balance Sheet was received.

On the 26 May Tom Dawlings replaced Alan McDermott as the Conservative Leader of the Council.

This Draft Statement of Accounts was authorised for issue by the Director of Finance, Policy and Development on 21 June 2021.

## 8. Expenditure and Income Analysed by Nature

The table below breaks down the Surplus or Deficit on the Provision of Services, as shown in the Comprehensive Income and Expenditure Statement, into the different types of income and expenditure.

2019/20		2020/21
£000		£000
19,243	Employee Benefit Expenses	18,652
50,280	Other Service Expenses	47,283
6,631	Depreciation, Amortisation, Impairment	6,710
439	Interest Payments	82
2,533	Precepts and Levies	2,695
<b>79,126</b>	<b>Total Expenditure</b>	<b>75,422</b>
(16,818)	Fees, Charges and Other Service Income	(10,625)
(959)	Interest and Investment Income	(707)
(10,653)	Income from Council Tax	(11,068)
(1,884)	Retained Business Rates Income	11,659
(39,301)	Government Grants and Contributions	(64,231)
(930)	Gain or Loss on Disposal of Non Current Assets	(410)
<b>(70,545)</b>	<b>Total Income</b>	<b>(75,382)</b>
<b>8,581</b>	<b>(Surplus) or Deficit on Provision of Service</b>	<b>40</b>

The fees, charges and other service income is analysed further below between the directorates into which the Council is organised.

2019/20		2020/21
£000		£000
(10,677)	Finance, Policy and Development	(6,059)
(6,141)	Change and Communities	(4,566)
<b>(16,818)</b>	<b>Total Fees, Charges and Other Service Income</b>	<b>(10,625)</b>

## 9. Adjustments between accounting and funding basis under regulations

This note details the adjustments that are made to income and expenditure recognised by the Council in the year according to proper accounting practice to arrive at the resources that are specified by statutory provisions as being available to the Council to meet future capital and revenue expenditure.

2020/21	General Fund	Capital Grants & Contribs	Capital Receipts	Total Usable Reserves	Unusable Reserves
<b>Reversal of items debited to the Comprehensive I&amp;E Statement</b>					
Write down intangible assets	166	0	0	<b>166</b>	<b>(166)</b>
Depreciation of Property, Plant & Equipment	3,236	0	0	<b>3,236</b>	<b>(3,236)</b>
Impairment to Property, Plant & Equipment	1,050	0	0	<b>1,050</b>	<b>(1,050)</b>
Movement in value of Investment Properties	980	0	0	<b>980</b>	<b>(980)</b>
Revenue Expenditure financed from Capital under Statute	593	0	0	<b>593</b>	<b>(593)</b>
Gain or (loss) on sale of non current assets	(410)	0	6,211	<b>5,801</b>	<b>(5,801)</b>
Amount by which Financial Instruments held under Fair	75	0	0	<b>75</b>	<b>(75)</b>

## Appendix A

Value through Profit and Loss are subject to MHCLG statutory override					
Difference between accounting and statutory credit for Council Tax	15,229	0	0	15,229	(15,229)
Difference between accounting and statutory pension costs	2,142	0	0	2,142	(2,142)
Amount by which officer remuneration charged on an accruals basis is different from remuneration chargeable in year	82	0	0	82	(82)
<b>Insertion of items not debited or credited to Comprehensive I&amp;E Statement</b>					
Statutory provision for the financing of capital investment	(290)	0	0	(290)	290
Capital expenditure from revenue	(36)	0	0	(36)	36
Capital grants and contributions in Comprehensive I&E account	(4,767)	4,767	0	0	0
<b>Financing of capital expenditure directly from reserves</b>					
Financing from capital grants and contributions reserve	0	(3,788)	0	(3,788)	3,788
Financing from capital receipts reserve	0	0	(6,963)	(6,963)	6,963
<b>Total to Movement in Reserves Statement</b>	<b>18,050</b>	<b>979</b>	<b>(752)</b>	<b>18,277</b>	<b>(18,277)</b>

## Appendix A

2019/20	General Fund	Capital Grants & Contribs	Capital Receipts	Total Usable Reserves	Unusable Reserves
<b>Reversal of items debited to the Comprehensive I&amp;E Statement</b>					
Write down intangible assets	177	0	0	177	(177)
Depreciation of Property, Plant & Equipment	3,252	0	0	3,252	(3,252)
Impairment to Property, Plant & Equipment	(146)	0	0	(146)	146
Revenue Expenditure financed from Capital under Statute	1,073	0	0	1,073	(1,073)
Gain or (loss) on sale of non current assets	(930)	0	2,558	1,628	(1,628)
Amount by which Financial Instruments held under Fair Value through Profit and Loss are subject to MHCLG statutory override	388	0	0	388	(388)
Difference between accounting and statutory credit for Council Tax	(876)	0	0	(876)	876
Difference between accounting and statutory pension costs	2,871	0	0	2,871	(2,871)
Amount by which officer remuneration charged on an accruals basis is different from remuneration chargeable in year	147	0	0	147	(147)
<b>Insertion of items not debited or credited to Comprehensive I&amp;E Statement</b>					
Statutory provision for the financing of capital investment	(223)	0	0	(223)	223



Capital expenditure from revenue	(473)	0	0	(473)	473
Capital grants and contributions in Comprehensive I&E account	(1,006)	1,006	0	0	0
<b>Financing of capital expenditure directly from reserves</b>					
Financing from capital grants and contributions reserve	0	(360)	0	(360)	360
Financing from capital receipts reserve	0	0	(2,061)	(2,061)	2,061
<b>Total to Movement in Reserves Statement</b>	<b>4,254</b>	<b>646</b>	<b>497</b>	<b>5,397</b>	<b>(5,397)</b>

## 10. Reserves

The Movements in Reserves Statement shows the annual movements on reserves but only shows a summary of the movements. A detailed analysis and explanation of each reserve is shown below.

### 10.1 Usable Reserves

#### General Fund

This represents a non specific reserve, without legal restrictions on spending, arising from annual surpluses or deficits as well as earmarked reserves to cover specific projects or contingencies. The earmarked reserve amounts are transferred from the General Fund, and amounts are withdrawn as required to finance such expenditure. The expenditure itself is charged to the appropriate line in the Comprehensive Income and Expenditure Statement. There are no legal restrictions on the use of earmarked reserves, and unspent balances can be taken back to the General Fund.

#### Earmarked Reserves

The reasons for maintaining the earmarked reserves are shown below:

Reserve	Description
Capital & Revenue Initiatives	Used to support future capital and revenue schemes in accordance with the Council's Corporate and Financial Plan
Torrington Car Park	To be used to refurbish Torrington car park

## Appendix A

On Street Parking	The ring-fenced parking surplus that is used to fund highways and transport schemes in the borough.
Local Plan	A reserve for costs associated with the Local Plan due to the phasing of timeframes and costs.
Section 106 Contributions	S106 contributions are developers' contributions that are used to finance capital projects. They may have conditions where they have to be repaid with interest if they cannot be used for the specified purpose within a given time. Sufficient money is retained within this reserve to pay interest on unapplied contributions.
Maintenance of Graves	Where money is donated it is retained in this reserve until it can be spent.
Strategic Plan	Where the Council obtains more money from investment income than it has budgeted for, it places the excess into this reserve, which is then used to finance various strategic projects.
RVP Car Park	To provide for periodic maintenance in the car parks used for the Royal Victoria Place shopping centre.
Government Grants	Contains the equivalent amount of grants provided by the Government during the financial year that cannot be used until after 31 March that year.
Invest to Save	This reserve is used to fund revenue and capital initiatives which will result in savings or increase income streams.
Cultural	This reserve holds money to undertake key cultural projects in the Borough.
Pensions Settlement	A one-off payment to the pension fund to settle the Council's liability for unfunded "added years" pensions was made in 2012/13. From then onwards the amount that the Council would have paid for unfunded pensions has instead been paid into this reserve. This year the final amount was paid into the reserve.
Housing Renewal	When housing renewal grants are repaid an equivalent contribution is made to this reserve, which will be used to finance future grants.
Insurance	Savings made through higher excess thresholds in the new insurance contract are paid into this reserve, and will be used where necessary to finance expenditure that would previously have been recovered from the insurers.
Grant Volatility	This reserve is used to cushion the impact of any further

## Appendix A

	changes to government grant funding that could not have been anticipated from information available at the time of setting the budget. This year an amount has been transferred into the reserve to fund the Collection Fund deficit that needs to be repaid.
ICT MKS Partnership	All Information Technology services are now provided from Maidstone Borough Council via a partnership agreement. This reserve will be used to hold any budget surpluses or fund deficits between financial years. This enables the agreed budgets to be retained although project implementation timetables may flex.
Establishment	The Council introduced Contribution Related Pay for 2012/13 which was paid for the first time in 2013/14. This reserve provides for differences between budgets set and actual performance assessed and will also provide for any rebasing of salaries as a result of the market review.
Parish Enabling	This reserve was to be used to assist parish and town Councils who wish to take on responsibility of discretionary services or who may face financial difficulties. This year the balance of the reserve was paid to parishes to support them through the Covid-19 pandemic.
Ice Rink	This reserve will be used to smooth the impact of inclement weather on the financial success of the Ice Rink and accompanying events.
Digital Transformation	This reserve has been created from the ICT MKS Partnership reserve to fund digital transformation projects.
Traveller Protocol	This reserve will be used to manage traveller incursions and will be matched by parish and town Council contributions. The reserve will be used to enable the Borough Council to enforce a Section 77/78 court-ordered eviction or to restore land after the vacation of an unauthorised encampment.
Land Charges Loss of Income	This reserve has been created from an overachievement in Land Charges income to mitigate against the surplus revenue that will be lost if Government centralises the service.
Lottery Income	This reserve holds income retained by the Council from the Tunbridge Wells Lottery to support the local voluntary and community sector.
Rent Advance and Deposit	This reserve holds monies set aside by the Council to fund the rent advance and deposit guarantee schemes which support households who have a priority need for accommodation under homelessness legislation.

## Appendix A

Waste Bin Replacement	An annual contribution is transferred to this reserve to fund the purchase of any replacement bins needed during the life of the current waste collection contract.
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The tables below show the balance on the General Fund, including the earmarked reserves, and the contributions to and from the reserves.

Reserve	31 March 2020	Income	Expenditure	31 March 2021
	£000	£000	£000	£000
General Fund	4,090	211	0	4,301
Capital & Rev Initiatives	2,666	495	(138)	3,023
Torrington Car Park	102	0	(21)	81
On Street Parking	733	100	0	833
Local Plan	509	500	0	1,009
Section 106 Contributions	36	0	0	36
Maintenance of Graves	2	0	0	2
Strategic Plan	1,319	25	0	1,344
RVP Car Park	1,118	279	0	1,397
Government Grants	708	292	(360)	640
Invest to Save	737	0	(16)	721
Cultural	141	28	0	169
Pensions Settlement	0	192	(192)	0
Housing Renewal	195	59	0	254
Insurance	291	25	0	316
Grant Volatility	1,342	16,558	0	17,900
ICT MKS Partnership	278	30	(111)	197
Establishment	364	0	0	364
Parish Enabling	35	0	(35)	0
Ice Rink	219	0	0	219
Digital Transformation	46	0	(9)	37

## Appendix A

Traveller Protocol	15	0	0	15
Land Charges Income	60	0	0	60
Lottery Income	32	0	(7)	25
Rent Advance and Deposit	313	75	0	388
Waste Bin Replacement	0	30	0	30
<b>Total</b>	<b>15,351</b>	<b>18,899</b>	<b>(889)</b>	<b>33,361</b>

Included within the transfer of £16,558,000 into the Grant Volatility reserve is £15,140,000 from additional Section 31 grant payments received from Government to compensate for the expanded business rates reliefs given to businesses in response to the pandemic. Due to the required accounting treatment, the additional Section 31 grants are held by the billing authority rather than going through the Collection Fund.

In addition, £258,000 of Council Tax losses on the Collection Fund have also been transferred into the Grant Volatility Reserve.

This combined deficit is held on the Collection Fund, which is then recovered from the billing authority over future years. The reserve will therefore hold the total of £15,398,000, to meet the costs of funding the deficit in the future and is therefore considered to be committed.

<b>Reserve</b>	<b>31 March 2019</b>	<b>Income</b>	<b>Expenditure</b>	<b>31 March 2020</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
General Fund	5,000	1,168	(2,078)	4,090
Capital & Rev Initiatives	3,714	0	(1,048)	2,666
Torrington Car Park	102	0	0	102
On Street Parking	633	100	0	733
Local Plan	489	20	0	509
Section 106 Contributions	26	10	0	36
Maintenance of Graves	2	0	0	2
Strategic Plan	1,582	114	(377)	1,319
RVP Car Park	1,143	0	(25)	1,118
Government Grants	546	421	(259)	708
Invest to Save	753	0	(16)	737
Cultural	47	99	(5)	141
Pensions Settlement	1,607	225	(1,832)	0

## Appendix A

Housing Renewal	242	0	(47)	195
Insurance	216	75	0	291
MMI	50	0	(50)	0
Grant Volatility	1,120	222	0	1,342
ICT MKS Partnership	334	52	(108)	278
Establishment	364	0	0	364
Parish Enabling	35	0	0	35
Ice Rink	211	8	0	219
Digital Transformation	48	0	(2)	46
Traveller Protocol	15	0	0	15
Land Charges Income	60	0	0	60
Lottery Income	30	7	(5)	32
Calverley Square	1,004	238	(1,242)	0
Rent Advance and Deposit	305	119	(111)	313
<b>Total</b>	<b>19,678</b>	<b>2,878</b>	<b>(7,205)</b>	<b>15,351</b>

### Capital Grants and Contributions

The Council receives grants and contributions towards capital expenditure, and, where there are no repayment conditions, or when such conditions have been fulfilled, these are credited to the Income and Expenditure Account and immediately transferred into the Capital Grants and Contributions Reserve until required to finance capital investment.

### Usable Capital Receipts

Proceeds from the sales of Property, Plant and Equipment are initially credited to the Income and Expenditure Account, but legally can only be used to finance capital expenditure, and so are transferred to the Capital Receipts Reserve and afterwards used for this specific purpose.

## 10.2 Unusable Reserves

### Revaluation Reserve

This reserve consists of accumulated gains on individual items of Property, Plant and Equipment. The Reserve contains only gains accumulated since 1 April 2007, the date that the Reserve was created. Accumulated gains before that date are consolidated into the balance on the Capital Adjustment Account. The balance is reduced when assets with accumulated gains are:

## Appendix A

- Revalued downwards or impaired and the gains are lost
- Used in the provision of services and the gains are consumed through depreciation
- Disposed of and the gains are realised.

2019/20		2020/21
£000	Revaluation Reserve	£000
39,936	Balance as at 1 April	40,594
3,089	Gain on revaluation of non-current assets	2,176
(1,393)	Impairment losses of non-current assets	(210)
(237)	Gain or (loss) on sale of non-current assets	(964)
(801)	Adjustment for depreciation of revalued non-current assets	(799)
<b>40,594</b>	<b>Balance as at 31 March</b>	<b>40,797</b>

### Financial Instruments Revaluation Reserve

This reserve represents the difference between the fair value of the CCLA Property Fund and the purchase price.

2019/20		2020/21
£000	Financial Instruments Revaluation Reserve	£000
1,876	Balance as at 1 April	1,488
(388)	Surplus or (deficit) on revaluation of financial instruments	(75)
<b>1,488</b>	<b>Balance as at 31 March</b>	<b>1,413</b>

### Capital Adjustment Account

This reserve receives credits when capital is financed from revenue resources or other usable reserves, and receives debits to offset depreciation and other charges relating to capital which are not chargeable against the General Fund. The Account is credited with the amounts set aside by the Council as finance for the costs of acquisition, construction and enhancement. The account contains revaluation gains accumulated on Property, Plant and Equipment before 1 April 2007, the date on which the Revaluation Reserve was created to hold such gains.

