

COUNCIL

20 FEBRUARY 2020

CAPITAL AND REVENUE BUDGETS 2020/21

Portfolio Holder: Councillor Alan Jarrett, Leader

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Summary

This report sets out Cabinet's proposals for the capital and revenue budgets for 2020/21. In accordance with the Constitution, Council is required to approve the capital and revenue budgets, rent increases and council tax for 2020/21.

1. Budget and Policy Framework

- 1.1 The Council has responsibility for determining the budget, both capital and revenue, and setting the council tax level. In undertaking this responsibility the Council must consider the budget proposals developed by the Cabinet. However, ultimately it is Council's decision, and it may opt to adopt Cabinet's budget proposals, amend them, or substitute its own in their place.
- 1.2 In respect of the Housing Revenue Account budget proposals, Full Council is required to carry out an annual review of rents and notify tenants not less than 28 days prior to the proposed date of change.
- 1.3 The Council Strategy and Council Plan are part of the Council's Policy Framework as set out in the Constitution. The Council Plan refresh will be considered as a separate item on this agenda (item 6).

2. Background

2.1 The Medium Term Financial Strategy (MTFS) was considered by Cabinet on 24 September 2019 and identified a potential revenue shortfall of some £5.956million in 2020/21 rising to £17.327million by 2023/24. In September 2019, the Chancellor delivered a one year Spending Round, setting departmental spending plans for the 2020/21 financial year. This settlement would represent the biggest real terms increase in annual spending power for local government in a decade, incorporating both increased grant allocations and flexibility to generate additional income through local taxation. On 19 November 2019, Cabinet considered the Draft Capital and Revenue Budget 2020/21, which incorporated the outcome of the Spending Round. Following the Spending Round, the government published the Technical Consultation on the Local Government Finance Settlement for 2020/21, providing further details on the proposals and how the national funding would be allocated.

2.2 In accordance with the Council's constitution, overview and scrutiny committees were invited to comment on the draft budget proposals, represented by the directorate budget requirements within the appendices and a high level narrative explaining the action being considered by the Administration to close the 'qap'.

3. Revenue Funding

3.1 Core Spending Power

3.1.1 The local government settlement is underpinned by the Core Spending Power calculation. This calculation makes certain assumptions about the local tax that Medway is able to generate and then aggregates this with the core grant funding available to Medway. Medway Council's Core Spending Power is summarised in Table 1. The Core Spending Power calculation is not in itself a statement of the actual resources available to the Council. It is simply a mechanism used by Government to illustrate the potential funds available to local authorities. In practice, the budget will be based upon the Council's own estimate of local tax yields.

Table 1: Medway Council's Core Spending Power

	2019/20	2020/21
	£m	£m
Adjusted Revenue Support Grant	6.053	6.151
Business Rates Baseline Funding Level	47.441	48.214
Settlement Funding Assessment	53.494	54.365
Council Tax excluding Parishes	119.651	126.080
Section 31 Compensation for Under-Indexing	1.546	1.932
Improved Better Care Fund	6.095	7.093
New Homes Bonus	1.978	1.221
Winter Pressures Grant	0.998	0.000
Social Care Support Grant 2	1.705	0.000
Social Care Grant	0.000	5.492
Core Spending Power	185.466	196.183

3.2 The Local Government Finance Settlement

3.2.1 The Final Local Government Finance Settlement 2020-21 was announced on the 6 February 2020 via a written statement. There were no changes from the provisional settlement on which the Draft Budget was based.

3.3 Council Tax

- 3.3.1 In accordance with the Council delegation, on 14 January 2020 the Chief Finance Officer, in consultation with the Leader, agreed the Council Tax base for 2020/21 at 86,796.90 band D equivalents. This represents an increase of 673.52 band D equivalents against the tax base reflected in the Draft Budget assumptions.
- 3.3.2 Section 12(2) of the Local Government Finance Act 2012 and The Council Tax (Administration and Enforcement) (Amendment) (No.2) (England) Regulations 2012 gave billing authorities the discretion to levy an empty homes premium of up to 50% on council tax payable in respect of dwellings that have been left empty and unfurnished for two years or more, resulting in a council tax rate for long-term empty properties of up to 150% of the normal liability.

- 3.3.3 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 provided billing authorities with discretion to charge an additional premium where a property has remained empty and unfurnished for a period in excess of two years. All district councils in Kent adopted a 100% premium during 2019/20 whilst Medway Council adopted the 50% premium. Where properties classed as 'empty and unfurnished' become significantly furnished but remain unoccupied, then a second home discount will apply. All district councils in Kent adopted a nil discount for second homes during 2019/20 whilst Medway Council adopted a 10% discount. For 2020/21 the additional premiums have been calculated as follows;
 - Where property has been empty and unfurnished for 2-5 years 100% premium,
 - Where property has been empty and unfurnished for 5+ years 200% premium.

The Council Tax base for 2020/21 was set in accordance with the Council delegation by the Chief Finance Officer, in consultation with the Leader on 14 January 2020. The Council Tax base set was predicated on increasing the premium for empty and unfurnished homes to 100% (200% after five years), and reducing the discount for second homes to nil, in line with the rest of Kent. Full Council are asked to approve the amended premium and discount as included in the Council Tax base agreed for 2020/21. Subject to this agreement, the change to the premium/discount in place will be published as a public notice, within 21 days of the Council adopting any new premium/discount.

- 3.3.4 The Final Settlement confirmed that the referendum limit returns to its historic level of 2%, however the Adult Social Care precept has been extended for a further year, allowing upper tier authorities to increase the Council Tax by a further 2% above the referendum limit. The proposed 2020/21 budget assumes the Council avails itself of the maximum flexibility allowed within the referendum limit, and of the Adult Social Care Precept, increasing Council Tax by 3.994%.
- 3.3.5 This section of the report considers the budget requirement for Medway Council only. The total Council Tax band D rate also reflects the Parish Precepts and the precepts of the Police and Crime Commissioner and the Kent Fire and Rescue Service; these are detailed at section 14 of the report and Appendix 4 to the report.
- 3.3.6 Since the Draft Budget projections were prepared, the Council Tax base has grown and the proposed budget now reflects an additional £991,000 of income forecast for 2020/21.