2019/20		2020/21
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<b>£000</b>	<b>Capital Adjustment Account</b>	<b>£000</b>
78,255	Balance as at 1 April	77,814
(177)	Write Down Intangible Assets	(166)
(3,252)	Depreciation of Property, Plant and Equipment	(3,236)
146	Impairment to Property, Plant and Equipment	(1,050)
0	Movements in value of Investment Properties	(980)
(1,073)	Revenue Expenditure financed from Capital under Statute	(593)
(3)	Gain or (loss) on sale of non-current assets	(212)
0	Difference between accounting and statutory finance costs	(1)
223	Statutory provision for the financing of capital investment	290
473	Capital expenditure financed from revenue	36
360	Capital expenditure financed from grants and contributions	3,788
2,061	Capital expenditure financed from capital receipts	6,963
801	Adjustment for depreciation of revalued non-current assets	<b>799</b>
<b>77,814</b>	<b>Balance as at 31 March</b>	<b>83,452</b>

### Financial Instruments Adjustment Account

This reserve represents the difference between the accounting and legislative charges for finance costs.

<b>2019/20</b>		<b>2020/21</b>
<b>£000</b>	<b>Financial Instruments Adjustment Account</b>	<b>£000</b>
(1)	Balance as at 1 April	(1)
0	Difference between accounting and statutory finance costs	1
<b>(1)</b>	<b>Balance as at 31 March</b>	<b>(0)</b>

### Deferred Capital Receipts

In some cases an asset is disposed of, but the income cannot be collected immediately. The Council maintains records for a long term debtor, offset by a balance in the Deferred Capital Receipts Account. When the income is received the debtor is written down and a transfer is made between this account and the Capital Receipts Reserve.



2019/20		2020/21
£000	Deferred Capital Receipts	£000
6,160	Balance as at 1 April	4,772
(1,388)	Gain or (loss) on sale of non-current assets	(4,625)
<b>4,772</b>	<b>Balance as at 31 March</b>	<b>147</b>

The Deferred Capital Receipts reserve was credited during 2017/18 with £7.4 million as a result of the sale of land at Holly Farm which had been sold but the receipt is to be phased over a period of 4 years. The reserve had been debited during 2019/20 with an instalment of £1.388 million and during 2020/21 with the final instalment of £4.625 million.

### Pensions Reserve

This reserve is a statutory reserve to offset the Pension Liability assessed on an accounting and actuarial basis, and to ensure that variations in this liability do not affect the General Fund.

2019/20		2020/21
£000	Pensions Reserve	£000
(54,278)	Balance as at 1 April	(57,508)
(359)	Re-measurement of defined benefit liability	(5,814)
(2,871)	Difference between accounting and statutory pension costs	(2,142)
<b>(57,508)</b>	<b>Balance as at 31 March</b>	<b>(65,464)</b>

### Collection Fund Adjustment Account

This reserve represents the differences arising from the recognition of Council tax income and non-domestic rates in the Comprehensive Income and Expenditure Statement as it falls due from Council tax payers, compared with the statutory arrangements for paying across amounts from the Collection Fund to the General Fund.

2019/20		2020/21
£000	Collection Fund Adjustment Account	£000
(21)	Balance as at 1 April	855
876	Diff between accounting and statutory credit for Council Tax	(15,229)
<b>855</b>	<b>Balance as at 31 March</b>	<b>(14,374)</b>

### Accumulated Absences Account

This Accumulated Absences Account absorbs the differences that would otherwise arise on the General Fund Balances from accruing for compensated absences earned but not taken in the year, for example from annual leave entitlement carried forward at 31 March. Statutory arrangements require that the impact on the General Fund Balance is neutralised by transfers to or from the account. The closing balance is exceptionally high due to staff not being able to take annual leave in 2020/21 due to the work pressures imposed by Covid-19. At present, it is anticipated that this will fall to normal levels by the end of 2021/22.

2019/20		2020/21
£000	Accumulated Absences Account	£000
0	Balance as at 1 April	147
147	Amounts accrued at the end of the current year	82
<b>147</b>	<b>Balance as at 31 March</b>	<b>229</b>

## 11. Summary of capital expenditure and financing

Capital expenditure was incurred and financed as shown below:

2019/20		2020/21
£000		£000
<b>9,919</b>	<b>Opening Capital Financing Requirement as at 1 April</b>	<b>5,900</b>
2,365	Property, Plant and Equipment	10,167
(4,442)	Calverley Square Reversal of 2018/19 Capital	0
119	Intangible Assets	123
3,348	Revenue Expenditure Funded from Capital under Statute	1,277
<b>1,390</b>	<b>Total Capital Investment</b>	<b>11,567</b>
(2,061)	Capital Receipts	(6,963)
(360)	Government Grants and Other Contributions	(3,788)
(2,275)	Grants and Contributions towards REFFCUS	(684)
(473)	Revenue Financing	(36)
(223)	Minimum Revenue Provision	(290)

## Appendix A

<b>(5,392)</b>	<b>Total Financing</b>	<b>(11,761)</b>
<b>(17)</b>	<b>Movement in Long Term Debtors within CFR</b>	<b>(12)</b>
<b>5,900</b>	<b>Closing Capital Financing Requirement as at 31 March</b>	<b>5,694</b>

The Capital Financing Requirement (CFR) is the measure, taken from the Balance Sheet, of the capital expenditure incurred historically by the Council, which has yet to be financed at the end of the financial year.

This Council's CFR is partly represented by past capital expenditure on assistance to a housing association and a bowls club. The amount advanced is reduced by their annual repayments.

Capital purchases which have yet to be financed make up the remainder of the CFR. The Council has to set money aside from the General Fund as a Minimum Revenue Provision (MRP) to reduce the CFR annually.

The Council spent £4,442,000 on professional fees for the Calverley Square capital project during 2018/19. This amount was not financed from reserves and was therefore included in the Closing CFR as at 31 March 2019. Following the decision to terminate the project this spend no longer met the definition of capital expenditure and was transferred to revenue. The amount was reversed out of the CFR for 2019/20 as shown in the table above.

The CFR is made up of the following balance sheet totals:

<b>31 March 2020</b>		<b>31 March 2021</b>
<b>£000</b>		<b>£000</b>
116,625	Property, Plant and Equipment	124,286
3,627	Heritage Assets	3,654
1,690	Investment Properties	710
1,079	Intangible Assets	1,035
111	Long term debtors financed from capital	98
1,176	Assets available for sale	160
(40,594)	Revaluation Reserve	(40,797)
(77,814)	Capital Adjustment Account	(83,452)
<b>5,900</b>	<b>Total Capital Financing Requirement</b>	<b>5,694</b>

## 12. Property, Plant and Equipment

### 12.1 Analysis of Carrying Amount

The following table shows the net carrying amounts of the categories of Property, Plant and Equipment, as at 31 March, split between the gross carrying amount and the accumulated depreciation and impairment.

Note 3.17 sets out the methods for measuring the gross carrying amounts, and of calculating depreciation and impairment.

	Land & Buildings	Vehicles, Plant & Equipment	Infra-structure	Community	Assets Under Construction	Total
	£000	£000	£000	£000	£000	£000
<b>Balance as at 31 March 2020</b>						
Gross Carrying Amount	108,263	3,526	826	8,695	1,082	<b>122,392</b>
Cumulative Depreciation & Impairment	(3,570)	(1,481)	(572)	(144)	0	<b>(5,767)</b>
<b>Total</b>	<b>104,693</b>	<b>2,045</b>	<b>254</b>	<b>8,551</b>	<b>1,082</b>	<b>116,625</b>
<b>Balance as at 31 March 2021</b>						
Gross Carrying Amount	107,826	2,975	782	8,710	10,512	<b>130,805</b>
Cumulative Depreciation & Impairment	(5,480)	(1,202)	(542)	(144)	849	<b>(6,519)</b>
<b>Total</b>	<b>102,346</b>	<b>1,773</b>	<b>240</b>	<b>8,566</b>	<b>11,361</b>	<b>124,286</b>

## 12.2 Reconciliation of Opening and Closing Balances

The table below shows the movements in the different categories for the year:

	Land & Buildings	Vehicles, Plant & Equipment	Infra-structure	Community	Assets Under Construction	Total
	£000	£000	£000	£000	£000	£000
<b>Movements 2019/20</b>						
Balance at 1 April 2019	106,768	1,692	262	8,416	4,442	121,580
Additions	341	789	18	135	1,082	2,365
Reversal of 2018/19 Capital	0	0	0	0	(4,442)	(4,442)
Revaluations	680	0	0	0	0	680
Impairment Losses	(242)	0	0	0	0	(242)
Impairment Loss Reversals	388	0	0	0	0	388
Depreciation	(2,789)	(436)	(26)	0	0	(3,251)
Disposals	(241)	0	0	0	0	(241)
Transfers to Assets Held for Sale	(212)	0	0	0	0	(212)
<b>Total</b>	<b>104,693</b>	<b>2,045</b>	<b>254</b>	<b>8,551</b>	<b>1,082</b>	<b>116,625</b>
<b>Movements 2020/21</b>						
Balance at 1 April 2020	104,693	2,045	254	8,551	1,082	116,625
Additions	253	193	12	15	9,694	10,167
Revaluations	1,781	0	0	0	0	1,781
Impairment Losses	(1,140)	0	0	0	0	(1,140)
Impairment Loss Reversals	90	0	0	0	0	90

Depreciation	(2,746)	(465)	(26)	0	0	(3,237)
Reclassifications	(585)	0	0	0	585	-
<b>Total</b>	<b>102,346</b>	<b>1,773</b>	<b>240</b>	<b>8,566</b>	<b>11,361</b>	<b>124,286</b>

Assets Under Construction held a balance of £4,442,000 as at 31 March 2019 which related to the cost of the Calverley Square capital scheme. Following the decision to terminate the project this spend no longer met the definition of capital expenditure and was transferred to revenue. The amount was been transferred from Assets Under Construction as shown in 2019/20 figures the table above.

### 12.3 Valuation of Property

Many of this Council's assets had been subject to losses in values in previous years, particularly those triggered by the reduction in asset values around 2007/08. As the Revaluation Reserve was established only at 1 April 2007 most of those losses had to be accounted for as impairment losses with gains in value prior to 1 April 2007 being absorbed into the Capital Adjustment Account.

Revaluations and impairment reversals are treated in line with Note 3.17.

Within Property, Plant and Equipment, Land and Buildings and Surplus Assets are subject to valuations. The valuations this year have been provided by G L Hearn Ltd. Other than the shopping centre and the Council's multi-storey car parks, all assets are revalued at 5 year intervals (20% as at 31 March each year). Royal Victoria Place shopping centre and the multi-storey car parks are revalued every 3 years.

Valuations of properties depend on various assumptions, in particular, valuers have to determine:

- The estimated life of the building.
- Whether or not there is a market for the property in its existing use, which means that they could value at such a market value (EUUV). If there is no such market, properties are valued at Depreciated Replacement Cost (DRC), which is likely to give a higher value.

The table below analyses the gross carrying cost at 31 March for land and buildings according to the year of valuation, after adjustments for additions in year and depreciation, to ensure a like for like comparison.

<b>31 March 2020</b>		<b>31 March 2021</b>
<b>£000</b>		<b>£000</b>
104,693	Net Book Value at 31 March	102,346

(1,257)	Adjust for additions since last valuation	(335)
3,569	Adjust for depreciation since last valuation	4,829
<b>107,005</b>	<b>Total Valuations</b>	<b>106,840</b>
0	Valuation in 2020/21	31,194
32,946	Valuation in 2019/20	32,946
22,748	Valuation in 2018/19	22,748
31,459	Valuation in 2017/18	5,209
14,843	Valuation in 2016/17	14,743
5,009	Valuation in 2015/16	0
<b>107,005</b>	<b>Total Valuations</b>	<b>106,840</b>

## 12.4 Covid-19 Pandemic

The Council would usually value its Property Plant and Equipment as at 31 January and make an assessment for any material variations over the subsequent 2 months. However, due to the pandemic, this year, the valuations were completed as at 31 March 2021. Unlike last year, in applying the Royal Institute of Chartered Surveyors (RICS) Valuation Global Standards 2020 (Red Book), the Council's valuer has not needed to declare a "material valuation uncertainty" in the valuation report for 2020/21.

## 12.5 Impairments

Impairments are assessed each year, in accordance with the policy in Note 3.17, for losses triggered by such occurrences as physical, environmental or economic damage, but no such impairments have been recorded in 2020/21. As noted above in Note 12.3, the impairments, usually reversals, recorded arise from the revaluation of assets carried out in the year.

## 12.6 Capital Commitments

As at 31 March 2021 the Council was contractually committed to the payment of £4,796,134 for the acquisition of property, plant and equipment, compared to £45,000 at 31 March 2020. This increase is associated with commitments for the Amelia Scott project.

## 13. Heritage Assets

The Council maintains three groupings of heritage assets:

- Civic Regalia

- The contents of the Museum and Art Gallery, including works of art on display in the Town Hall
- Various monuments and public works of art, including the war memorial, the Canon Hoare memorial and the water fountain in Dunorlan Park

The Museum's assets are generally enhanced by donations from members of the public.

The annual movements in the balance sheet for Heritage Assets are shown below:

<b>2019/20</b>		<b>2020/21</b>
<b>£000</b>		<b>£000</b>
3,574	Balance as at 1 April	3,627
53	Revaluations	27
<b>3,627</b>	<b>Balance as at 31 March</b>	<b>3,654</b>

## 14. Investment Property

### 14.1 Investment Property

The following table summarises the movement in the fair value of investment properties over the year.

<b>2019/20</b>		<b>2020/21</b>
<b>£000</b>		<b>£000</b>
1,690	Balance as at 1 April	1,690
0	Impairment losses	(980)
<b>1,690</b>	<b>Balance as at 31 March</b>	<b>710</b>

The Council's investment property consists of one commercial property purchased during 2016/17.

The following income has been accounted for in the Financing and Investment Income and Expenditure line in the Comprehensive Income and Expenditure Statement.

<b>2019/20</b>		<b>2020/21</b>
<b>£000</b>		<b>£000</b>
85	Rental Income from Investment Properties	4
<b>85</b>	<b>Net Gain / (Loss)</b>	<b>4</b>



## 14.2 Covid-19 Pandemic

This investment property is a restaurant and ceased trading on the 20<sup>th</sup> March 2020 due to the Covid-19 pandemic. All lease payments had been made for 2019/20 however, none have been paid for 2020/21. The property was re-let on the 22 January 2021, hence the £4,000 rental income. The Council is awaiting the outcome of the administration process for the previous tenants and the property has been revalued as at 31 March 2021, for inclusion in the Balance Sheet.

## 15. Assets Held for Sale

Following its policy of seeking to dispose of properties not required to provide services, for the best price available, the Council has disposed of a number of pieces of land in recent years. Most of these were considered below the de minimis level for recognising in Property, Plant and Equipment. Note 3.17 specifies that assets made available for sale are held at the lower of carrying value and market value, so that, although the Council expects to gain capital receipts from their disposal, they are not recognised in the Balance Sheet as at 31 March 2021. There is an exception to this, which has been valued, as it is being prepared for sale during 2021/22.

2019/20		2020/21
£000		£000
0	Balance as at 1 April	1,176
212	Transfer from Property, Plant and Equipment	0
0	Disposals	(1,176)
964	Revaluations	160
<b>1,176</b>	<b>Balance as at 31 March</b>	<b>160</b>

## 16. Financial Instruments

A financial instrument is a contract that gives rise to a financial asset of one entity and a financial liability or equity instruments of another entity. Non exchange transactions, such as those relating to taxes and government grants, do not give rise to financial instruments.

### 16.1 Financial Assets

The following categories of financial assets are carried on the balance sheet:

## Appendix A

	31 March 2021	31 March 2021	31 March 2021	31 March 2021
	Long Term	Long Term	Short Term	Short Term
	Investments	Debtors	Investments	Debtors
	£000	£000	£000	£000
Principal	0	144	0	5,050
Cash and Cash Equivalents	0	0	25,981	0
Cash and Cash Equivalents Interest	0	0	3	0
<b>Total Amortised Cost</b>	<b>0</b>	<b>144</b>	<b>25,984</b>	<b>5,050</b>
CCLA Property Fund	10,413	0	0	0
Investment Interest Accrued	0	0	106	0
<b>Total Fair Value through Profit and Loss</b>	<b>10,413</b>	<b>0</b>	<b>106</b>	<b>0</b>
<b>Total Financial Assets</b>	<b>10,413</b>	<b>144</b>	<b>26,090</b>	<b>5,050</b>
Non-Financial Assets	0	2,556	0	6,213
<b>Total Investments, Debtors, Cash and Cash Equivalents</b>	<b>10,413</b>	<b>2,700</b>	<b>26,090</b>	<b>11,263</b>

	31 March 2020	31 March 2020	31 March 2020	31 March 2020
	Long Term	Long Term	Short Term	Short Term
	Investments	Debtors	Investments	Debtors
	£000	£000	£000	£000
Principal	0	460	19,500	7,815
Investment Interest Accrued	0	0	40	0
Cash and Cash Equivalents	0	0	6,832	0
Cash and Cash	0	0	3	0

Equivalents Interest				
<b>Total Amortised Cost</b>	<b>0</b>	<b>460</b>	<b>26,375</b>	<b>7,815</b>
CCLA Property Fund	10,488	0	0	0
Investment Interest Accrued	0	0	131	0
<b>Total Fair Value through Profit and Loss</b>	<b>10,488</b>	<b>0</b>	<b>131</b>	<b>0</b>
<b>Total Financial Assets</b>	<b>0</b>	<b>460</b>	<b>26,506</b>	<b>7,815</b>
Non-Financial Assets	0	28	0	2,293
<b>Total Investments, Debtors, Cash and Cash Equivalents</b>	<b>10,488</b>	<b>488</b>	<b>26,506</b>	<b>10,108</b>

Following the adoption of IFRS 9 Financial Instruments the long-term investment with the CCLA property is categorised as a fair value through profit and loss asset. The Council uses the MHCLG statutory override to account for any changes in the fair value of this pooled investment.

## 16.2 Financial Liabilities

The following categories of financial liabilities are carried on the balance sheet:

	31 March 2021	31 March 2021	31 March 2021	31 March 2021
	Long Term	Long Term	Short Term	Short Term
	Borrowing	Creditors	Borrowing	Creditors
	£000	£000	£000	£000
Principal	0	(13)	0	(3,960)
<b>Total Amortised Cost</b>	<b>0</b>	<b>(13)</b>	<b>0</b>	<b>(3,960)</b>
Non-Financial Liabilities	0	0	0	(17,341)
<b>Total Borrowing and Creditors</b>	<b>0</b>	<b>(13)</b>	<b>0</b>	<b>(21,301)</b>

	31 March 2020	31 March 2020	31 March 2020	31 March 2020
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	Long Term	Long Term	Short Term	Short Term
	Borrowing	Creditors	Borrowing	Creditors
	£000	£000	£000	£000
Principal	0	(13)	(1,000)	(3,130)
Loans Interest Accrued	0	0	(5)	0
<b>Total Amortised Cost</b>	<b>0</b>	<b>(13)</b>	<b>(1,005)</b>	<b>(3,130)</b>
Non-Financial Liabilities	0	(124)	0	(13,403)
<b>Total Borrowing and Creditors</b>	<b>0</b>	<b>(137)</b>	<b>(1,005)</b>	<b>(16,533)</b>

### 16.3 Interest and Investment Income Receivable and Payable

The table below sets out the interest receivable and payable for the year related to financial assets and liabilities, reconciled to the amounts included in the Comprehensive Income and Expenditure Statement:

2019/20		2020/21
£000		£000
(731)	Interest from loans and receivables	(650)
(85)	Investment Income	(4)
(143)	Other Interest Receivable	(53)
<b>(959)</b>	<b>Total Interest and Investment Income</b>	<b>(707)</b>
50	Interest on PWLB Loan	7
389	Financial Instruments Revaluation	75
<b>439</b>	<b>Total Interest Payable</b>	<b>82</b>

### 16.4 Fair Value

The accounts are required to show the fair value of the financial assets held by the Council. Fair value is defined as the amount for which an asset could be exchanged assuming that the transaction was negotiated between parties knowledgeable about the market in which they are dealing and willing to buy/sell at an appropriate price, with no other motive in their negotiations other than to secure a fair price.

## Appendix A

The fair value of investments is shown in the table below with the level in the fair value hierarchy, as explained in Accountancy Policy 3.10:

31 March 2020	31 March 2020			31 March 2021	31 March 2021
Book Value	Fair Value		Level	Book Value	Fair Value
£000	£000			£000	£000
10,488	10,488	CCLA Property Fund	1	10,413	10,413
<b>10,488</b>	<b>10,488</b>	<b>Long Term Investments</b>		<b>10,413</b>	<b>10,413</b>
19,540	19,540	Investments less than one year	2	0	0
131	131	Add accrued interest on long term		106	106
<b>19,671</b>	<b>19,671</b>	<b>Short Term Investments</b>		<b>106</b>	<b>106</b>

The fair value of borrowing is shown in the table below with the level in the fair value hierarchy:

31 March 2020	31 March 2020			31 March 2021	31 March 2021
Book Value	Fair Value		Level	Book Value	Fair Value
£000	£000			£000	£000
(1,005)	(1,006)	Borrowing less than one year	2	0	0
<b>(1,005)</b>	<b>(1,006)</b>	<b>Short Term Borrowing</b>		<b>0</b>	<b>0</b>
0	0	Borrowing over one year	2	0	0
<b>0</b>	<b>0</b>	<b>Long Term Borrowing</b>		<b>0</b>	<b>0</b>

The fair values valuations have been provided by the Council's Treasury Management advisor, Link Asset Services. The purpose of the fair value disclosure is primarily to provide a comparison with the carrying value in the Balance Sheet. Since this will include accrued interest as at the Balance Sheet date, the calculations also include accrued interest in the fair value calculation. This figure is calculated up to and including the valuation date. The rates

quoted in this valuation were obtained by Link from the market on 31st March, using bid prices where applicable.

All other financial assets and liabilities are represented by amortised cost and long term debtors and creditor on the balance sheet at amortised cost.

## 16.5 Covid-19 Pandemic

The impact on the Council has been minimal for 2020/21. The Council has £15.6 million of short term and bank deposits and a £9 million investment with a property investment fund. The actual market value of the fund is recorded at the 31 March and has suffered a loss of 0.7% (£75,000) over 2020/21.

## 16.6 Nature and Extent of Risks Arising from Financial Instruments

The Council's activities expose it to a variety of financial risks. The key risks are:

- Credit risk – the possibility that other parties might fail to pay amounts due to the authority.
- Liquidity risk – the possibility that the authority might not have funds available to meet its commitments to make payments.
- Re-financing risk – the possibility that the Council might be required to renew a financial instrument on maturity at disadvantageous interest rates or terms.
- Market risk – the possibility that financial loss might arise for the Council as a result of changes in such measures as interest rates and stock market movements.

The Council's overall risk management programme focuses on the unpredictability of financial markets and seeks to minimise potential adverse effects on the resources available to fund services. Risk management is carried out by the Accountancy Team, under policies approved by the Council in the annual Treasury Management Policy and Strategy. The Council provides written principles for overall risk management, as well as written policies covering specific areas, such as interest rate risk, credit risk, and the investment of surplus cash.

The investment in the CCLA Property Fund is the Council's only investment with a Collective Investment Scheme. The Fund employs a risk management process, including the use of appropriate stress-testing procedures, which enable it to identify measure, manage and monitor at any time the relevant risks of the positions to which the Fund is or may be exposed and their contribution to the overall risk profile of the Fund.

### Credit Risk

Credit risk arises from deposits with banks and financial institutions, as well as credit exposures to the Council's customers. The risk is minimised through the Treasury Management Policy and Strategy, which requires that deposits are not made with financial institutions unless they meet minimum credit criteria, in accordance with the Fitch Credit Ratings Service. It also reviews ratings from the other agencies, Moodys and Standard and

Poors. The Treasury Management Policy and Strategy also considers maximum amounts and time limits in respect of each financial institution. Deposits are not made with banks and financial institutions unless they meet the minimum requirements of the investment criteria outlined above. Additional selection criteria are also applied after this initial criteria is applied. The Council will also aim to achieve the optimum return on its investments commensurate with proper levels of security and liquidity. The key elements are the security of capital and the liquidity of investments.

The Council's maximum exposure to credit risk in relation to its investments in financial institutions, amounting to £34.6 million at 31 March 2021, cannot be assessed generally, as the risk of any institution failing to make interest payments or to repay the principal sum, will be specific to each individual institution. Recent experience indicates that it is rare for such entities to be unable to meet their commitments. A risk of non-recoverability applies to all of the Council's deposits, but there was no evidence at 31 March 2021 that this was likely to crystallise. There has been no experience of default by any of the institutions holding the Council's financial instruments, other than for trade accounts receivable.

The investment with the Church, Charities and Local Authorities (CCLA) Property Fund is represented by the purchase of units within the fund. The price of units and the income from them may fall and rise and therefore as a unit holder the Council may not recover the full amount invested.

The Council has assessed its investments and concluded that the expected credit loss is not material and no allowances have been made.

## **Liquidity Risk**

The Council manages its liquidity position through risk management procedures, the setting and approval of prudential indicators and the approval of the treasury and investment strategy reports, as well as through a comprehensive cash flow management system, as required by the CIPFA Treasury Management Code of Practice. This seeks to ensure that cash is available as needed. The Council has ready access to borrowings from the money market to cover any day to day or long term cash flow need, and the PWLB and money markets for access to longer term funds. The Council is required to provide a balanced budget which ensures sufficient monies are raised to cover annual expenditure. There is therefore no significant risk that it will be unable to raise finance to meet its commitments under financial instruments.

The Council's investment with the CCLA Property Fund, which is a collective investment scheme investing in properties in the UK, is an illiquid investment and therefore the Council has ensured that these funds will not be needed in the medium term future. The units in the fund are purchased and redeemed through the fund manager. The investment is not traded in an active market and offer and bid prices quoted by the manager may be adjusted to protect subsisting unit holders.

## **Refinancing and Maturity Risk**

The Council no longer holds any external debt, but has £5,694,000 of Capital Financing Requirement, presently funded through internal borrowing. Should cashflow circumstances

change, it may be necessary to borrow externally to fund this debt, thereby incurring an interest charge, that is avoided at present.

The Council no longer holds a significant investment portfolio. The available interest rates are so low, that there is insufficient benefit to investing longer term. Instead funds are held in the Council's current account or very short term deposit accounts.

The Council has therefore removed the risk exposure to replacing financial instruments as they mature.

## **Market Risk**

### **Interest Rate Risk**

The Council is exposed to interest rate movements on its borrowings and investments. Reductions in interest rates would reduce the interest income credited to the Income and Expenditure Account from investments and decrease the interest expenditure from borrowing, while increases in interest rates would increase the income from investments and increase the interest cost from borrowing.

The treasury management team has an active strategy for assessing interest rate exposure that feeds into the setting of the annual budget and which is used to update the budget quarterly during the year. This allows any adverse changes to be accommodated.

According to this assessment strategy, at 31 March 2021, if interest rates had been 1% higher with all other variables held constant, the financial effect would have been to increase investment income by £500,000.

The Council had a loan of £1 million from the Public Works Loan Board (PWLB) at the start of the year, at a fixed interest rate of 2.38%. The loan was repaid during the year. If the interest rate at which this money was borrowed had been 1% lower with all other variables held constant, the financial effect would have been to decrease interest payable by £3,000.

The return from the CCLA Property Fund is expected to fluctuate in response to changes in capital appreciation or income. The Fund is permitted to borrow up to 50% of the value of the Fund in order to purchase direct properties. A failure by the Fund to perform its obligations under the terms of any such loan would permit lenders to demand early repayment of the finance and to realise any security they have over the Fund's Property. Borrowing also increases risk by magnifying capital and income performance, gains and losses.

### **Price Rate Risk**

The Council does not generally invest in equity shares or marketable bonds.

### **Foreign Exchange Risk**

The Council has no financial assets or liabilities denominated in foreign currencies. It therefore has no exposure to loss arising from movements in foreign exchange.



## 17. Debtors

### 17.1 Groupings of Debt

The table below analyses the balance sheet figures between different types of debt.

<b>31 March 2020</b>		<b>31 March 2021</b>
<b>£000</b>		<b>£000</b>
1,229	Trade Accounts Receivable	1,307
1,495	Other Trade Debtors	1,609
354	Central Government	2,261
374	Prepayments	411
6,656	Other Debtors	5,675
<b>10,108</b>	<b>Total Short Term Debtors</b>	<b>11,263</b>
<b>488</b>	<b>Total Long Term Debtors</b>	<b>2,700</b>
<b>10,596</b>	<b>Balance as at 31 March</b>	<b>13,963</b>

The Other Debtors balance for 2019/20 included £4.625 million for land at Holly Farm which had been sold and where the receipt was being phased over 4 years. The remaining payment was received in full in May 2021.

The Debtors balances for 2020/21 include £4.690 million in relation to the Collection Fund account balances owed by Central Government for business rates and by Local Authorities for business rates and Council tax. This is shown as £2.141 million in short term debtors, categorised as Other Debtors, and £2.549 million within Long Term Debtors.

### 17.2 Trade Accounts Receivable

As explained in Note 3.10 above, the grouping of 'Trade accounts receivable' comes within the definition of Financial Instruments. Invoices are sent to individuals and other entities, where money cannot be obtained in advance of the service being rendered, and where payment is required on the receipt of the invoice.

The Council gives priority to collecting this debt, taking action through collection agencies or legal processes where appropriate, but has to make a prudent provision for impairment for doubtful debts, based on previous experience of default and on assessment of individual outstanding balances. The table below shows the age profile of this debt.

<b>31 March</b>		<b>31 March</b>
-----------------	--	-----------------

2020		2021
£000		£000
1,071	Less than 3 months	1,059
35	3 to 6 months	37
9	6 to 12 months	79
114	More than 1 year	132
<b>1,229</b>	<b>Total Trade Accounts Receivable</b>	<b>1,307</b>

The Council has also made impairment provisions of £3,546,000 at 31 March 2021, compared to £2,926,000 at 31 March 2020, covering debts for Housing Benefit overpayments, this Council's share of Council Tax and Non-Domestic Rates debts, rents, rent deposits and Penalty Charge Notices for parking. The approach to assessing these impairment provisions is similar to those for trade debtors, as outlined above, although such debts do not fall within the definition of financial instruments.

### 17.3 Covid-19 Pandemic

Each debt outstanding as at 31 March has been reviewed and an assessment made on the probability of recovery. If the recovery is considered unlikely then a provision for that sum has been made in the accounts. The overall level of debt has increased marginally by £78,000 in 2020/21 and only a very small proportion is due to Covid-19. The lease holder of the investment property held by the Council went into administration, leaving £102,300 of outstanding lease payments. Whilst this has not yet been written off, as there may be some proceeds from the administration process, a provision has been made for the entire sum. Another £250,000 of the short term debt is an invoice that was raised to the Amelia Scott Cultural Trust to enable them to forward a grant of £250,000 given by the Garfield Weston Trust to support the project. The timing of raising the invoice and the payment thereof, straddled year end. It can therefore be seen that all other Council debt has been managed effectively during the year despite Covid-19 and is now actually lower than last year. It now seems unlikely that there will be other significant change unless there are future lockdowns.

### 17.4 Contingent Assets

There are no contingent assets to be reported.

## 18. Liabilities

### 18.1 Creditors

The table below analyses short-term and long-term creditors between different types of creditor.