3.4 Retained Business Rates

- 3.4.1 The widely anticipated review of the Business Rates Retention Scheme and plans to reset the baseline from next year have been deferred, whilst Parliament has been distracted by other more pressing issues. In the meantime the 50% Business Rate retention scheme will continue in its existing form and Medway remains a top-up authority. The proposed budget assumes we will receive a top-up grant of £4.495million in 2020/21.
- 3.4.2 The latest Business Rates predictions in January reflect a reduction in rateable value, following a couple of successful power station appeals, however the loss was largely met from the appeals provision. Additional reliefs have also resulted in compensatory movements in the projected rates yield and forecast section 31 grant.

3.5 Collection Fund

- 3.5.1 As a Billing Authority, Medway Council has a statutory obligation to maintain a separate Collection Fund. All revenues from Council Tax and Business Rates flow into the account, before being distributed between the local authority, the preceptors and the Government. In advance of each financial year the Council is required to forecast the anticipated level of Council Tax and Business Rates income that will be paid to the Collection Fund in the following financial year. Any difference between the estimate and the level of income actually received is reflected in a surplus or deficit position within the Collection Fund. Collection Fund surpluses declared by the billing authority are apportioned to the relevant precepting bodies and government in the subsequent financial year, and likewise deficits are proportionately charged to the relevant bodies in the following year.
- 3.5.2 As at 31 March 2018 the Collection Fund was in a surplus position for Council Tax, of which £2.100million related to Medway; however this was more than offset by a deficit position on Business Rates, of which £3.960million related to Medway.
- 3.5.3 For the 2018/19 financial year, Medway Council was part of a 100% Business Rate pilot and part of a pooling arrangement with other councils in Kent. Through this pilot, Medway's share of Business Rates increased from the historic 49% (with 50% paid to government to and 1% being due to Kent Fire and Rescue Service) to 99%, with 1% being due to the Kent Fire and Rescue Service. Medway's estimated Business Rates income for the year was determined by the forecasts submitted to the pool by all 13 participating Kent billing authorities, increasing the risk that the actual income received would vary significantly from that forecast.
- 3.5.4 The uncertainty over the amount of actual income generated through the pilot in 2018/19 meant that when the 2019/20 budget was set, it was not clear whether the Collection Fund deficit on Business Rates would have been reduced sufficiently so that an overall surplus could be reflected in Medway's budget.
- 3.5.5 The CTR1 form, which estimates the Council Tax yield for the next year, also estimates the surplus expected by the end of the current year and this is then available to fund next year's budget. This figure is estimated at £3.249million.
- 3.5.6 Similarly the NNDR1 form, which estimates the Business Rates yield for the next year, also estimates the surplus expected by the end of the current year and this is then available to fund next year's budget. Due to an error on the NNDR1 form originally issued by the government, it was not possible to estimate this figure and the proposed budget reflects neither a surplus nor deficit by year end.

3.6 New Homes Bonus

3.6.1 The Final Settlement included a new round of allocations of the New Homes Bonus for 2020/21, but confirmed that no legacy payments would be made on this figure. The 2020/21 allocations have now been announced and indicate an increase of £332,000 for Medway compared to the assumption in the Draft Budget.

3.7 Education Related Grants

3.7.1 The Spending Round 2019 announced that the schools budget would rise nationally by £2.6 billion in 2020/21, £4.8billion in 2021/22 and £7.1 billion in 2022/23,

compared to 2019/20 funding levels, along with almost £1.5 billion of funding to compensate schools for the increased cost of employer pensions contributions. The proposed budget projects that Education Related Grants will remain as per the assumption in the Draft Budget, totalling £99.537million in 2020/21.

- 3.7.2 Pupil Premium Grant (PPG) is paid to schools separately as a grant to improve the attainment of pupils from deprived backgrounds, based on pupils eligible for a free school meal, 'looked after children' (LAC), and children with a parent in the armed forces. This grant is essentially passed straight to schools.
- 3.7.3 There are only two local authority maintained schools with sixth forms in Medway one secondary and a special school and the Sixth Form Grant is passed straight to these schools.

	2020/21	2021/22	2022/23	2023/24
DSG - Retained Schools Block	0.762	0.781	0.800	0.820
DSG - Schools Block	47.789	55.415	62.736	58.089
DSG - High Needs	29.794	33.243	36.693	40.142
DSG - Early Years	17.539	17.715	17.892	18.071
Pupil Premium Grant	3.190	3.081	3.066	2.954
Sixth Form Grant	0.483	0.483	0.483	0.483
Education Services Grant	(0.020)	(0.040)	(0.040)	(0.040)

99.537

110.678

121.630

120.519

Table 2: Projected schools related grants for the period to 2023/24

3.8 Social Care Related Grants

Total Grant

3.8.1 In addition to the 2% 'social care precept' on Council Tax, the Spending Round 2019 announced a further £1.0billion of national grant funding in recognition of demographic changes, which are leading to growing demand for adult social care and increased pressure on council budgets. The Final Settlement confirmed the figures reflected in the Draft Budget presented to Cabinet in November, and the proposed budget therefore assumes the Council will receive £12.584million of Adult Social Care Related Grants in 2020/21.

3.9 Public Health Grant

3.9.1 The proposed budget reflects the reduction in the Public Health grant of £16,000 compared to the Draft Budget, as confirmed in the Final Settlement.

4. Revenue Budget Requirement 2020/21

- 4.1 The Council Strategy sets out the Council's key priorities, the outcomes we expect to achieve and the programmes that will deliver them. The Council Plan is the delivery plan which sets out the measures that will be used to track performance against the Council's key priorities. The annual 'refresh' of the Plan is considered elsewhere on this agenda, but the MTFS and subsequent budget have been prepared to reflect the priorities and corporate ways of working it sets out. The key priorities are:
 - People Supporting Medway's people to realise their potential;
 - Place Medway; a place to be proud of; and
 - Growth Maximising regeneration and economic growth.