<b>31 March 2020</b>		<b>31 March 2021</b>
<b>£000</b>		<b>£000</b>
(9,257)	Central Government	(14,812)
(2,394)	Other Local Authorities	(358)
(4,882)	All Other Bodies	(6,131)
<b>(16,533)</b>	<b>Total Short Term Creditors</b>	<b>(21,301)</b>
(11)	Central Government	0
(113)	Other Local Authorities	0
(13)	All Other Bodies	(13)
<b>(137)</b>	<b>Total Long Term Creditors</b>	<b>(13)</b>
<b>(16,670)</b>	<b>Balance as at 31 March</b>	<b>(21,314)</b>

The liability for Central Government as at 31 March 2021 includes £7.999 million in relation to the Covid-19 business grants. The Council has been administering business grants schemes, provided by the Government to support businesses during the pandemic. The funding for these schemes has been provided up front and therefore the Council held these balances short term, until the sums are able to be passed onto businesses or will be returned to Government. The Council considers itself to be an agent in terms of these grants and therefore the transactions are not reflected in the Comprehensive Income and Expenditure Statement. Instead the remaining grants are held as a creditor on the Balance Sheet.

## 18.2 Provisions

### Appeals against Business Rate Valuations and Appeals not yet lodged

As part of the changes relating to business rates retention that came into force in 2013, a provision is now made to allow for the potential losses from appeals against valuations. The appeals outstanding on the 2010 list are calculated based on the appeals outstanding at 31 March 2020 and the average reduction achieved from settled appeals. For the Council this still constitutes £363,965 (40% of the total provision), as the Valuation Office is still working through its caseload.

The new 2017 Rating list, applicable from 1 April 2017, is subject to a new, and significantly more complex appeal process. This has meant that far fewer appeals have been made than would normally have been expected. It is also considered that consultancy companies, which assist businesses to appeal, will not make their appeals in the early years of a new rating list, in order to maximise their earnings from retrospective years' commission. The low number of appeals experienced thus far is not anticipated to be the case indefinitely and the amounts appealed could be significant and retrospective. It could be argued that the amounts to be

appealed and the timescales for the appeals, cannot be determined and therefore should be a contingent liability. However, the Ministry of Housing, Communities and Local Government has provided an estimate that 2.1p in every £1 of the annual Rateable Value would be appealed and in order to reflect this material sum, a provision has been made in the Collection Fund. The provision calculation provides on the basis of that 2.1p in every £1, but then recognises those businesses that are in receipt of the various business rate reliefs, which means they are less likely to appeal their rateable value.

This has meant an overall increase in the level of appeals provision to £10,265,845. The Council's 40% share of the total provision has been increased to £4,106,338 (£3,445,538 at 31 March 2020).

## 18.3 Contingent Liabilities

### Municipal Mutual 'Run Off' Liabilities

Municipal Mutual Insurance Limited (MMI) was the main local authority insurer for many years up until 1992 when the company failed and went into "run-off". A Scheme of Arrangement was approved in 1994 with the aim of meeting all claims and achieving a solvent run-off. For a number of years the Administration and Creditors Committee reported that a solvent run off was likely to be achieved and sought to sell the business to another insurer to bring the arrangement to a conclusion. Unfortunately a sale has never been achieved and more recently claims have emerged where courts have ruled in favour of claimants rather than MMI. In 2015/16 a review of the Scheme of Arrangements concluded that a 25% levy must be charged on claims since the Scheme of Arrangement commenced and the Council duly paid this. Each year MMI now provides an estimate of the outstanding claims as at 31st March, of which there is one for 2019/20 totalling £45,791. However, there is no certainty about whether this claim is likely to be successful or when the claim may need to be paid. The Council has, however, put £50,000 aside in a reserve for any future claims that are made or any further adjustments made to the levy rate.

### Dispute with Lessee

The Council has an ongoing dispute with a lessee claiming losses of income to their business. The maximum liability, including costs could be £60,000. The Council strongly rejects the claim and does not anticipate making any payment.

### Judicial review

In 2019/20 it was anticipated that a planning decision would be judicially reviewed. However, permission for the judicial review was eventually refused. There is an application for an oral hearing, but the matter is likely to be concluded at this point, with no further costs to the Council.

### Planning Inquiries

There are two impending planning inquiries, one against a Planning Committee refusal of planning permission in Hawkhurst and the other for overturning the approval of planning

permission for a site in Cranbrook. Combined, they are likely to have direct costs to the Council of over £100,000, but if the inquiry finds against the Council, there will also be an unknown amount claimed in costs by the third parties.

## 19. Grants and Contributions

### 19.1 Grants and Contributions

The table below outlines Government grants and other external contributions accounted for within the Comprehensive Income and Expenditure Statement and the Cash Flow Statement.

2019/20	2019/20	2019/20		2020/21	2020/21	2020/21
£000	£000	£000		£000	£000	£000
Grants	Contribs	Total		Grants	Contribs	Total
(28,159)	0	(28,159)	DWP Benefits Grants	(26,558)	0	(26,558)
0	0	0	Covid-19 Business & Resident Grants	(4,032)	0	(4,032)
0	0	0	Council Tax Hardship Fund	(622)	0	(622)
0	(2,542)	(2,542)	Contribution from Other Local Authorities and Health Sector	0	(2,435)	(2,435)
0	(2,275)	(2,275)	Contributions to revenue expenditure financed from capital	0	(684)	(684)
(1)	(312)	(313)	Other grants and contributions	(150)	(1,075)	(1,225)
<b>(28,160)</b>	<b>(5,129)</b>	<b>(33,289)</b>	<b>Total Within Cost of Services</b>	<b>(31,362)</b>	<b>(4,194)</b>	<b>(35,556)</b>
(2,283)	0	(2,283)	Business Rate Reliefs	(13,886)	0	(13,886)
(42)	0	(42)	Covid-19 Support Grants	(7,259)	0	(7,259)
(1,142)	0	(1,142)	New Homes Bonus	(1,160)	0	(1,160)
(449)	0	(449)	Homelessness Support	(757)	0	(757)
(425)	0	(425)	Benefits & Business	(419)	0	(419)

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			Rates administration grants			
(257)	0	(257)	Council Tax	(71)	0	(71)
0	(1,006)	(1,006)	Grants & contributions towards capital	(2,960)	(1,807)	(4,767)
(273)	(135)	(408)	Other grants and contributions	(115)	(241)	(356)
<b>(4,871)</b>	<b>(1,141)</b>	<b>(6,012)</b>	<b>Total within Taxation and Non-Specific Grant Income</b>	<b>(26,627)</b>	<b>(2,048)</b>	<b>(28,675)</b>
<b>(33,031)</b>	<b>(6,270)</b>	<b>(39,301)</b>	<b>Total within Comprehensive and Expenditure Statement</b>	<b>(57,989)</b>	<b>(6,242)</b>	<b>(64,231)</b>
(6,492)	1,954	(4,538)	Adjust for variation in accruals and capital grants	(15,520)	1,606	(13,914)
<b>(39,523)</b>	<b>(4,316)</b>	<b>(43,839)</b>	<b>Total within Cash Flow Statement</b>	<b>(73,509)</b>	<b>(4,636)</b>	<b>(78,145)</b>

### 19.2 Covid-19 Pandemic

Included in the table above are several amounts received this year to support the Council's response to the pandemic.

Within Cost of Services are the business grants and resident payments where the Council has been delivering Government funded schemes for which it deems itself to be acting as principal. Grants received were as follows:

2019/20		2020/21
£000		£000
0	Additional Restrictions Grant	(2,638)
0	Local Authority Discretionary Grant Fund	(1,366)
0	Local Restrictions Support Grant (Open)	(25)
0	Self-Isolation Payments (Discretionary)	(3)
<b>0</b>	<b>Total Covid-19 Business &amp; Resident Grants</b>	<b>(4,032)</b>

## Appendix A

A number of grants and contributions are shown within 'Other grants and contributions' that were received for schemes supporting the pandemic response.

Within Non-Specific Grant Income, Covid-19 Support Grants received were as follows:

2019/20		2020/21
£000		£000
0	Compensation for lost Sales, Fees and Charges	(4,227)
(42)	Covid-19 Emergency Funding	(1,429)
0	Local Tax Income Guarantee (Business Rates & Council Tax)	(1,309)
0	New Burdens Grants for administering grant schemes	(294)
<b>(42)</b>	<b>Total Covid-19 Support Grants</b>	<b>(7,259)</b>

### 19.3 Capital Grants Receipts in Advance

The Council receives grants and contributions that have yet to be recognised as income as they have no conditions attached to them that will require the monies to be returned to the giver. The balances at year end are as follows:

31 March 2020		31 March 2021
£000	Short Term Capital Grants Receipts in Advance	£000
(45)	Balance as at 1 April	(670)
(29)	Grants Received	(30)
279	Applied to revenue & capital expenditure	100
(875)	Transfer from Long Term Grants	(460)
<b>(670)</b>	<b>Balance as at 31 March</b>	<b>(1,060)</b>

31 March 2020		31 March 2021
£000	Long Term Capital Grants Receipts in Advance	£000
(1,163)	Balance as at 1 April	(3,344)
(3,178)	Grants Received	(601)
122	Other Transfers	426
875	Transfer to Short Term Grants	460

<b>(3,344)</b>	<b>Balance as at 31 March</b>	<b>(3,059)</b>
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The Council receives contributions under Section 106 of the Town and Country Planning Act 1990, which enables developers to make contributions in connection with the granting of planning permission. Where these contributions are to be used towards capital investment, and if the agreements contain a condition specifying a date by which the contribution must be used for a specific purpose, this income is held on the balance sheet under the heading 'capital grants receipts in advance'. Balances under 'current liabilities' represent those expected to be used to finance capital in the next financial year, and other balances are held under 'long term liabilities'.

## 20. Officers' Remuneration

### 20.1 Remuneration of Senior Management

The tables below set out in more detail the remuneration of the senior staff of the Council. The pay of the officers concerned is also included in the remuneration band table set out in Note 20.2 below.

<b>2020/21</b>	<b>Salary</b>	<b>Pension</b>	<b>Total</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Chief Executive	136,614	23,291	159,905
Director of Finance, Policy & Development (s151 Officer)	129,361	19,611	148,972
Director of Change & Communities	100,319	17,656	117,975
<b>Total</b>	<b>366,294</b>	<b>60,558</b>	<b>426,852</b>

<b>2019/20</b>	<b>Salary</b>	<b>Pension</b>	<b>Total</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Chief Executive	139,712	19,094	158,806
Director of Finance, Policy & Development (s151 Officer)	112,718	13,327	126,045
Director of Change & Communities	97,407	13,345	110,752
<b>Total</b>	<b>349,837</b>	<b>45,766</b>	<b>395,603</b>

It should be noted that:



- No bonuses were payable to any of these officers.
- The remuneration is gross of any eligible salary sacrifice schemes.
- The figures for the Chief Executive include fees payable for the role of Returning Officer for electoral purposes. The amounts fluctuate between years, depending on what elections fall due during the financial year. No amount was paid in 2020/21 compared to £10,553 in 2019/20.
- Similarly the figures for the Director of Finance, Policy and Development include fees payable for elections. No amount was paid in 2020/21 compared to £2,297 in 2019/20.

## 20.2 Remuneration Bands

The table below shows the number of employees in the year whose remuneration was greater than £50,000. For this purpose remuneration means amounts paid to or receivable by an employee (not including pension benefits), and includes sums due by way of expenses allowance (so far as these sums are chargeable to United Kingdom income tax), and the estimated money value of any other benefits received by an employee otherwise than in cash. The table displays two columns for each year: the first column, in line with the Accounts and Audit Regulations, shows amounts paid to individuals including severance pay. As this can vary considerably between years, a second column is also included which excludes severance pay completely.

The table below shows total remuneration paid to individual employees for the year, whereas the detailed tables above in Note 20.1 show remuneration against the relevant senior post. This does not cause any difference for the two years reported above, but in other years a particular post may be held by more than one employee during the course of the year, and conversely an employee may occupy different posts during the year.

2019/20		Remuneration Band	2020/21	
Including Severance	Excluding Severance		Including Severance	Excluding Severance
3	3	£50,000 - £54,999	7	7
4	4	£55,000 - £59,999	2	2
6	6	£60,000 - £64,999	9	9
1	1	£65,000 - £69,999	2	2
1	1	£70,000 - £74,999	0	0
1	1	£75,000 - £79,999	2	2
2	2	£80,000 - £84,999	0	0
0	0	£85,000 - £89,999	2	2
2	2	£95,000 - £99,999	1	1

1	1	£100,000 - £104,999	1	1
1	1	£110,000 - £114,999	0	0
0	0	£125,000 - £129,999	1	1
1	1	£135,000 - £139,999	1	1
<b>23</b>	<b>23</b>	<b>Total</b>	<b>28</b>	<b>28</b>

## 21. Defined Benefit Pension Schemes

### 21.1 Participation in defined liability pension plan

As part of the terms and conditions of employment of its employees, the Council makes contributions towards the cost of post-employment benefits. Although these will not actually be payable until employees retire, the Council has a commitment to make the payments, and this needs to be disclosed at the time that employees earn their future entitlement.

The Council participates in the Local Government Pension Scheme, and therefore in the Kent Pension Scheme, which is administered by Kent County Council.

Under the Local Government Pension Scheme retirement benefits are based on the employee's final salary, and are increased each year in line with the Consumer Price Index.

The accounting policy for this pension plan, including the recognition of actuarial gains and losses, is set out in the accounting policies set out in Note 3.8.

### 21.2 Annual Movement in Plan Obligations and Assets

The table below shows separately the movements in the obligations and assets relating to the accounting group:

2019/20	2019/20	2019/20		2020/21	2020/21	2020/21
£000	£000	£000		£000	£000	£000
Liabilities	Assets	Net		Liabilities	Assets	Net
(151,852)	97,379	(54,473)	<b>Asset / Liability as at 1 April</b>	(149,603)	91,890	(57,713)
(3,184)	0	(3,184)	Current Service Cost	(3,347)	0	(3,347)
(785)	0	(785)	Curtailments	0	0	0
(3,596)	2,317	(1,279)	Interest expense and income	(3,471)	2,145	(1,326)

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0	(56)	(56)	Administration expenses	0	(75)	(75)
<b>(7,565)</b>	<b>2,261</b>	<b>(5,304)</b>	<b>Surplus/Deficit on Provision of Services</b>	<b>(6,818)</b>	<b>2,070</b>	<b>(4,748)</b>
0	2,423	2,423	Employer Contributions	0	2,595	2,595
(627)	627	0	Employee Contributions	(675)	675	0
4,704	(4,704)	0	Payments to beneficiaries	4,486	(4,486)	0
<b>4,077</b>	<b>(1,654)</b>	<b>2,423</b>	<b>Other Movements</b>	<b>3,811</b>	<b>(1,216)</b>	<b>2,595</b>
0	(9,499)	(9,499)	Return on assets excluding interest income	0	25,272	25,272
11,462	0	11,462	Changes in financial assumptions	(35,063)	0	(35,063)
1,958	0	1,958	Changes in demographic assumptions	1,731	0	1,731
(7,683)	0	(7,683)	Experience gains and losses	2,246	0	2,246
0	3,403	3,403	Other actuarial gains/(losses)	0	0	0
<b>5,737</b>	<b>(6,096)</b>	<b>(359)</b>	<b>Re-measurements</b>	<b>(31,086)</b>	<b>25,272</b>	<b>(5,814)</b>
<b>(149,603)</b>	<b>91,890</b>	<b>(57,713)</b>	<b>Asset / Liability as at 31 March</b>	<b>(183,696)</b>	<b>118,016</b>	<b>(65,680)</b>

In 2015, the Government introduced reforms to public sector pensions, with most public sector workers moved into new pension schemes. In December 2018, the Court of Appeal ruled that the 'transitional protection' offered to some members of the judicial (McCloud) and fire fighter's (Sergeant) schemes as part of the reforms, breached age discrimination rules. This case has impacted upon other areas of the public sector and in 2019/20 the Council reflected the additional liability. This has been rolled forward into the liability for 2020/21 and re-measured to reflect the judgement, but the outcome of a consultation into the final remedy is still awaited. This could be a risk to the liability, but it is the actuary's view that there is no

material difference between the approach underlying their estimated allowance and the proposed remedy.