Our three corporate 'ways of working' support the delivery of these priorities;

- Giving value for money;
- Finding the best digital innovation and using it to meet residents' needs; and
- Working in partnership where this benefits our residents.
- 4.2 In accordance with the constitutional requirements, the Draft Budget, proposed by Cabinet, was passed to overview and scrutiny committees inviting comments. At that stage the draft budget was some £4.840million in excess of the anticipated resources available, largely driven by demographic pressures manifesting within Adult Social Care and Children's Services.
- 4.3 Commencing in the Summer, during formulation of the MTFS, and continuing throughout the overview and scrutiny process, officers have worked closely with portfolio holders to identify savings, efficiencies and income generating measures to close the gap and achieve a balanced budget, without recourse to reserves and whilst attempting to minimise the impact on service delivery. These proposals and their impact in 2020/21 are discussed in more detail in the directorate level commentaries at Section 5. 6 and 7 of this report.
- 4.4 Appendix 1 summarises the proposed budget requirement against the funding assumptions, with appendices 1a-1c representing the directorate summaries and appendices 2a-2c providing more detail regarding individual pressures and savings proposals.

5. Children and Adults Services (including Public Health) (Appendices 1a / 2a)

- 5.1 The Draft Budget reflected significant increases in Adult Social Care expenditure based on projections of continued demographic growth, and our assumptions around provider fees increasing and driving up placement costs. During the budget development process these assumptions were challenged, and the homecare contract was successfully re-let within the existing budget envelope, enabling the increases previously incorporated to be revised downward.
- 5.2 The proposed budget reflects a significant increase in investment in Children's Social Care, made in response to the receipt of the inadequate rating from Ofsted's inspection of the Local Authority's Children's Services in 2019. In addition to the £1.6million increase in staffing budgets presented in the Draft Budget, the proposed budget includes a further £2.0million investment in staffing for the service, partially offset by the use of around £800,000 of grant funding. The Draft Budget also reflected a £2.9million increase in the cost of placements, reflecting both continued demographic growth and provider fee increases. Revised estimates of the cost of current placements mean this budget can be reduced by £500,000. In January the Cabinet made the decision to close the Old Vicarage, saving £604,000; however the proposed budget reflects the investment of £408,000 of this in a new 'edge of care' service provision that better meets the needs of local children.
- 5.3 The Council continues to experience significant pressures on its services for children with Special Educational Needs and Disabilities (SEND) and the Round 3 Revenue Budget Monitoring report presented to Cabinet on 4 February 2020 sets out that the projected cumulative deficit on the DSG reserve will be £9.604million by the end of 2019/20. The Council has produced a revised deficit recovery plan, which has been endorsed by the government's Education and Skills Funding Agency. While delivery of this plan would make a significant impact on the deficit, officers

maintain that the High Needs Block of the DSG is underfunded. In its consultation document in November 2019 the Department for Education stated that: "The Government's intention is that DSG deficits should not be covered from general funds, but that over time they should be recovered from DSG income." The conditions of grant funding published in February 2020 confirm this, and as such the proposed budget therefore assumes no impact from the DSG deficit on the Council's General Fund budget.

5.4 As outlined at paragraph 3.9.1 the Public Health Grant in the proposed budget represents a small reduction compared to that assumed in the Draft Budget.

6. Regeneration, Culture and Environment (Appendices 1b / 2b)

- 6.1 The quarterly budget monitoring process has exposed inherent pressures around delivery of some very challenging income targets across the Directorate including those in Leisure, Parking and Bereavement Services. Despite significant activity to increase income and reduce costs, Members acknowledge that the targets in place are unachievable, therefore the proposed budget resets the base to levels considered more realistic. The proposed budget also addresses pressures arising from demographic growth impacting on waste arisings, and from contractual uplifts across the waste and highways services.
- 6.2 The changes to the Corporate Management Team Structure approved by Full Council on 23 January 2020 result in the majority of the services that formed the Transformation Division moving into Business Support, accounting for the reduction in total budget compared to that shown in the Draft Budget.
- 6.3 Following the announcement that Medway was successful in securing £170 million Housing Infrastructure Fund (HIF) funding it is necessary to review and strengthen the senior leadership within the Regeneration. Culture and Environment directorate. and in particular the senior management capacity and expertise to deliver the HIF programme, as referenced in the reports to Cabinet on 14 January and Council on 23 January. This proposal entails creating a new Assistant Director post with responsibility for the delivery of the HIF programme and other Regeneration capital projects. It is crucially important that we deliver this programme of work within the timescales outlined by the Ministry of Housing, Communities and Local Government and this appointment is central to ensuring that outcome. This post will be partly funded by the HIF budget and partly charged to the Council's Capital Schemes the post is responsible for. The team supporting the Assistant Director which will be funded from the HIF allocation and existing capital projects, is reflected in the proposed structure set out at Appendix 9. Hence there will be no costs falling to the revenue account.

7. Business Support Department (Appendices 1c / 2c)

7.1 While the Departmental budget has grown significantly compared to that shown in the Draft Budget, the increase is almost entirely attributable to the addition of the majority of the services that previously formed the Transformation Division. With the Business Change and Human Resources functions operating within the Department, it is anticipated that closer working with the other core support services including Finance and Legal Services will support the delivery of further opportunities to transform the Council's operations, beyond the activities already planned for 2020/21.

- 7.2 Since the Cabinet meeting on 4 February, further work has been undertaken to forecast the position in relation to Housing Benefit. As claimants transfer onto Universal Credit, we are seeing a reduction in overall net spend on Housing Benefit, as the differential between benefit paid and subsidy claimed reduces in cash terms.
- 7.3 The proposed budget also reflects the continued investment in the Council's operational property portfolio, with a £250,000 increase in the annual contribution to the Building Repairs and Maintenance Fund.