### 21.3 Plan Assets

The plan's assets and expected return consist of the following categories:

31 March 2020	31 March 2020		31 March 2021	31 March 2021
£000	%		£000	%
56,530	61.5%	Equities	75,995	64.4%
714	0.8%	Gilts	701	0.6%
11,977	13.0%	Bonds	14,738	12.5%
12,503	13.6%	Property	12,214	10.3%
2,405	2.6%	Cash	5,852	5.0%
7,761	8.5%	Target Return Portfolio	8,516	7.2%
<b>91,890</b>	<b>100%</b>	<b>Total</b>	<b>118,016</b>	<b>100%</b>

### 21.4 Actuarial Assumptions

Liabilities have been assessed on an actuarial basis using the projected unit method, an estimate of the pensions that will be payable in future years dependent on assumptions on mortality rates, salary levels, etc. The liabilities have been assessed by Barnett Waddingham, an independent firm of actuaries, being based on the latest full valuation of the scheme as at 31 March 2021. The main assumptions used for the purposes of the calculations are:

2019/20		2020/21
	<b>Mortality assumptions:</b>	
21.8 years	Longevity at 65 for current pensioners: Men	21.6 years
23.7 years	Longevity at 65 for current pensioners: Women	23.6 years
23.2 years	Longevity at 65 for future pensioners: Men	22.9 years
25.2 years	Longevity at 65 for future pensioners: Women	25.1 years
	<b>Other assumptions:</b>	
3.00%	Rate of increase in salaries	3.80%

2.00%	Rate of increase in pensions	2.80%
2.35%	Rate for discounting scheme liabilities	2.00%
50.0%	Take-up option to convert annual pension into retirement lump sum	50.0%

## 21.5 Basis for Estimating Assets and Liabilities

The estimates depend on a number of complex judgements relating to the discount rate used, the rate at which salaries are projected to increase, changes to retirement ages, mortality rates and expected returns on pension fund assets. A firm of consulting actuaries, Barnett Waddingham, is engaged to provide the Council with expert advice about the assumptions to be applied. The table below shows the impact of small changes to the major assumptions:

2019/20		2020/21
	<b>Discount Rate:</b>	
(3,003)	Increase of 0.1%	(4,740)
3,161	Reduction of 0.1%	5,086
	<b>Salary Increases:</b>	
3,082	Increase of 0.1%	4,913
(3,080)	Reduction of 0.1%	(4,908)
	<b>Pension Increases:</b>	
3,160	Increase of 0.1%	5,084
(3,004)	Reduction of 0.1%	(4,741)
	<b>Adjustment to Mortality Estimates:</b>	
3,176	Increase of 1 year	5,115
(2,989)	Reduction of 1 year	(4,713)

## 21.6 Covid-19 Pandemic

Many pension assets were valued on the 31 March 2021, meaning there should be an immaterial impact upon the value of the fund. This year, the general uncertainty around the property valuations of the assets caused by the pandemic have subsided and the Kent Pension Fund is no longer disclosing a 'material valuation uncertainty' in relation to the directly held property and pooled property funds within the assets of the pension fund.

## 21.7 Funding Arrangements

The estimated cash contribution for 2021/22 is £2,750,000 compared with the actual contribution of £2,601,000 for 2020/21.

## 22. Termination Benefits and Exit Packages

In 2020/21 the Council paid £3,000 in severance payments to 1 former member of staff, compared to £6,000 paid to 1 former member of staff in 2019/20. This payment, when combined with the salary payment, did not exceed £50,000 and was a compulsory redundancy.

The table below shows the complete cost of exit packages agreed in each year that has been charged to the Comprehensive Income and Expenditure Statement. The costs shown include severance pay and any curtailment costs relating to the cost of allowing employees to take their pensions before normal retirement age.

2019/20	2019/20		2020/21	2020/21
Number	Cost		Number	Cost
	£000	Banding		£000
1	6	£0 - £19,999	1	3
<b>1</b>	<b>6</b>	<b>Total</b>	<b>1</b>	<b>3</b>

## 23. Members' Allowances

The total amount of Member's allowances paid in 2020/21 was £346,545 compared to £357,828 in 2019/20.

The Council provides a statement, in accordance with the Local Authorities Members' Allowance (England) Regulations 2003, giving details of the allowance paid. The statement may be seen on the Council's website or copies can be obtained by writing to the Democratic Services Manager, Town Hall, Royal Tunbridge Wells, Kent TN1 1RS, telephone 01892 554179 or email [committee@tunbridgewells.gov.uk](mailto:committee@tunbridgewells.gov.uk)

## 24. External Audit Costs

The audit fees for 2020/21, payable to Grant Thornton, are set out below:

2019/20		2020/21
£000		£000
44	External Audit Services – Statutory Accounts	47
22	Audit & Statutory Certification of Grant Claims	24
0	Value for Money Audit	18
0	Additional Fees due to Impact of Covid-19	8
<b>66</b>	<b>Sub Total</b>	<b>97</b>
(5)	Rebate of Audit Fees from Public Sector Audit Appointments	0
<b>61</b>	<b>Total</b>	<b>97</b>

## 25. Leasing

### 25.1 Operating Leases – Council acting as lessor

The Council leases out various properties that it does not directly occupy, for purposes such as housing, leisure and economic development, including the ground rent received for the Royal Victoria Place shopping centre.

The future minimum lease payments receivable under non-cancellable leases as at the end of the financial year are:

31 March 2020		31 March 2021
£000	Leases expiring:	£000
(1,349)	Within one year	(1,406)
(4,784)	Between two and five years	(4,659)
(78,382)	Later than five years	(77,107)
<b>(84,515)</b>	<b>Total</b>	<b>(83,172)</b>

The minimum lease payments receivable as shown in the above table do not include rents that are contingent upon events taking place after the start of the lease, such as adjustments following rent reviews.

## 25.2 IFRS 16 Leases

The CIPFA/LASAAC Local Authority Accounting Code Board (CIPFA/LASAAC) has agreed to defer the implementation of IFRS 16 Leases until the 2022/23 financial year. This aligns with the decision at the Government's Financial Reporting Advisory Board to establish a new effective date of 1 April 2022 for the implementation of IFRS 16.

## 26. Related Parties

The term "Related Party" covers relationships between the Council and a body or individual where one of the parties can exercise significant influence over the policies and decisions of the other.

### 26.1 Central Government

The UK central government provides much of the Council's funding and determines its statutory framework. Details of transactions with central government are shown in the Comprehensive Income and Expenditure Statement, the Cash Flow Statement, and Note 17 Debtors, Note 18 Liabilities and Note 19 Grants and Contributions.

### 26.2 Kent Pension Scheme

The Council participates in the Kent Pension Scheme, making annual contributions to the Kent Pension Fund as set out in Note 20. Although the scheme is administered by Kent County Council, the pension fund is a separate legal entity, and Kent County Council is not in itself a related party.

### 26.3 Tunbridge Wells Property Holdings Ltd

This company was incorporated on 9 March 2015, with the purpose of owning and managing some of the Council's property portfolio, particularly those properties being developed as part of the capital programme. The company is wholly owned by the Council and there are 3 company Directors, comprising 2 Councillors and the Head of Economic Development and Property. A letting agent has been appointed to manage the tenant relationships and the administration is provided by the Council and recharged to the company.

The company started trading on the 18 May 2015, when 8 properties were leased to the company by the Council on 22 year leases and since then a further 11 properties have been leased. 2020/21 is the sixth year of trading the company is expected to make a small loss in the region of £6,000. The accounts will be filed at Companies House by December 2021. Group Accounts have not been prepared as the revenue is immaterial as shown in Note 5 Critical Judgements in Accounting Policies.



## 26.4 Members and Senior Officers

All members and senior officers are required to complete an annual return, disclosing the details of any interest of themselves and their close family members, which might have an impact on their activities on behalf of the Council. Members also disclose such interests in the Register of Members' Interests, which is held at the Town Hall, Tunbridge Wells, and is open to public inspection.

Returns were received from all Councillors elected for the 2020/21 financial year and all Chief Officers and there were no transactions considered of material significance to warrant separate disclosures in the accounts.

Details of payments to senior officers and to members are shown in Note 20 Officers' remuneration and Note 23 Members' allowances respectively.

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# Collection Fund Statement

The Collection Fund is an agent's statement that reflects the Council's statutory obligation for billing authorities to maintain a separate Collection Fund. The statement shows the transactions of the billing authority in relation to the collection from taxpayers and the distribution to local authorities and the Government of Council tax and non-domestic rates.

2019/20	2019/20	2019/20		2020/21	2020/21	2020/21
£000	£000	£000		£000	£000	£000
Council Tax	Business Rates	Total		Council Tax	Business Rates	Total
(82,822)	(55,274)	(138,096)	Income Collectable	(86,134)	(22,364)	(108,498)
0	0	0	Covid-19 Council Tax Hardship Discount	(655)	0	(655)
<b>(82,822)</b>	<b>(55,274)</b>	<b>(138,096)</b>	<b>Income Receivable</b>	<b>(86,789)</b>	<b>(22,364)</b>	<b>(109,153)</b>
			Apportionments of previous year surplus:			
0	0	0	Kent County Council	180	0	180
0	0	0	Kent Police Authority	27	0	27
0	0	0	Kent Fire and Rescue Service	11	0	11
0	0	0	Tunbridge Wells Borough Council	32	0	32
			Precepts and central share:			
59,375	3,976	63,351	Kent County Council	62,533	5,610	68,143
8,826	0	8,826	Kent Police Authority	9,401	0	9,401
3,553	498	4,051	Kent Fire and Rescue Service	3,669	563	4,232
10,702	19,762	30,464	Tunbridge Wells Borough Council	11,199	22,510	33,709
0	25,437	25,437	Government	0	27,592	27,592
			Transfer to General			

## Appendix A

			Fund:			
0	170	170	Cost of collection	0	168	168
			Impairments of debts:			
150	534	684	Write offs	132	112	244
587	288	875	Allowance for impairments	871	895	1,766
			Impairments resulting from appeals:			
0	2,236	2,236	Allowance for impairments	0	1,652	1,652
0	(56)	(56)	Transactional protection payments	0	802	802
0	115	115	Renewable energy schemes	0	124	124
<b>83,193</b>	<b>52,960</b>	<b>136,153</b>	<b>Expenditure</b>	<b>88,055</b>	<b>60,028</b>	<b>148,083</b>
<b>371</b>	<b>(2,314)</b>	<b>(1,943)</b>	<b>(Increase) / Reduction in fund balance</b>	<b>1,266</b>	<b>37,664</b>	<b>38,930</b>

2019/20	2019/20	2019/20		2020/21	2020/21	2020/21
£000	£000	£000		£000	£000	£000
Council Tax	Business Rates	Total	Collection Fund Balance	Council Tax	Business Rates	Total
(871)	339	(532)	Balance at 1 April	(500)	(1,975)	(2,475)
371	(2,314)	(1,943)	(Increase) / Reduction in fund balance	1,266	37,664	38,930
<b>(500)</b>	<b>(1,975)</b>	<b>(2,475)</b>	<b>(Surplus) / Deficit Balance at 31 March</b>	<b>766</b>	<b>35,689</b>	<b>36,455</b>

# Notes to the Collection Fund Statement

## 1. Council Tax

Council Tax income derives from charges raised according to the value of residential properties, which have been classified into eight valuation bands estimated at 1 April 1991 values for this specific purpose. The property valuations are carried out by the Valuation Office Agency. Individual charges are calculated by estimating the amount of income required to be taken from the Collection Fund by Kent County Council, the Police and Crime Commissioner for Kent, Kent and Medway Fire and Rescue Authority and this Council for the forthcoming year and dividing this by the Council Tax Base

The Council Tax base is the number of chargeable dwellings in each valuation band, adjusted where discounts apply, converted to an equivalent number of Band D dwellings. This was calculated as follows:

	<b>Multiplier</b>	<b>2019/20</b>	<b>2019/20</b>	<b>2020/21</b>	<b>2020/21</b>
		<b>Properties</b>	<b>Band D Equivalent</b>	<b>Properties</b>	<b>Band D Equivalent</b>
A	6/9	2,171.42	1,447.55	2,153.26	1,435.62
B	7/9	3,687.22	2,867.79	3,801.01	2,956.34
C	8/9	10,958.74	9,741.07	11,136.41	9,899.00
D	9/9	8,983.89	8,983.89	9,088.21	9,088.21
E	11/9	6,221.99	7,604.60	6,321.01	7,725.65
F	13/9	4,343.62	6,274.02	4,381.50	6,328.83
G	15/9	4,958.57	8,264.18	4,990.07	8,316.79
H	18/9	532.81	1065.50	544.38	1088.76
	<b>Total</b>	<b>41,858.26</b>	<b>46,248.60</b>	<b>42,415.85</b>	<b>46,839.20</b>
	<b>Collection Rate</b>		<b>0.988</b>		<b>0.988</b>
	<b>Tax Base</b>		<b>45,693.60</b>		<b>46,277.10</b>

## 2. Non-Domestic Rates

The total non-domestic rateable value at 31 March 2021 was £134.831 million (£137.328 million as at 31 March 2020). The national non-domestic multiplier for the year was 51.2p (50.4p for 2019/20). A new ratings list was published for 2017, updating the last valuation list that came into effect in 2010. The principle is that a revaluation should take place every 5 years to ensure that rateable values reflect changes in the property market. Legislation had been introduced to bring the next revaluation forward by one year from 2022 to 2021, but government postponed this due to Covid-19 until 1 April 2023. At each revaluation the multipliers are revised so that the overall national business rates bill only changes in line with inflation.

In 2015/16 the Council joined the Kent Non-Domestic Rates Pool, which enables the County to retain much of the Business Rates Levy that would otherwise have been paid to government, and therefore maximise the retention of locally generated business rates.

### 2.1 Covid-19 Pandemic

Business rates income, after reliefs applied, is shown to be £22,364,000 for 2020/21, compared to £55,274,000 for 2019/20. The reduction is largely due to additional business rates reliefs that were applied. In response to the coronavirus pandemic the Government expanded business rates retail relief by increasing it to 100% and extending it to the leisure and hospitality sectors. The Council is reimbursed for the reliefs granted by Government through the payment of Section 31 grants, however these grants do not get paid to the Collection Fund and are instead credited to the appropriate line in the Comprehensive Income and Expenditure Statement. The Council's share of the deficit on the collection fund will need to be repaid over future years and therefore it has placed a sum of £15,140,000, from the Section 31 grants into reserves to fund this deficit in relation to business rates.

### 2.2 Business Rates Appeals

There has been an on-going business rate litigation between the Valuation Office and a number of Ratepayers concerning the rating of Automated Teller Machines (ATM's). An appeal was heard by the Supreme Court on 11<sup>th</sup> and 12<sup>th</sup> March 2020 and the decision was published on the 20 May 2020. They found in favour of the Ratepayers. The Council has now settled all ATM claims, so the 2019/20 provision for appeals in the Collection Fund of £269,144 has been removed in 2020/21. There was also concern that challenges would then be made for other concessions within supermarkets, but the Council has not received any claims or further information relating to these concessions.

There were a number of appeals received in the year from businesses claiming reductions in their rateable values due to a "Material Change in Circumstances", that material change being the pandemic. However, the Government's decision to legislate against any pandemic based appeals has removed this risk.

## Appendix A

The Council received applications for mandatory relief from business rates on behalf of 2 NHS Foundation Trusts, but the courts have subsequently decided that their case does not have merit and they have therefore not been awarded this mandatory relief.

The new 2017 Rating list, applicable from 1 April 2017, is subject to a new, and significantly more complex appeal process. The basis of the appeals provision is explained in Note 17.2 Provisions, but there has been an overall increase in the level of appeals provision to £10,265,845 (£8,613,844 at 31 March 2020).