8. Pay and Pensions

- 8.1 As per the Draft Budget, the proposed Budget assumes a pay award of 1% for all staff and an allowance of £80,000 to mitigate the impact of National Living Wage rate increases based on forecasts from the Office for Budget Responsibility. In December 2019 the government announced that the National Living Wage would increase by 6.2% in 2020, significantly more than was anticipated and as such the proposed budget includes a further £300,000 for the impact of the increases on Medway Council staff and some other outsourced services.
- 8.2 A 2018 Supreme Court judgement on pensions was anticipated to increase Medway's contribution to the scheme, and the Draft Budget reflected a cost of £1.081million for this cost. Collective challenge from the Kent local authorities resulted in the actuaries reviewing their assumptions, and their latest valuation confirms that in addition to Medway clearing its backdated deficit, the existing contribution rate is considered sufficient to meet our liabilities going forward.
- 8.3 At its meeting on 29 January 2020, Employment Matters Committee recommended to Full Council a 1% increase in pay, to be distributed as follows:
 - 0.60% paid as a general cost of living increase;
 - 0.40% paid in accordance with the performance arrangements as detailed under MedPay.
- 8.4 The Employment Matters Committee also recommended to Full Council to delegate to the Head of Paid Service the authority to agree the competency based awards for staff assessed under MedPay at Levels 1A, 1B and 2. For Members' information, the levels in the MedPay Scheme relate to the assessment criteria as follows: 1A Excellence; 1B Performance exceeded the required standard; 2 Performance to the required standard.
- 8.5 The Employment Matters Committee also recommended to Full Council that the level 3 Apprentice salary be increased to £165 per week with effect from 1 April 2020. As such the proposed budget includes the estimated cost of this increase within the provision to fund uplifts in National Living / Minimum Wages.
- 8.6 Finally the Employment Matters Committee also recommended to Cabinet that funding for a review of the MedPay scheme be identified as part of the 2020/21 budget setting process, and on 4 February 2020 the Cabinet agreed to incorporate this in the proposed budget for Full Council. As such the proposed budget includes £25,000 for the cost of this review.

9. Interest and Financing

9.1 The proposed 2020/21 Interest and Financing budget is sufficient to support our capital expenditure assumptions, based on the aspirations in the Capital Strategy, while ensuring the availability of sufficient cash-flow to support the day to day operations of the Council.

10. Fees and Charges

10.1 The budget proposals have been formulated on an assumption that fees and charges would generally increase by 2.0%, however where market conditions allow or where the Council has a statutory obligation to recover costs, greater increases have been applied. The schedule of proposed fees and charges is set out at Appendix 6.

11. General Reserves

- 11.1 One of the key aims of the MTFS is to produce a sustainable budget without recourse to the use of reserves. Non-earmarked General Fund reserves are forecast to stand at over £10million by 31 March 2020 or almost 4.5% of the proposed non-schools budget requirement.
- 11.2 The principal risk to be covered by the contingency balance is that of an overspend and it is a testimony to both the Council's internal budgetary control systems and the robustness of the budget setting process, that over a number of successive years the Council has consistently underspent its revenue budget. Members are however asked to note the Round 3 Revenue Budget Monitoring position reported to Cabinet on 4 February, which forecasts an overspend of around £2.571million in 2019/20. Directorate management teams continue to identify urgent action to bring expenditure back within budget.
- 11.3 The other reason for maintaining reasonable reserve balances is to protect against the risk of a catastrophic event. Nonetheless there are compensatory schemes to mitigate such events and these include the Government 'Belwin' scheme and our own insurance cover which, whilst largely of a self-insured nature, does provide for extreme claims with property excess capped at £1.25million and claims above this met by the insurers and the aggregate of liability claims in a similar vein at £2.9million. The balance on the Insurance Fund at 31 March 2019 had decreased to £4.4million, including a provision for identified liabilities of £3.2million accumulated over a number of years with the larger cases taking some time to reach settlement.

12. Capital Programme 2020/21 and beyond

12.1 At almost £470million, the Council's current capital programme is significant, incorporating £120million of projects to be delivered by Medway Development Company (MDC) Ltd. as well as £170million from the Housing Infrastructure Fund. The Council has borrowed £45million to acquire the head leases on the Pentagon Centre and Mountbatten House and plans additional borrowing of over £14million to build a six-storey landmark building at the Innovation Park Medway. The Education capital programme represents about £33million and with a huge programme of highways works, the continuation of the riverside developments, heritage projects and other schemes, this is the most significant and ambitious capital programme Medway Council has ever managed.

Table 3: Current Capital Programme

Funding Source	C&A	RCET	HRA	BSD	Member Priorities	Total Programme
	£m	£m	£m	£m	£m	£m
Prudential Borrowing	24.700	26.955	6.558	58.175	0.000	116.389
Borrowing in lieu of Capital Receipts	0.000	4.749	0.000	119.338	0.000	124.087
Capital Receipts	0.050	3.589	0.000	0.360	0.366	4.366
Capital Grants	3.216	205.219	0.000	0.005	0.000	208.440
RTB Receipts	0.000	0.000	2.555	0.000	0.000	2.555
S106 Contributions	5.124	1.439	0.000	0.000	0.000	6.563
Revenue / Reserves	0.019	0.001	6.557	0.862	0.000	7.439
Total	33.109	241.952	15.670	178.740	0.366	469.838

- 12.2 Following consideration of the Round 3 Capital Budget Monitoring Report on 4 February 2020, the Cabinet recommended to Full Council that:
 - a) the forecast underspend of £4.965million on the purchase of the Pentagon Shopping Centre is vired to a new capital scheme for future capital works at the Pentagon;
 - b) funding of £672,000 from capital receipts be added to the Capital Programme to fund the pressure on the Medway Tunnel; and
 - c) Section 106 funding of £24,000 identified be added to the Capital Programme to fund the overspend on Play Scheme Refurbishment.
- 12.3 Full Council are also asked to add these schemes to the Capital Programme.
- 12.4 In terms of additions to the programme for next year, these will be relatively few and so have been dealt with in the narrative below, rather than in the form of complex tables. New schemes will be funded from a combination of grant, prudential borrowing and capital receipts.
- 12.5 **Flexible Use of Capital Receipts:** The 2015 Spending Round gave local authorities the freedom to use capital receipts from the sale of their own assets (excluding Right to Buy receipts) to help fund the revenue costs of transformation projects and release savings. In order to make use of this flexibility, a Strategy document must be approved by Full Council.

Table 4: Projected Capital Receipts

Source of Capital Receipts	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
	£m	£m	£m	£m	£m	£m
Rochester Riverside	2.947	2.067	3.643	0.719	3.545	2.483
Medway Development Company Ltd.	2.038	0.000	2.686	2.489	7.500	0.000
Innovation Park Medway (£1m per acre)	0.000	1.795	1.740	0.000	1.157	0.950
Temple Waterfront	0.000	0.000	1.000	0.000	0.000	0.000
Other Capital Receipts	0.195	0.050	0.050	0.000	0.000	0.000
Totals	5.180	3.912	9.119	3.208	12.202	3.433
Current Commitments:						
Reimburse CAA for Rochester Riverside GPF	0.000	0.000	0.000	0.000	(6.571)	0.000
Reimburse CAA for Chatham Waterfront GPF	0.000	0.000	0.000	0.000	(2.999)	0.000
IPM receipts to fund Phase 1 and 2 Northern si	0.000	(1.795)	(1.740)	0.000	(1.157)	(0.950)
Round 2 Capital Monitoring	(3.265)	(0.912)	(0.050)	(0.050)	(0.024)	0.000
Uncommitted Capital Receipts	1.915	1.205	7.329	3.158	1.451	2.483

- 12.6 The Proposed Flexible Use of Capital Receipts Strategy for Medway Council is provided at Appendix 7 and lists the projects where the Council plans to make use of this flexibility, along with the savings and/or service transformation that are anticipated will be delivered. The availability of capital receipts is forecast in table 4.
- 12.7 **Schools Capital Programme**: The Capital Strategy references the free schools that the Education and Skills Funding Agency (ESFA) are directly funding. In addition to this, the Council's own basic need programme represents around £31million, including almost £25million of borrowing for the planned SEND school on the Cornwallis site. It is now expected that this requirement will be met through the free schools programme. £3million of the £25million has already been vired to fund the 'surge classes' needed as a result of the ESFA's delay in delivering the Rainham free school. Cabinet have recommended to Full Council to vire a further £2.5million to deliver 250 SEND places in new resource units attached to mainstream schools.
- 12.8 Whilst the Council is not expecting any further Basic Need Grant, it should continue to receive Schools Condition and Maintenance Grant funding to fund major condition works at maintained schools and this will be added to next year's programme, under the Chief Finance Officer's delegation, when we have certainty over the figure. Similarly the Devolved Formula Capital Grant will be added in due course. In his Spending Round the Chancellor also announced additional capital grant funding for SEND, of which Medway's share is £961,400.
- 12.9 **Highways and Transport Related Capital**: Local Transport Plan indicative allocations to 2020/21 were announced in November 2018 and are expected to remain at current levels. These will be added to next year's programme, under the Chief Finance Officer's delegation, when we have certainty over the figures. It is again proposed to inject a further £1.5million of capital receipts towards maintaining the highways.
- 12.10 A business case and gateway 3 report for the highly anticipated LED street lighting programme, will be coming to Cabinet during the next few months and will seek approval for between £11million and £12million to fund the replacement of 23,000 lamps and around 4,000 columns. The annual energy savings are expected to at least cover the cost of borrowing.

- 12.11 **Housing and Regeneration Related Capital**: The Housing Revenue Account is healthy and a further phase of new build housing was agreed by Council in January 2020, alongside the usual programme of works to maintain the existing stock. It is also anticipated that Government funding will be made available at current levels to fund Disabled Facilities Grants.
- 12.12 The Council's ambitious regeneration programme will continue over the medium term through delivery of the riverside developments, investment in Innovation Park Medway and self-delivery of £120million of housing development managed by the Medway Development Company (MDC) Ltd.
- 12.13 The £170million from the successful Housing Infrastructure Fund bid was added to the Council's capital programme in January 2020 and will deliver significant road and rail infrastructure on the Peninsula, as well as improved public realm.
- 12.14 Finally, on 19 November, Cabinet agreed to the submission of a business case to bid for Future High Streets funding. Our original expression of interest identified £14million of projects to regenerate Chatham as our City Centre.
- 12.15 **Investment in New Technology**: Through the budget setting process, lead Members have expressed their commitment to some additional schemes investing in technology, to continue the Council's transformation programme.
- 12.16 New machines are required in some of our car parks and Cabinet recommended to Council that that £244,000 is allocated for this, to be met from borrowing.
- 12.17 At its meeting in January, the Council agreed to borrow £380,000 for urgent refurbishment of the Gun Wharf Data Centre, however the Capital Strategy identified total investment of circa £2million required to upgrade ICT hardware and infrastructure and Cabinet recommended to Council that a further £1.62million be funded from borrowing. The impact of this has been included in the proposed 2020/21 Interest and Financing budget.
- 12.18 The Capital Strategy agreed by Cabinet in September 2019 identified the need to invest in CCTV cameras and projected that a further 32 cameras would need to be replaced over the next two years at an estimated cost of £43,000. Cabinet recommended to Council to use £43,000 of capital receipts to fund CCTV camera replacements.
- 12.19 Table 5 summarises the proposed additions to the capital programme for the next financial year, however it should be noted that in the absence of final grant figures, these remain estimates at this stage. When confirmed these grant allocations will be added to the capital programme under the Chief Finance Officer's delegation.

Table 5: Summary of Proposed Additions to the Capital Programme in 2020/21

New Capital Scheme	Source of Funding	Allocation
		£,000
Schools Maintenance and	Maintenance Grant (estimate)	1,125.0
Condition		
Devolved Schools Maintenance	Devolved Formula Capital	250.0
and Condition	(estimated)	
SEND High Needs Places	High Needs Places Grant	961.4
Highways Maintenance	LTP Grant (estimate)	2,048.0
Highways Maintenance	LTP Incentive Grant (estimate)	427.0
Highways Maintenance	Pothole Grant (estimate)	144.0
Highways Maintenance	Capital Receipts	1,500.0
Integrated Transport	LTP Grant (estimate)	1,589.0
Car Parking Machines	Borrowing	244.0
ICT Hardware and Infrastructure	Borrowing	1,620.0
CCTV Replacements	Capital Receipts	43.0
Total		9,951.4