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## Update on complaints received under the Members' Code of Conduct

For Audit and Governance Committee on 16 September 2021

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### Summary

**Lead Member:** Leader of the Council, Councillor Tom Dawlings

**Lead Director:** Lee Colyer, Director of Finance, Policy and Development

**Head of Service:** Patricia Narebor, Head of Legal Partnership and Monitoring Officer

**Report Author:** Gary Rowland, Senior Lawyer (Corporate Governance)

**Classification:** Public document

**Wards Affected:** All

Approval Timetable	Date
Audit and Governance Committee	16 September 2021

### Recommendations

Officer recommendations as supported by the Portfolio Holder:

1. That the Committee note the update on complaints received under the Members' Code of Conduct.

## 1. Introduction and Background

- 1.1 This report provides an update on complaints received under the Members' Code of Conduct in the period 1 March 2021 to 30 August 2021.
- 1.2 The current Members' Code of Conduct ("the Kent Code") for Tunbridge Wells Borough Council was adopted by the Borough Council on 18 July 2012. It was a requirement under the Localism Act 2011 that all councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. At the same Full Council meeting the Council also adopted arrangements for dealing with complaints ("the Kent Procedures") made under the Code of Conduct in the Tunbridge Wells area. The current version of the Kent Procedures can be found on the Council's website.
- 1.3 The Localism Act 2011 requirement to adopt a Code of Conduct also applied to the parish and town councils in the Tunbridge Wells area and all have adopted a Code of Conduct. These parish and town councils, with the exception of Paddock Wood, adopted the same 'Kent Code' which had been agreed across Kent and was adopted by the County Council, most of the district councils and most of the parish and town councils in Kent. Paddock Wood Town Council adopted the National Association of Local Councils model Code of Conduct.
- 1.4 Under the Localism Act 2011 the Borough Council is responsible for dealing with any complaints made under the Members' Codes of Conduct against borough, parish and town council Members throughout the Tunbridge Wells Borough area. The arrangements for dealing with complaints ("the Kent Procedures") that were adopted by the Borough Council also apply in cases concerning parish and town councils.
- 1.5 The Borough Council have resolved that oversight of the Kent Procedures falls under the Audit and Governance Committee.

## 2. Update on Complaints Received

- 2.1 At each Audit and Governance Committee meeting the Monitoring Officer provides an update regarding Code of Conduct complaints. The update omits details of the identities of the complainant and the subject member because the Localism Act repealed the previous statutory process under which names were published. In the absence of that statutory process, the Data Protection Act requires the names to be kept confidential at this stage.



2.2 At the Audit and Governance Committee on 30 March 2021 it was reported that there were no outstanding complaints against borough, parish, or town councillors.

2.3 Since the last meeting, the Monitoring Officer has received a further six complaints. All six complaints concern parish/town councillors.

One of the complaints alleged failure to declare an interest and acting against advice, two complaints alleged failure to declare an interest and having a conflict of interest and the other three complaints alleged threatening behaviour/bullying.

The status of each complaint is as follows:

- Failure to declare an interest and acting against advice  
No further action taken. The complaint did not pass the preliminary tests.
- Failure to declare an interest and having a conflict of interests  
Both complaints are still under consideration.
- Threatening behaviour/bullying  
Two complaints are still under consideration, the other did not pass the preliminary tests.

### Model Code of Conduct Update

2.4 The Kent Code of Conduct has been initially amended, in draft, following KCC Standards Committee consideration of the LGA Model Code of Conduct, early this year and changes considered by a working group.

The Kent MOs reviewed the LGA Model Code of Conduct against the Kent draft and agreed that the format of the LGA Code should not be adopted. However, it was recommended that the Kent Code be updated to include the following changes:

- (a) Description of bullying and harassment.
- (b) An update of the Seven Principles of Public Life.

The final draft by KCC will be referred back to the KCC Committee as a proposed version for their approval. If approved, it will then be sent to Kent authorities for approval/adoption for their use.

Following approval/adoption by Maidstone Borough Council, Parish Councils will have the opportunity to consider whether they will adopt the Kent/Maidstone model or an amended version of their own or make no changes to their current codes.

The recommendations made by the Parliamentary Committee for Standards in Public Life, such as a review of the sanctions, cannot be adopted without further legislation,. A consultation by Government on those recommendations is

awaited. The required legislation has not been enacted by Parliament and as such, the Code of Conduct cannot be amended to reflect the recommendations.

## **3. Preferred Option and Reason for Recommendation**

- 3.1 That Members' note the update on complaints received under the Member's Code of Conduct.

## **4. Consultation Results and Previous Committee Feedback**

- 4.1 This report does not require further consultation as it is for information only.

## **5. Next Steps: Communication and Implementation of the Decision**

- 5.1 The Committee's decision will be published in the minutes of this meeting on the Council's website in due course.

## **6. Appendices and Background Documents**

Appendices: None

## 7. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

It is a requirement under the Localism Act 2011 that all Councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. The Members' Code of Conduct was adopted by Full Council on 18 July 2012 and can be found on the Council's website.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

### B. Finance and Other Resources

If a complaint proceeds to investigation it may be carried out by an external person. If this is the case, there will be an irrecoverable cost to the Council.

Gary Rowland, Senior Lawyer (Corporate Governance) 02/09/2021

### C. Staffing

There are no relevant issues identified within this report.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

### D. Risk Management

An effective complaints system is part of an effective system of governance.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

### E. Environment and Sustainability

There are no relevant issues identified within this report.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

### F. Community Safety

There are no relevant issues identified within this report.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

## **G. Equalities**

There are no relevant issues identified within this report.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

## **H. Data Protection**

Data will be held and processed in accordance with the data protection principles contained in the Data Protection Act 2018.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

## **I. Health and Safety**

There are no relevant issues identified within this report.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

## **J. Health and Wellbeing**

There are no relevant issues identified within this report.

Gary Rowland, Senior Lawyer (Corporate Governance) 20/08/2021

## Proposed Changes to the Council Constitution

Audit and Governance Committee 16th September 2021

**Lead Member:** Councillor Tom Dawlings, Leader of the Council

**Lead Director:** Lee Colyer, Director of Finance, Policy and Development

**Head of Service:** Patricia Narebor, Head of Legal Partnership and Monitoring Officer

**Report Author:** Gina Clarke, Team Leader (Corporate Governance)

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Management Board	27 May 2021 & 7 July 2021
Constitution Review Working Party	6 September 2021
Audit and Governance Committee	16 September 2021
Full Council	6 October 2021

## Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Audit and Governance Committee recommends to Full Council to approve the amendments to the Constitution as set out in Appendix A and Part 2 of this report.
2. That the Audit and Governance Committee recommends to Full Council that the Head of Legal Partnership and Monitoring Officer be authorised to make all other necessary and consequential changes to the Constitution to give effect to these recommendations.
3. That the proposed arrangements (if adopted) relating to hybrid Council meetings referred to in paragraphs 2.26 to 2.29 of this report, be kept under review by the Monitoring Officer, and the Monitoring Officer be authorised to make all other necessary and consequential changes to these provisions.

## 1. Introduction and Background

- 1.1 This report proposes a number of changes to the Council's Constitution to ensure that the Council's Constitution remains up to date and effective.
- 1.2 The public is entitled to expect the highest standards of conduct from all employees who work for the Council and in particular its most senior officers. Standards of behaviour are set out in the Council's Code of Conduct for Employees, in Part 5.3 of the Council's Constitution.
- 1.3 The process by which allegations of misconduct and or underperformance of the Chief Executive, Monitoring Officer, Chief Finance Officer (section 151 Officer) - **(the Council's Statutory Officers)** - is managed where disciplinary action is contemplated must comply with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 **(the Regulations)**.
- 1.4 The Council's Statutory Officers are required to give professional and impartial advice to protect the affairs of the Council as a corporate body. At times the advice given to Members or actions taken to fulfil their statutory roles may not be welcome. The Regulations provide the Council's Statutory Officers with a degree of protection to preserve the political neutrality of the roles of the Council's Statutory Officers in relation to the affairs of the Council.
- 1.5 The Regulations require that Full Council must approve the dismissal of a Council Statutory Officer (for any reason, other than redundancy, permanent health issues, or the expiry of the fixed term contract, unless the Council has undertaken to renew the fixed term contract) after it has taken into account any advice, views or recommendations of an Independent Panel, the conclusions of an investigation into the proposed dismissal and representations from the Statutory Officer concerned.
- 1.6 Guidance and a Model Disciplinary Procedure which incorporated the relevant statutory requirements for taking disciplinary action against Local Authority Chief Executives was agreed by the Joint Negotiating Committee (**JNC**) for Local Authority Chief Executives in 2016 and was later modified and can be used for the Council's other Statutory Officers - the Monitoring Officer and S151 Officer. The model procedures have been incorporated into the Council's Constitution and have been adopted by other Local Authorities in England. On 15 April 2021 the JNC sent a Circular to Local Authorities reminding Councils to have structures in place to be able to deal with allegations made against the Chief Executive, as there have been cases where some councils have not had in place sufficient structures.
- 1.7 A requirement for any disciplinary process is to carry out an investigation of the allegations to establish the facts of the case. Where an allegation is made relating to the conduct or capability of a Council Statutory Officer or some other substantial issue that requires investigation, the function of the Council's Investigatory and Disciplinary Committee (**IDC**) is to consider the issue and

decide whether the allegation can be dismissed or whether it requires more detailed investigation.

- 1.8 It is proposed that a formal process is put in place to assess and confirm the validity of a complaint/allegation made against a Council Statutory Officer. The filter and validation process would filter out and deal with any complaint/allegations which are unfounded or trivial or can best be dealt with under some other procedure. The proposed changes required to the Constitution to implement a formal filter process for complaints directed against the Council's Statutory Officers is set out in paragraphs 2.8 to 2.11 of this report.
- 1.9 In the case of sickness absence and or underperformance of the Chief Executive which cannot be remedied under Council's policies and procedure, it is proposed that the Head of HR will be responsible for referring the matter to the IDC.
- 1.10 In addition, minor changes and improvements are proposed to the Articles, the Council Procedure Rules, Financial Procedure Rules and the Code of Conduct for Employees. Following the Government not extending the power for Councils to continue to hold remote Council meetings, it is proposed that arrangements are put in place for a hybrid form of Council meetings.
- 1.11 The Council is required to maintain and keep under review its Constitution. The provisions of The Local Government Act 2000 and Regulations and Directions issued by the Secretary of State set out provisions which the Constitution must contain as required by law. It is also a requirement of the Council's Constitution that its provisions are monitored to ensure that the aims and principles of it are given full effect. In addition, the Chief Financial Officer is responsible for keeping under review the Financial Procedure Rules set out in Part 4 of the Constitution.
- 1.12 Subject to Part 2, Article 9, paragraph 9.3.2 of the Constitution, changes to the Constitution will only be approved by Full Council.

## 2. Proposed changes to the Constitution

It is proposed that the following changes are made to the Constitution:

### PART 2 – ARTICLE 7 – DECISION MAKING

#### **Principles of Decision Making – paragraph 7.2**

- 2.1 This part of the Constitution sets out the principles that need to be complied with to ensure that all Council decisions are lawful. It is proposed that the word "Motions" as shown in italics below is added to PART 2 – ARTICLE 7 paragraph 7.2 to make it clear that motions requesting that the Council take action or incur

expenditure in relation to a matter, should only be undertaken in the context of professional advice and financial information.

“All decisions *and Motions* of the Council will be in accordance with the following principles:

7.2.1 proportionality (i.e. the action must be proportionate to the desired outcome);

7.2.2 due consultation and the taking of professional advice from officers;

7.2.3 respect for human rights;

7.2.4 a presumption in favour of openness;

7.2.5 clarity of aims and desired outcomes;

7.2.6 consideration of any alternative options; and

7.2.7 the giving of reasons for the decision and the proper recording of those reason. “

## PART 3 – RESPONSIBILITY FOR FUNCTIONS AND SCHEME OF DELEGATIONS

### **Part 3, TABLE 2 - Delegations to the Returning Officer - Temporary changes to polling places**

- 2.2 A polling place is the building or area within which polling stations are selected by the Returning Officer.
- 2.3 The Electoral Registration and Administration Act 2013 requires the Council to keep under review Polling Districts and Polling Places and carry out a review every five years.
- 2.4 The Council's Constitution states that authority to make changes to polling districts and polling places has been delegated to General Purposes Committee.
- 2.5 Under Part 3, TABLE 2, paragraphs 10 and 11 of the Constitution, the Chief Executive also undertakes the role and duties of Returning Officer and Electoral Registration Officer which gives him authority to make changes to polling stations. The Local Elections (Principal Areas) (England and Wales) Rules 2006 sets out the Returning Officer's responsibility for providing polling stations.
- 2.6 Guidance issued by the Electoral Commission 'Reviews of polling districts, polling places and polling stations' makes reference to changes that can be made outside of a formal review. The Guidance explains that it is for the Council to fix the location of polling districts and places, whilst it is the role of the Returning Officer to provide polling stations for the relevant election. Therefore, if a building becomes unavailable at short notice before an election, the decision to change a polling place would need to be taken by General Purposes Committee.



- 2.7 It is proposed that Part 3, TABLE 2 paragraph 10 of the Constitution is renumbered to become paragraph 10(a) and a new paragraph 10 (b) is inserted to delegate authority to the Returning Officer to make any changes to the location of polling places without formal committee approval, to ensure that all polling places are safe voting environments, and to cover situations where a designated polling place becomes unavailable or unsuitable at short notice due to unforeseen circumstances.

The proposed changes are set out in Appendix A.

## **Allegations and Complaints against the Council's Statutory Officers**

- 2.8 The Council is required to have appropriate structures and standing committees in place to ensure that the Council complies with its legal obligations in the event that a formal written complaint is made against one of the Council's Statutory Officers, and in order that potential disciplinary issues can be considered quickly. The statutory disciplinary process for the Council's Statutory Officers does not require that every single issue which means some fault or potential error be referred to the IDC and be investigated under this process. The range of issues and to some extent the seriousness of the issues, which are referred to the IDC will depend on what the Council decides are the issues that will engage the process.
- 2.9 Allegations and complaints which are made against the Chief Executive, the Chief Finance Officer and the Monitoring Officer (Statutory Officers) may be complaints about a particular service, which should be dealt with through the Council's general complaints procedure, the service's complaints procedure or some other procedure. If the matter is a grievance from a member of staff against a Statutory Officer, it may be appropriate first to deal with the matter through the Council's grievance procedure. If the matter were a serious complaint against a Statutory Officer, the matter would be one that would be suitable for an investigation under the disciplinary procedure.
- 2.10 There needs to be arrangements in place to filter out those complaints that have no merit and to assess whether the complaint is unfounded or trivial or decide whether it can be dealt with under some other procedure. It is proposed that in the case of allegations and complaints against the Chief Executive that they are reported to the Monitoring Officer to filter out those complaints that have no merit and assess whether the complaint is unfounded or trivial or decide whether it can be dealt with under some other procedure. If the matter is a more serious complaint against the Chief Executive's personal behaviour the Monitoring Officer in consultation with the Head of HR, Group Leaders and following the receipt of external legal advice will decide whether a complaint should be referred to the IDC, go through a different process or be dismissed.
- 2.11 In the case of allegations and complaints directed against the Monitoring Officer or Chief Finance Officer (s151 Officer) it is proposed that all complaints are reported to the Chief Executive to filter and validate such complaints and redirect to the appropriate process. If the matter is a more serious complaint

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against the personal behaviour of the Monitoring Officer or Chief Finance Officer (s151 Officer) the Chief Executive in consultation with the Head of HR, Group Leaders and following the receipt of external legal advice will decide whether a complaint should be referred to the IDC, go through a different process or be dismissed.

The proposed changes are set out in Appendix A.

## **Sickness Absence or Performance Management of the Chief Executive**

- 2.12 Where management action is required relating to sickness absence or performance management of the Chief Executive, the Council needs to be clear about who takes appropriate actions having followed the Council's sickness absence or performance management procedure.
- 2.13 Initially, it is proposed that the Head of HR will follow the Council's normal sickness absence procedures or performance management processes. Where procedures have been followed to the point where dismissal appears to be a possibility the Head of HR in consultation with the Monitoring Officer, Group Leaders and following the receipt of external legal advice will decide whether the matter should be referred to the IDC or go through another process.