13. Housing Revenue Account

- 13.1 The Council is required under the Local Government and Housing Act 1989 to ensure that the Housing revenue Account (HRA) does not fall into a deficit position.
- 13.2 Business Support Overview and Scrutiny Committee on 30 January 2020 received a report that details the HRA revenue and capital budget proposals. Furthermore a detailed report was seen by Cabinet on 4 February. The main points of these reports are covered by the following recommendations:
- 13.3 A proposed rent increase of CPI plus 1% for the housing stock as set out in Appendix 3a (based on 52 collection weeks) with effect from 6 April 2020.
- 13.4 The baseline garage rent for Council tenants be increased by 30 pence per week to bring in line with non-council tenants garage rent with effect from 6 April 2020.
- 13.5 That a rent increase of 5% to be applied to all garage tenure types with effect from 6 April 2020.
- 13.6 That the service charges increases/decreases as set out in Appendix 3b for 2020/21 be approved.
- 13.7 That the revenue budget for the HRA Service for 2020/21 as per Appendix 3c be approved.
- 13.8 That the proposed capital budget of £300,000 be approved for buying ex council or/and acquiring properties from the open market to be funded from the HRA revenue reserves and 1-4-1 capital receipts as set out in section 8.6 of the Cabinet report. Members should note that whilst the Cabinet agreed this recommendation, on 23 January 2020 Full Council approved this addition to the capital programme though a separate additions report. (Minute 610 refers: https://democracy.medway.gov.uk/mgConvert2PDF.aspx?ID=4449&T=1)

- 13.9 That the provision for the repayment of debt based on annuity based payment on the HRA's outstanding debt to be £340,000 for 2020/21 be approved.
- 13.10 That Members approve the revised 30 year HRA Business Plan model as attached at Appendix 3d.
- 13.11 The summarised Housing Revenue Account is attached at Appendix 3c, with the capital investment requirements included within the current programme at Table 3.

14. Precepting Obligations and the Council Tax Leaflet

- 14.1 In order to declare the Council Tax, the precepting requirements of the Police and Crime Panel (PCP), the Kent Fire and Rescue Service (KFRS) and Parish Councils must be added. These requirements are detailed in the following paragraphs and incorporated in the formal resolution set out at Appendix 5.
- 14.2 The Police and Crime Panel agreed a £10.00 (5.18%) increase at their meeting on 6 February 2020, giving a band D of £203.15 and an associated precept of £17,632,790.
- 14.3 The Kent Fire and Rescue Service budget will be agreed at their meeting on 14 February 2020 where a Council Tax increase of 1.97% will be proposed with a band D rate of £79.29 and an associated precept of £6,882,126.
- 14.4 The Parish Council precepts and the consequent additions to the general level of Council Tax are detailed at Appendix 4. In total the Parish precepts amount to £508,630 and add an average of £5.86 to the Medway band D rate.

15. Schedule of Precept Dates

15.1 Medway Council, as billing authority for council tax purposes, is required to determine a schedule of instalment dates for the payment of precepts to all the precepting authorities. The dates proposed for 2020/21 are as follows:

22 April 2020 22 May 2020 22 June 2020 22 July 2020

 24 August 2020
 22 September 2020

 22 October 2020
 23 November 2020

 18 December 2020
 22 January 2021

 22 February 2021
 22 March 2021

16. Council Tax Setting

16.1 Cabinet on 4 February 2020 recommended that the Council avails itself of the maximum flexibility allowed within the referendum limit, and of the Adult Social Care Precept, and therefore increases the Council Tax by 3.994%. The level of Band D Council Tax with this increase will be £1,471.96. The total Band D for billing purposes, incorporating the Kent Police and Crime Commissioner and Kent and Medway Fire and Rescue Service precepts will be £1,754.40. Additional requirements for parish areas are shown in Appendix 4 and in the formal Resolution at Appendix 5.

17. Legal Considerations

- 17.1 Sections 30 to 36 of the Local Government Finance Act 1992 require that the Council sets a budget and Council Tax by 11 March each year and in doing so make a number of statutory calculations incorporated by resolution. The Localism Act 2011 has amended some of the terms and definitions to accommodate the introduction of powers to call local referendums for excessive Council Tax increase. The Council is now required to make a calculation of the Council Tax Requirement (Section 31A), excluding Parish precepts. The Act (Section 36) further prescribes that a calculation of the basic amount of Council Tax be presented together with an analysis of the Council Tax across the area and by valuation band. These calculations are required to be presented in a prescribed format and be subject to formal resolution by the Council.
- 17.2 Section 12(2) of the Local Government Finance Act 2012 and The Council Tax (Administration and Enforcement) (Amendment) (No.2) (England) Regulations 2012 gave billing authorities the discretion to levy an empty homes premium of up to 50% on council tax payable in respect of dwellings that have been left empty and unfurnished for two years or more, resulting in a council tax rate for long-term empty properties of up to 150% of the normal liability.
- 17.3 The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings)
 Act 2018 provided billing authorities with discretion to charge an additional premium
 where a property has remained empty and unfurnished for a period in excess of two
 years.
- 17.4 The Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 as amended by the Council Tax (Prescribed Classes of Dwellings) (England) (Amendment) Regulations 2012 provided an authority with discretion to change the discount in respect of empty and unfurnished properties. Any change to the premium/discount in place needs to be published, as a public notice, within 21 days of the Council adopting any new premium/discount.
- 17.5 Section 25 of the Local Government Act 2003 requires the Council's Section 151 officer to report to the council on the robustness of the estimates made and the adequacy of the proposed financial reserves assumed in the budget calculations.
- 17.6 The Local Authorities (Standing Orders)(England) Regulations 2001 deal, amongst other things, with the process of approving the budget. Under the constitution the adoption of the budget and the setting of the Council Tax are matters reserved for the Council upon recommendation from Cabinet.
- 17.7 Council budget. In reaching their decisions, Members and officers must act reasonably, taking into account all relevant considerations and ignoring irrelevant ones. There is a need to ensure that when making budget decisions the result is not one which is irrational in the Wednesbury sense (i.e. one which no reasonable local authority could have made). The Council's overriding duty is to make a lawful budget and this is the touchstone against which other considerations must be tested.
- 17.8 The Council must have regard to its public sector equality duties when making decisions. This includes the requirement to undertake a Diversity Impact Assessment in relation to all significant changes to policies, procedures or practice,

and to pay 'due regard' to the need to eliminate discrimination and promote equality with regards to race, disability and gender. An overarching Diversity Impact Assessment has been included as an addendum report. This is further dealt with in Section 19 of this report.