Details of proposed changes to the delegations are set out in Appendix A.

## **Part 4 - Council Procedure Rules**

### **Paragraph 8 - Questions by the Public**

- 2.14 The Council's Procedure Rules provide members of the public with the opportunity to participate in Council meetings, by asking questions in relation to Council business. The total time allocated for questions by the public at every Council meeting is limited to 30 minutes.

Part 4, paragraph 8.1 of the Council Procedure Rules states that:

*"Members of the public may ask questions of Members of the Cabinet and Committee Chairman at ordinary meetings of the Council."*

Due to the time limits for questions, concerns have been raised about the length and number of questions asked by members of the public. In particular, that a question asked by an individual member of the public must be one single matter and not multiple questions wrapped as one question.

- 2.15 Members may consider limiting the number of questions asked by an individual member of the public to one question or two questions per Council meeting. In addition, Members may wish to consider that a question(s) should not exceed a

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certain number of words of such as 130 or 150 words or some other word limit. Currently, it is proposed to amend the Council Procedure Rules to make it clear that an individual member of the public may ask one question. However, this can be changed to the number of questions that Members consider to be reasonable for an individual member of the public to ask.

The proposed change limiting the number of questions and the word limit of 130 or 150 words for a question asked by a member of the public is set out in Appendix A.

2.16 Part 4, paragraph 8.7 of the Council Procedure Rules currently states that a member of the public who has put a question in person at a meeting may also ask a supplementary question without notice to the Member who has replied to his/her original question. A supplementary question must arise directly out of the original question or reply. The Mayor has the power to reject a supplementary question on specific grounds set out in Part 4, paragraph 8.4 of the Council Procedure Rules. Members are asked to consider whether a member of the public should maintain the right to ask a supplementary question under paragraph 8.7 or whether questions should be limited to one question with no provision to ask a supplementary question. If Members consider that there should no longer be a provision for a member of the public to ask a supplementary question then paragraph 8.7 would need to be deleted.

2.17 In addition, Part 4, paragraph 8.2 of the Council Procedure Rules sets out the order in which questions by members of the public are put at meetings and states:

*“.....Where more than one question is received from a member of the public and there are further questions from other members of the public, then the first of the questions received from the person making multiple requests will be put before taking in turn the first question of each and every subsequent questioner. Only when all the members of the public who have submitted questions have had the opportunity to ask one question will a second question be put.”*

2.18 If Members consider that members of the public should be limited to asking one question per person per meeting, then it is recommended that paragraph 8.2 is deleted and replaced with a new paragraph 8.2 which reads:

*“Where more the one question is received from a member of the public for a Council meeting, only the first question received will be put to the Council meeting”*

If Members consider that members of the public are to be permitted to ask 2 questions then no changes will be required to paragraph 8.2.

## **Part 4, Paragraph 11.3 - Motions on Notice - Scope**

- 2.19 A motion proposed by a Member for consideration at a Council meeting for action to be taken, may be easier to understand when drafted clearly and concisely. Concerns have been raised about the length and complexity of Motions and that Members need to be clear that a motion should not be committing the Council to take action without the benefit of the financial implications and professional advice.
- 2.20 Currently, the Council's Procedure Rules contains limited details on the scope of Motions. In the interest of ensuring that Council business can be more efficiently discharged, Members may wish to consider whether a word limit be applied to motions, with emphasis that motions need to be expressed clearly and concisely, in positive terms to take certain action (and by whom ) or a declaration. It is proposed that any word limit would also apply to any amendment or alteration of the Motion, so that any amendment /alteration would not take the original motion to over any word limit set. It is proposed that a word limit of 250 words, be applied to Motions (including any amendments/ alterations to it). However Members may consider some other word limit to be applied, or to continue with having no word limit for Motions.

The proposed amendment to Part 4, paragraph 11.3 to apply a 250 word limit to Motions is set out in Appendix A.

## **Part 2, Article 9, Paragraph 9.1 - Articles of the Council's Constitution**

- 2.21 The Director of Finance, Policy and Development as the Chief Finance Officer, in accordance with Section 151 Local Government Act 1972 must ensure that there is effective management of the Council's financial affairs. Part 2, Article 9, paragraph 9.1 of the Council's Constitution, states that the Chief Financial Officer shall be responsible for keeping under review the Financial Procedure Rules.

The proposed changes to these rules to reflect changes in the Council's re-organisation are set out in Appendix A.

## **Part 5, Codes and Protocols – ANNEX 4 TO CODE OF CONDUCT – ASSOCIATED PROTOCOLS**

### **5.3 - Code of Conduct For Employees**

#### **Paragraph 7.5 and Annex B – Personal Interests**

- 2.22 This Code sets out standards which all employees of the Council are required to observe. Paragraph 7 of the Code of Conduct for Employees requires employees to declare any personal interest which could bring about conflict with the Council's interest, including their membership of any organisation not open to the public, including a requirement to disclose membership of Freemasonry, any

lodge, chapter, trust, or regular gathering or meeting other than a professional association.

- 2.23 A European Court of Human Rights judgement in relation to an Italian case involving a local authority held that any requirement to declare membership of Freemasonry is in violation of the protection given by Article 11- the right of freedom of association - in conjunction with Article 14 - the right not to be discriminated against - of the European Convention on Human Rights.
- 2.24 It is proposed that paragraph 7.5 and Annex B - Organisations Not Open To The Public - of the Code of Conduct for Employees are deleted and a new paragraph 7.5 is inserted to read as follows:
- “Employees should declare membership of any organisation not open to the public, without formal membership and commitment of allegiance, and which has secrecy about rules or membership or conduct”.*
- Annex C shall be lettered Annex B
- 2.25 The proposed amendment ensures that the requirement for employees to declare membership of any organisation not open to the public does not interfere with the above mentioned Convention rights which have been incorporated into the Human Rights Act 1998.

## **Hybrid Council Committee Meetings**

- 2.26 The Local Government Act 1972 requires that there be physical attendance at all public Council Committee meetings. In response to the Covid 19 Pandemic the Government made the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 to enable all local authority meetings to be held remotely up to the 7 May 2021.
- 2.27 The Government did not extend the power for local authorities to continue to hold meetings remotely after the May deadline. Following the outcome of a High Court judgement which dismissed a claim that current legislation permits remote meetings, local authorities are required to revert to physical meetings for committees and the public must have physical access to those meetings. However, local authorities could have arrangements for hybrid form of meetings to comply with public health regulations, restrictions and various guidelines issued by the Government of HSE.
- 2.28 It is proposed that the Council put in place arrangements for hybrid form of meetings, where Members of the relevant committee are physically present, and for visiting Members and others not involved in the decision making process to attend remotely. Committee Members joining remotely would not be lawfully

present and could not make decisions. It is proposed that relevant wording in the Constitution regarding attendance at meetings by visiting Members and members of the public, and protocols are amended to formally include the ability to attend remotely.

- 2.29 The proposed Hybrid (Public) Meetings provisions to be inserted at Part 4, paragraph 18 of the Constitution are set out below:

## **Part 4 - RULES OF PROCEDURE**

*‘Attend’ – for the purposes of Part 4 – Rules of Procedure paragraphs 18 and 22.1 - Visiting Members only, “attend” includes attending a meeting remotely provided that the Visiting Member is able, as a minimum, at that time, to hear and be heard by the other parties in attendance.*

*For the purposes of members of the public and non-committee Members contributing to meetings, words such as ‘speak’, ‘presented’, ‘ask’, ‘put’, ‘in person’, ‘take part’ shall be construed to include being carried out remotely without needing to be physically present.*

*For members of the public and non-committee Members ‘present’ shall be construed to include attending a meeting remotely provided that the member of the public or non-committee Member is able, as a minimum, at that time, to hear and be heard by the other parties in attendance.*

It is proposed that the additional provisions to be inserted to Part 4 paragraph 18 will be reviewed by the Monitoring Officer before the end of December 2021. Following the review the Monitoring Officer be authorised to make any consequential amendments to the Constitution.

## **3.Options Considered**

- 3.1 The designation of polling places is a General Purposes Committee decision. Leaving the Constitution unchanged was considered, which would require a report to be presented to a Committee regarding any proposal to relocate a polling place. The seeking of Council approval for delegating the relevant power to the Election Returning Officer is considered to be the most flexible approach to ensure that polling places can be changed at short notice due to unforeseen circumstances
- 3.2 The proposed amendments referred to in this report and detailed in Appendix A are considered to be necessary to improve the Council’s governance arrangements and decision-making processes. A ‘do nothing approach’ was considered but this was not considered to be the preferred option as greater clarity is required in relation to the arrangements for the management of

complaints directed at Statutory Officers, performance sickness management, decision making and Motions, Financial Procedure Rules and Codes and Protocols.

## 4. Consultation on Options

The Constitution Review Working Party has been consulted on these proposals.

## 5. Implementation

- 5.1 Subject to approval by the Audit and Governance Committee, the proposed changes will be submitted to Full Council on 6 October 2021 for final approval and adoption.
- 5.2 If Full Council is minded to approve the changes, the Constitution will be deemed to have been amended with immediate effect. The relevant parts of the Constitution will be updated and published on the website in due course.

## 6. Appendices and Background Documents

Appendices: Appendix A - Proposed changes to the Constitution for approval by Full Council.

Exempt appendices (if any) None

Background Papers: None

## 7. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

The legal implications are set out in the main body of this report

A clear and effective Constitution supports the corporate priorities and reviewing the Constitution regularly ensures that it most effectively meets the needs of the Council and the public. The Constitution requires the Monitoring Officer to monitor and review the operation of the Constitution.

It is a function of the Audit and Governance Committee to regularly review the Constitution in conjunction with the Monitoring Officer and recommend proposed changes, where significant, to the Council. Any Human Rights Act implications have been addressed in the main body of this report.

Gina Clarke, Team Leader, Corporate Governance

### B. Finance and Other Resources

There are no issues or implications arising from this report.

### C. Staffing

There are no implications on staffing levels or structures.

### D. Risk Management

The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered. The changes proposed are to ensure the effective running of the Council, when deciding whether to recommend approval of the changes the Committee will need to consider the risk of not recommending approval of the proposed amendments to the Constitution.



## **E. Environment and Sustainability**

No significant direct implications.

## **F. Community Safety**

No significant direct implications.

## **G. Equalities**

There are no relevant issues identified within this report.

## **H. Data Protection**

There is no specific privacy or data protection issues to address.

## **I. Health and Safety**

No significant direct implications.

## **J. Health and Wellbeing**

No significant direct implications.

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<p><u>Head of Legal Partnership and Monitoring Officer</u></p>	<p>Filter and validation of complaints against the council's Statutory Officer.</p> <p>No existing wording in Constitution.</p>	<p><i>complaint should go through the disciplinary process or, through a different process or be dismissed.</i></p> <p><u>To follow on from paragraph 63 of the Delegations to the Head of Legal Partnership (page 40), a new paragraph 64 to be inserted which reads:</u></p> <p><i>To filter, validate and redirect complaints made against the Chief Executive (Head of Paid Service) to be dealt with through appropriate Council procedure. Where the Monitoring Officer considers the complaint is serious, following consultation with the Head of Human Resources and the Group Leaders, and following receipt of external legal advice, decide whether a complaint should go to the disciplinary process or, through a different process or be dismissed.</i></p>	<p>See main report – paragraphs 2.8 to 2.11.</p>
<p><u>Head of Human Resources</u></p>	<p>Sickness absence and performance management of the Chief Executive.</p>	<p><u>To follow on from paragraph 11 of the Delegations to the Head of Human Resources (page 47), a new paragraph 12 to be inserted to read:</u></p> <p><i>To follow the Council's absence and or performance processes in relation to the Chief Executive. In consultation with the Head of Legal Partnership and Monitoring Officer, Group Leaders and following the receipt of external advice, decide whether the matter should be referred to the Investigatory and Disciplinary Committee, or go through some other process.</i></p> <p>Remaining paragraphs of this section are to be renumbered.</p>	<p>See main report – paragraphs 2.12 to 2.13.</p>

<p><b>Part 4, Council Procedure Rules QUESTIONS BY THE PUBLIC - CPR 8</b></p>	<p>Limit one question per member of the public and word limit.</p> <p><u>Existing wording in Constitution:</u> <i>Members of the public may ask questions of Members of the Cabinet and Committee Chairmen at ordinary meetings of the Council.</i></p>	<p><u>To amend paragraph 8.1.1 (page 5) to read as follows:</u></p> <p><i>Members of the public may ask one question of Members of the Cabinet and Committee Chairman at ordinary meetings of the Council.</i></p>	<p>Clarification that questions must be a single-part question, not multiple questions wrapped up as one.</p>
<p><b>Part 4, Council Procedure Rules MOTIONS OF NOTICE - CPR 11</b></p>	<p>Word limit on Motions.</p> <p><u>Existing wording in Constitution:</u> <i>Motions must be about matters for which the Council has a responsibility, or which affect the Borough.</i></p>	<p><u>To add to paragraph 11.3 (page 10) the following wording:</u></p> <p><i>Motions should not exceed 250 words and must not commit the Council to taking action without first obtaining professional advice as to the financial and legal implications.</i></p> <p><u>To add to paragraph 13.6.1(e) (page 13) the following wording:</u></p> <p><i>and the effect of (d) does not take the motion as amended over the word limit for a motion referred to in paragraph 11.3.</i></p>	<p>See main report – paragraph 2.19 to 2.20.</p>
<p><b>Part 2, ARTICLES Article 7 – DECISION MAKING</b></p>	<p>Decision making for Motions.</p> <p><u>Existing wording in Constitution:</u></p> <p>All decisions of the Council will be in accordance with the following principles: 7.2.1 proportionality (i.e. the action must be proportionate to the Desired outcome); 7.2.2 due consultation and the taking of professional advice from officers;</p>	<p><u>To amend the wording at paragraph 7.2 (page 19) to add 'and Motions' the following:</u></p> <p>All decisions <b>and Motions</b> of the Council will be in accordance with the following principles.</p>	<p>See main report – paragraph 2.1</p>

	7.2.3 respect for human rights; 7.2.4 a presumption in favour of openness 7.2.5 clarity of aims and desired outcome 7.2.6 consideration of any alternative options; and 7.2.7 the giving of reasons for the decision and the proper recording of those reason.		
<b>Part 2, Article 9 – Articles of the Council’s Constitution</b>	Not a description of a proposed amendment. This sets out the power of the Chief Financial Officer to make the following amendments.	N/A	<u>Power of the Chief Financial Officer:</u> The Chief Finance Officer shall be responsible for keeping under review the Financial Procedure Rules set out in Part 4 of the Constitution and shall make any amendments and revisions as are required by law. He shall report any amendments made to Part 4 for the next available Council meeting for noting.
<b>Part 4, Financial Procedure Rules</b> <b>1.1 What are the Financial Procedure Rules</b>	Update of Officer role title.  Current wording used “Finance Director”.	<u>To amend the wording at paragraph 1.1.4 (b) and (c) (page 47) as follows:</u>  Replace the words Finance Director with <i>Director of Finance, Policy and Development</i> .	Clarification and general update.
<b>Part 4, Financial Procedure Rules</b> <b>2.3 The Role of the Chief Financial Officer</b>	Update requirements of Chief Financial Officer to report to Council.	<u>To add following paragraph 2.3.3(c) (page 51) a new paragraph (d) with the following wording:</u>  <i>(d) If expenditure in the year (including forecasted expenditure) is likely to exceed resources (including borrowings).</i>	Part of the CFO’s responsibilities in relation to section 1.1.4 of the Local Government Act 1988.