- 17.9 Legal Obligations: Local authorities provide services pursuant to statutory duties (a mandatory requirement to provide services), and statutory powers, (where the Council has a discretion whether or not to provide services). Where the Council has a legal duty then it still has discretion in determining the manner in which those services are provided, so long as the level of quality of service provision is sufficient to fulfil the statutory duty.
- 17.10 Even where Members and officers are under pressure to make a budget reduction, they must not pre-empt proper decision-making processes by focusing solely on financial considerations. Members and officers must address the core question of individual service users' needs, rather than a lack of resources. Recent case law has held that resources may be a relevant consideration in making a decision relating to the manner of service provision, so long as the individual's assessed needs are met.
- 17.11 Charges for services: In considering charges for services, Members and officers should also try to achieve a fair balance between the interests of the users of council services and Council Tax payers. Where charges are being increased, Members need to bear in mind the scale and extent of the charges, and may need in some cases to have regard to the costs of service provision, associated with the power to charge.
- 17.12 Members' responsibility to make a personal decision: In Council, Members must make a personal decision on how to vote on the budget proposals. Members' overriding duty is to the whole community. Members have a special duty to their constituents, including those who did not vote for them. Whilst Members may be strongly influenced by the views of others, and of their party in particular, it is their responsibility alone to determine what view to take when deciding upon budget questions. He/she should not follow party loyalty and party policy to the exclusion of other considerations.
- 17.13 Members need to balance the cost to Council Tax payers of any budget reductions, against the need for the benefits of services of the particular nature, range and quality, under consideration. If having taken into account all relevant (and disregarding all irrelevant) considerations, Members are satisfied that it is financially prudent and reasonable to make the proposed budget reductions and adopt the recommendations then they may properly and reasonably decide to do so.
- 17.14 Capping: The Localism Act 2011 has superseded the previous capping legislation and dictates that should a council propose an increase in Council Tax which would be deemed to be excessive in accordance with principles and levels designated by the minister, then a local referendum on the proposal would be required. This would necessitate the drafting of an alternative proposal that would meet ministerial requirements to be put to the electorate alongside the 'excessive' proposition. Since this proposed budget is below the 'excessive' threshold this does not apply.
- 17.15 Housing Revenue Account: Under Section 76 of the Local Government and Housing Act 1989, the council is required, in advance of the financial year, to

formulate proposals which satisfy the requirement that, on certain stated assumptions, the Housing Revenue Account for that year does not show a debit balance. The council is obliged to implement those proposals and from time to time to determine whether the proposals satisfy the 'break even' requirement. If not, then the council shall make such provisions as are reasonable practicable towards securing that the proposals as revised, shall satisfy the requirement.

- 17.16 Under Section 24 of the Housing Act 1985, the council can make such reasonable charges as it determines for the tenancy or occupation of its houses. The council is obliged, from time to time, to review rents charged and make such changes, as circumstances may require. In exercising this function (determining and fixing rent), the council should have regard to the rents charged in the private sector.
- 17.17 A decision to increase rent constitutes a variation of the terms of a tenancy. Under Section 103 of the Housing Act 1985, in respect of secure tenancies, a notice of variation (specifying the variation and date on which it takes effect) must be served on each tenant. For non-secure tenancies (excluding introductory tenancies), a notice must be served that complies with Section 25 of the Housing Act 1985.
- 17.18 The Housing Act 1985 defines the legal requirements for informing tenants of rent increases. In practice this requires the issue of written notification to each tenant a minimum of four weeks in advance of the date that the increase becomes operative. For 2020/21 the latest date for posting the notices (first class) is the week commencing 2 March 2020.

18. Risk Management

18.1 As in previous years there remain risks inherent in the assumptions that underpin the budget build:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Demographic Growth	Further demographic pressures may surface across our social care services above those assumed in building the budget.	Close monitoring of demand for service to identify pressures early, robust budget monitoring.	CII
Special Educational Needs and Disabilities	Further increases in the number of children requiring support, and in the complexity of needs may surface above those assumed in building the budget.	Close monitoring of demand for service to identify pressures early, robust budget monitoring.	CII
Pentagon Centre income	The budget assumes the Pentagon Centre will deliver rental income of £2.65m per annum. Volatility in the retail market may result in rent reductions, closures and void periods, reducing this income.	Close working with the management agents for the Centre, robust forecasting and budget monitoring arrangements.	CII

Risk	Description	Action to avoid or mitigate risk	Risk rating
Delivery of Business Change targets	The budget is predicated on the successful delivery of a number of business change projects to achieve savings; these could be significantly impacted upon by events, not least the need to consult with stakeholders.	Early co-ordination between Business Change and services delivering changes, robust project management, regular reporting to Transformation Board.	DII
Capital receipts	The budget assumes a significant proportion of the Capital Programme is funded from capital receipts; if the Council does not achieve the required receipts, some elements of the programme may either need to be curtailed or refinanced.	Close monitoring of the programmes anticipated to deliver capital receipts, and careful management of the delivery of those schemes funded from receipts.	DII

19. Diversity Impact Assessment

- In setting its budget, the Council is exercising a public function and must therefore 19.1 comply with the duties in section 149 Equality Act 2010 to have 'due regard' to the matters set out that section. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations between those with a protected characteristic (pregnancy and maternity, age discrimination, disability, gender reassignment, marriage and civil partnerships, race, religion or belief, sex and sexual orientation) and those who do not share it must form an integral part of the decision making process in relation to the budget. In practice the Council must show it has thoroughly considered any impact its decisions could have on groups with 'protected characteristics' before any decision is arrived at. Complying with this duty does not prevent the council from making difficult decisions about reorganisations, redundancies and service reductions nor does it stop decisions being made which may affect one group more than another. What must be demonstrated is that where there is potential for disproportionate impact this is transparent and any appropriate mitigating actions have been considered before final decisions are made.
- 19.2 An overarching Diversity Impact Assessment is attached as Appendix 8, summarising the results of the Diversity Impact Assessments which have been completed for each of the services affected by the proposed budget changes.
- 19.3 It should be noted however that although equality impact assessments help to anticipate the likely effects of proposals on different communities and groups, in reality the full impact will only be known once the proposal is introduced. To mitigate any unintentional and unidentified impact, monitoring will be undertaken and will be reported quarterly.

20. Financial and Constitutional Implications

- 20.1 The financial implications are contained in the body of the report and in the attached appendices.
- 20.2 Chapter 4, part 3 of the Council's constitution contains the budget and policy framework rules, which state that: "At least three months before the Council's budget meeting, the Cabinet will publish initial proposals for the budget....The Cabinet's initial budget proposals will then go to the relevant Overview and Scrutiny Committees for further consideration."

21. Conclusion

- 21.1 The budget has been formulated to accord with the principles set out in the MTFS and Capital Strategy. In addition, budgets have been proposed to deliver the aspirations of the Council Plan and preserve those services that are important to residents.
- 21.2 The proposed revenue budget requirement of £322.982million (Appendix 1) exceeds the estimated available resources by £326,211, however it is anticipated that when the revised NNDR1, referred to in paragraph 3.5.6, has been completed, it will present a favourable movement on the Business Rates side of the Collection Fund, sufficient to balance the Council's revenue budget for 2020/21.
- 21.3 Section 25 Statement: On that basis, as the Section 151 Officer, I feel confident in confirming the robustness of the assumptions underpinning this proposed budget and the adequacy of general reserves available to the Council.

22. Recommendations

- 22.1 Council are recommended to:
- 22.2 Consider the recommendations of Employment Matters Committee on 29 January 2020 regarding;
 - a) a 1% increase in pay to be distributed as follows:
 - 0.60% paid as a general cost of living increase
 - 0.40% paid in accordance with the performance arrangements As detailed under MedPay, as set out in paragraph 8.3 of the report;
 - b) that authority be delegated to the Head of Paid Service to agree the competency based awards for staff assessed under MedPay at Levels 1A, 1B and 2 as set out in paragraph 8.4 of the report;
 - c) that the level 3 Apprentice salary be increased to £165 per week with effect from 1 April 2020 as set out in paragraph 8.5 of the report;
 - d) that funding for a review of the MedPay Scheme be identified as part of the 2020/21 budget setting process, as supported by Cabinet on 4 February 2020.
- 22.3 Approve the creation of a new post of Assistant Director Regeneration in the Regeneration, Culture and Environment Directorate, with effect from 1 April 2020, as detailed in paragraph 6.3 of the report and shown in the structure charts for the RCE Directorate at Appendix 9, and to note that the Monitoring Officer will update the diagram showing the Council's Management Structure accordingly (as set out in Chapter 7 of the Constitution) under his delegated authority.

- 22.4 Approve the general fund gross, income and net revenue estimates as summarised in Appendix 1 to the report in the sum of £322.982million, which includes provision to fund recommendations 22.2 c and d above.
- 22.5 Approve the additions to the capital programme set out in Table 5, the £2.5 million virement at paragraph 12.7, and the £4.965million virement and additions of £672,000 and £24,000 as set out at paragraph 12.2.
- 22.6 Approve the amended Council Tax premium for properties that remain empty and unfurnished for a period of two to five years to increase from 50% to 100%, for properties that remain empty and unfurnished for a period exceeding five years to 200%, and reduce the second home discount from 10% to Nil as set out in paragraph 3.3.3 of the report.
- 22.7 Note the Kent Police and Crime Commissioner's precept requirement, as set out in paragraph 14.2 of the report;
- 22.8 Note the Kent Fire and Rescue Service precept requirement, as set out in paragraph 14.3 of the report;
- 22.9 Note the parish council precept requirements of £508,866 as detailed in paragraph 14.4 of the report and at Appendix 4 to the report;
- 22.10 Agree the schedule of precept instalment dates as set out in section 15 of this report;
- 22.11 Approve the basic rate of Council Tax at band D for 2020/21, before adding the police, fire and parish precepts, at £1,471.96, an increase of 3.994% as set out in paragraph 16.1 of the report;
- 22.12 As part of the budget proposals, approve fees and charges, as recommended by Cabinet and set out in the booklet 'Medway Council Fees and Charges April 2020' as set out in Appendix 6 to the report;
- 22.13 Approve the Flexible Use of Capital Receipts Strategy set out at Appendix 7 to the report;
- 22.14 Agree the recommendations set out at 13.3 to 13.11 of the report with regard to the Housing Revenue Account and detailed in the following appendices:
 - The proposed increase in rents as set out at Appendix 3a;
 - The proposed service charges as set out at Appendix 3b;
 - The budget proposed as summarised at Appendix 3c;
 - The 30 year business plan projections at Appendix 3d;
- 22.15 Adopt the formal resolution for the Council Tax requirement and schedule of Council Tax charges for 2020/21 as set out in Appendix 5 to the report and to incorporate any amendments arising from the meeting;
- 22.16 Note the findings of the Diversity Impact Assessment as set out in Appendix 8 to the report, and the proposal to continue, where necessary, to report through quarterly monitoring any further unidentified or unintentional impact.

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Appendices:

1 and (a) to (c) Summary of Revenue Budget Requirement by Directorate 2 (a) to (c) Directorate Revenue Pressures and Savings Proposals

3a Proposed HRA Rent Charges3b Proposed HRA Service Charges

3c Proposed HRA Budget 3d HRA Business Plan

4 Schedule of Parish Precepts

5 and (a) Council Tax Resolution and bandings
 6 Schedule of Proposed Fees and Charges
 7 Flexible Use of Capital Receipts Strategy

8 Diversity Impact Assessment

9 RCE Directorate Structure 2020/21

Background papers:

Medium Term Financial Strategy 2019-2024 report to Cabinet 24 September 2019 https://democracy.medway.gov.uk/ielssueDetails.aspx?IId=25865&Opt=3

Draft Capital and Revenue Budget 2020/21 report to Cabinet on 19 November 2019 https://democracy.medway.gov.uk/ielssueDetails.aspx?IId=26264&Opt=3

Provisional Local Government Settlement 2020/21 – Cabinet 14 January 2020 https://democracy.medway.gov.uk/ielssueDetails.aspx?lld=26756&Opt=3

Pay Negotiations – Employment Matters Committee 29 January 2020 https://democracy.medway.gov.uk/ielssueDetails.aspx?IId=27477&Opt=3

Capital and Revenue Budgets 2020/21 report to Cabinet 4 February 2020 https://democracy.medway.gov.uk/ielssueDetails.aspx?IId=26264&Opt=3