<p><b>Part 4, Financial Procedure Rules</b></p> <p><b>5. Write Off/ Excusal of Debts</b></p>	<p>Paragraph incorrectly numbered as paragraph 5 'Write off of excusal of debt'.</p> <p><u>Existing wording in Constitution:</u> The wording within paragraphs 6.2.1, 6.2.2 and 6.3 – Pages 62 and 63.</p>	<p><u>Renumber this paragraph (page 62) to read "6 – Write off of excusable debt."</u></p> <p>Delete paragraphs 6.2.1, 6.2.2 and 6.3 And insert a new paragraph 6.3 with the following wording:</p> <p><i>6.3 General income debts not exceeding £10,000 may be written off by the Head of Finance, Procurement and Parking. In the case of Benefit Overpayments, Council Tax and Business Rate debts not exceeding £10,000 may be written off by the Head of Revenues and Benefits and Shared Service. All types of debts and credits not exceeding £250,000 may be written off by the S151 Officer.</i></p> <p>Paragraph 6.2 shall end with the words "Section 151 Officer".</p>	<p>Not within report.</p>
<p><b>Part 4, Financial Procedure Rules</b></p> <p><b>6. Planning Obligation Agreement and Planning Conditions Income</b></p>	<p>Paragraph incorrectly numbered as paragraph 6 – 'Planning Obligation Agreement and Planning conditions Income'.</p>	<p>Renumber this paragraph (page 63) to read 7 - 'Planning Obligation Agreement and Planning conditions Income'.</p>	<p>Clarification and general update.</p>
<p><b>Part 4, Financial Procedure Rules</b></p> <p><b>7.Orders for Works, Goods and Services</b></p>	<p>Paragraph incorrectly numbered as paragraph 7 – 'Orders for Works, Goods and Services'.</p>	<p>Renumber this paragraph (page 63) to read 8 - 'Orders for Works, Goods and Services'.</p>	<p>Clarification and general update.</p>

<p><b>Part 5, Codes and Protocols – 5.3 Code of Conduct for Employees Page 38</b></p>	<p>Update wording as the requirement on employees to declare membership any organisations not open to the public. Part 5, page 41.</p> <p><u>Existing wording in Constitution:</u> 7. – Personal Interests</p> <p>7.5 - You must declare to the Monitoring Officer membership of any organisation not open to the public, requiring any commitment of allegiance, or which has secrecy about rules or membership or conduct, for example, the freemasons. A definition of such an organisation appears at Annex B. Such declarations should be made in writing and sent to the Monitoring Officer.</p>	<p>Delete paragraph 7.5 (page 41) and Annex B ‘Organisations not open to the public’ (page 46).</p> <p><u>Insert a new paragraph 7.5 to read as follows:</u></p> <p><i>Employees should declare membership of any organisation not open to the public, without formal membership and commitment of allegiance, and which has secrecy about rules or membership or conduct.</i></p> <p>Annex C will now become Annex B. Incorporate consequential changes.</p>	<p>To comply with Human rights law and Data Protection provisions.</p>
<p><b>Part 4 – RULES OF PROCEDURE</b></p> <p><b>Page 17 RIGHT OF MEMBERS TO ATTEND MEETINGS</b></p>	<p><u>Existing wording in Constitution:</u> Part 4, Rules of Procedure. Page 17 Right of Members to Attend Meetings.</p>	<p><u>Below paragraph 18 ‘Right of Members to Attend Meetings’ (page 17) add the following text after the first three paragraphs:</u></p> <p>‘Attend’ – for the purposes of Part 4 – Rules of Procedure - Visiting Members only, “attend” includes attending a meeting remotely provided that the Visiting Member is able, as a minimum, at that time, to hear and be heard by the other parties in attendance.</p> <p>For the purposes of members of the public and non-committee Members contributing to meetings, words such as ‘speak’, ‘presented’, ‘ask’, ‘put’, ‘in person’, ‘take part’ shall be construed to include being carried out remotely without needing to be physically present.</p>	<p>In response to the Covid Hybrid working arrangements.</p>



		<p>For members of the public and non-committee Members 'present' shall be construed to include attending a meeting remotely provided that the member of the public or non-committee Member is able, as a minimum, at that time, to hear and be heard by the other parties in attendance.</p> <p>It is proposed that the addendum will be reviewed by the Monitoring Officer before the end of December 2021. Following the review, the Monitoring Officer be authorised to make any consequential amendments to the Constitution.</p>	
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## Minor changes to the Constitution made under the Monitoring Officer's delegated authority

For Audit and Governance Committee on 16 September 2021

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### Summary

**Lead Member:** Councillor Tom Dawlings – Leader of the Council

**Lead Director:** Lee Colyer – Director of Finance, Policy and Development

**Head of Service:** Jane Clarke – Head of Policy and Governance

**Report Author:** Mark O'Callaghan – Scrutiny and Engagement Officer

**Classification:** Public document (non-exempt)

**Wards Affected:** All

Approval Timetable	Date
Monitoring Officer	3 August 2021
Constitution Review Working Party	6 September 2021
Audit and Governance Committee	16 September 2021

### Recommendations

1. That the proposed minor changes to the Constitution as set out at Appendices A-D to the report be noted.

## 1. Introduction and Background

- 1.1 This report sets out a series of minor changes to the Constitution which have been made by the Monitoring Officer under delegated authority.
- 1.2 Article 9 of the Constitution empowers the Monitoring Officer to make changes to the Constitution if, in their reasonable opinion, a change is:
- a) A minor variation; or
  - b) Required to be made to remove any inconsistency or ambiguity; or
  - c) Required to be made so as to put into effect and decision of the Council or its committees or the Cabinet,

Any such changes shall come into force with immediate effect.

- 1.3 Details of four changes are attached at appendices A-D to the report. Each includes an explanation of the change and the reasons for proposing it.
- 1.4 The Constitution Review Working Party was consulted on the changes at its meeting on 6 September 2021. No objections were raised.

## 2. Outcomes

- 2.1 The changes have been made and are reported to Audit and Governance Committee for noting.

## 3. Next Steps

- 3.1 There are further changes to the Constitution contained within separate reports which require the approval of Full Council. It is expected that the other changes will be considered by Full Council on 6 October 2021. The minor changes proposed in this report will be held over until the other changes are considered. If the other changes are agreed all changes will be implemented at the same time. If the other changes are not agreed only the minor changes contained in this report will be implemented.
- 3.2 The Constitution will be updated as soon as possible after the Full Council meeting on 6 October 2021 and a revised copy will be made available to all members via the website.

## 4. Appendices and Background Documents

Appendices:

- Appendix A: Cabinet Portfolios
- Appendix B: Chairing Meetings
- Appendix C: No speeches until motion seconded
- Appendix D: Notice for Questions

## 5. Cross Cutting Issues

### A. Legal (including the Human Rights Act)

The Monitoring Officer has authority to periodically review and make changes to the Constitution under Article 9 of the Constitution.

Gary Rowland, Senior Lawyer Corporate Governance, 02 September 2021.

### B. Other Implications

There are no significant cross-cutting implications as a direct result of this report.

Mark O'Callaghan, Scrutiny and Engagement Officer, 01 September 2021.

# Appendix A

## Proposed Change to the Constitution

**Title:** *(Short title for ease of reference)*

Portfolio Holder Responsibilities and renumbering the Annexes to Part 3

**Relevant section of the Constitution (including page/paragraph number):**

Part 3, Section 12 (page 29), Section 13 (page 30) and Annex B, (pages 31-32)

**Description of proposed change:**

*(Please show the tracked changes here or attached as a separate word document)*

Rename Sections 12 and 13 as "Annex A"

Replace Annex B with the content below.

**Reason, including referenced documents/acts, for proposed change:**

Part 3 contains Annexes B and C but no A. There is a section 12 (Exercise of Functions by Joint Arrangements) which precedes Annex B but the numbering follows on from the previous section as if these are committee of the council. I believe this is a mistake and illogical. Renaming Sections 12 and 3 as "Annex A" would correct both anomalies.

Portfolio responsibilities are at the discretion of the Leader and a change to the previous arrangement was notified 26 May. Annex B needs to be update to reflect the changes.

**Timescale:**

ASAP

**Proposer:**

Name:	Mark O'Callaghan
Title:	Scrutiny and Engagement Officer
Date:	28 July 2021

**Approval** *(to be completed by the Monitoring Officer)*

**\*Changes approved by the Monitoring Officer under delegated authority**  
~~**\*Proposed major changes to be submitted to Audit and Governance Committee for approval**~~  
*(\*delete as appropriate)*

**Signature of Monitoring Officer:**

**Date: 6 September 2021**

Amendment No:	Date incorporated:
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## CABINET PORTFOLIOS

### **Leader of the Council**

- Strategic Policy
- Finance
- Property and Estates
- Facilities
- Operational partnerships (including Mid Kent Services)
- Revenues and benefits (inc fraud and debt recovery)
- Internal audit
- Legal services
- ICT/Digital transformation
- Project & programme management
- Performance management
- Democratic services
- Human resources (including learning and development)

### **Economic Development**

- Economic Development and Tourism
- Events (excluding the ice rink)
- Business engagement
- Supporting economic recovery across the Borough
- Supporting the Town Centre

### **Culture and Leisure**

- Culture, leisure and the arts
- Assembly Hall Theatre and the ice rink
- The Amelia Scott
- Parks and grounds maintenance
- Sports and leisure centres
- Community grants
- Customer access
- Cemetery and crematorium

### **Planning and Transportation**

- Planning policy
- Strategic sites and delivery
- Development management
- Heritage and conservation
- Planning Enforcement
- Land charges
- Building control
- Parking (on and off-street)
- Transportation

### **Communities and Wellbeing**

- Housing (including private sector and housing needs)
- Health
- Community centres and hubs
- Community partnerships
- Assets of Community Value
- Community safety and CCTV
- Rural communities
- Younger and older people
- Equalities and equal access

### **Environment**

- Recycling and waste collection
- Street cleansing and littering
- Fly tipping and abandoned vehicles
- Environmental Protection
- Environmental Health
- Food Hygiene and Health and Safety standards in businesses
- Corporate Health and Safety
- Licensing
- Sustainability



# Appendix B

## Proposed Change to the Constitution

**Title:** *(Short title for ease of reference)*

Chairing meetings

**Relevant section of the Constitution (including page/paragraph number):**

Part 4 Rules of Procedure, Section 1 Council Procedure Rules, Paragraph 6 Chair of Meeting (page 5)

**Description of proposed change:**

*(Please show the tracked changes here or attached as a separate word document)*

Add paragraph as 6.1: The Mayor shall ordinarily preside at meetings. Where the Mayor is absent or unable to preside, the Deputy Mayor shall preside. Where both the Mayor and Deputy Mayor are absent or unable to preside, the meeting shall elect one of their members to preside (except where the committee's terms of reference specifies that the quorum includes either the Chairman or Vice Chairman).

Renumber existing paragraph 6 as 6.2: The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee, sub-committee and board meetings, references to the Mayor also include the Chairmen of committees, sub-committees and boards.

**Reason, including referenced documents/acts, for proposed change:**

CPR 1 relating to Annual meetings of the council and CPR 2 relating to ordinary meetings of the council both state that the first item of business shall be the election of a member to preside in the event that the Mayor and Deputy Mayor are not present. However, CPR 1 and 2 do not apply to meetings of committees.

CPR 6, which does apply to committees, states that the person presiding may exercise any power or duty of the Mayor.

The above rules imply that a committee may, in the absence of the Chairman and Vice Chairman, elect a member to preside but there is no procedure rule which expressly states it. The above proposed change rectifies this.

**Timescale:**

At next opportunity (not time specific)

**Proposer:**

Name:	Mark O'Callaghan
Title:	Scrutiny and Engagement Officer
Date:	01 December 2020

# Appendix B

## Approval *(to be completed by Monitoring Officer)*

**\*Changes approved by the Monitoring Officer under delegated authority**  
**\*~~Proposed major changes to be submitted to Audit and Governance Committee for approval~~**

*(\*delete as appropriate)*

**Signature of Monitoring Officer:**

**Date: 6 September 2021**

Amendment No:

Date incorporated:

# Appendix C

## Proposed Change to the Constitution

**Title:** *(Short title for ease of reference)*

No speeches until motion seconded

**Relevant section of the Constitution (including page/paragraph number):**

Part 4, Rules of Procedure, Section 1 Council Procedure Rules, Paragraph 13 Rules of Debate (page 12)

**Description of proposed change:**

*(Please show the tracked changes here or attached as a separate word document)*

13.1 **No speeches until motion seconded**

No speeches may be made **until** after the mover has moved a proposal and explained the purpose of it and the motion has been seconded.

**Reason, including referenced documents/acts, for proposed change:**

Appears to be a correction of a simple typo.

**Timescale:**

ASAP

**Proposer:**

Name:	Mark O'Callaghan
Title:	Scrutiny and Engagement Officer
Date:	10 December 2020

**Approval** *(to be completed by Monitoring Officer)*

**\*Changes approved by the Monitoring Officer under delegated authority**  
**\*~~Proposed major changes to be submitted to Audit and Governance Committee for approval~~**  
*(\*delete as appropriate)*

**Signature of Monitoring Officer:**

**Date: 6 September 2021**

Amendment No:

Date incorporated:

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## Proposed Change to the Constitution

**Title:** *(Short title for ease of reference)*

Notice for questions

**Relevant section of the Constitution (including page/paragraph number):**

Part 4, Rules of Procedure, Section 1 Council Procedure Rules, Paragraph 8.3  
Notice of Questions (page 6)

**Description of proposed change:**

*(Please show the tracked changes here or attached as a separate word document)*

### 8.3 Notice of questions

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Executive no later than midday three **clear** working days before the day of the meeting. Each question must give the name and address of the questioner. The Chief Executive will determine the member of the Council to whom it is to be put.

**Reason, including referenced documents/acts, for proposed change:**

Paragraph 8.3 relating to question from members of the public only specifies 3 working days' notice. It is therefore ambiguous whether this would usually refer to the Thursday or the Friday before a meeting. Whereas, paragraph 10.4 relating to questions from members of the council specifies that the notice shall be 3 clear working days which puts the day as Thursday.

It has long been the practice that the deadline for both questions from the public and question from members is at the same time so the above amendment simply clarifies that practice.

**Timescale:**

ASAP

**Proposer:**

Name:	Mark O'Callaghan
Title:	Scrutiny and Engagement Officer
Date:	10 December 2020

**Approval** *(to be completed by Monitoring Officer)*

**\*Changes approved by the Monitoring Officer under delegated authority**  
**\*Proposed major changes to be submitted to Audit and Governance Committee for approval**  
*(\*delete as appropriate)*

**Signature of Monitoring Officer:**

**Date: 6 September 2021**

Amendment No:

Date incorporated:

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## Work Programme

For Audit and Governance Committee on 16 September 2021

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### Re-occurring items

Report Title	24/08/21	16/09/21	23/11/21	22/03/22	25/05/22
Audit and Governance Committee Annual Report			X		
Annual Internal Audit Report and Opinion	X				
Internal Audit and Assurance Plan				X	
Internal Audit Interim Report			X		
Internal Audit Charter			X		
Annual Audit Letter			X		
External Audit Plan (including Audit Fee)				X	
External Audit Progress Report				X	
Draft Financial Report and Audit Findings		X			
Annual Complaints Report and Local Government Ombudsman Annual Review		X			
Update on Member Complaints		X		X	
Strategic Risk Review (incorporating Annual Risk Management Summary in July)	X	X	X	X	
Attendance of Strategic Risk Owners		Chris Woodward	David Candlin	William Benson	
Appointment of members to the Constitution Review Working Party	X				X

## Ad-hoc items

	24/08/21	16/9/21	23/11/21	22/3/21	
Amendments to the Constitution		X			
Request for a dispensation					
Framework for Major Projects	X				
Mid Kent Fraud and Compliance Update	X				
Housing Benefit and Subsidy Claim 2019/20	X			X	
Electronic Signatures and Documents Sealing	X				
Internal Audit Annual Report and Opinion 2020/21	X				

## Member Training

	24/8/21	16/9/21	23/11/21	22/3/21
Member Training Programme/Role of Internal Audit				
Member Training Programme/Role of External Audit				
Statutory Statement of Accounts				



## Urgent Business

For Audit and Governance Committee on Thursday 16 September 2021

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### Procedural Item

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

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## Date of the Next Meeting

For Audit and Governance Committee on Thursday 16 September 2021

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## Procedural Item

To note that the next scheduled meeting is Tuesday 23 November 2021.

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