

TONBRIDGE & MALLING BOROUGH COUNCIL PROTOCOL FOR THE USE OF VIDEO-CONFERENCING FACILITIES

The following protocol shall be adopted in relation to the conduct of all meetings of the Council, Cabinet and all Committees and Boards. Participation via video conferencing will be permitted in accordance with the following provisions.

Application of Rules

These rules shall only apply until:

- (a) 7th May 2021;
- (b) In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or
- (c) such earlier date as may be determined by the Leader

Prior to the Meeting

- 1) In order to facilitate access to the virtual meeting, the following arrangements will apply:-
 - a. Members will be able to access all virtual meetings via a link in the meeting appointment.
 - b. It will be assumed that Members will be in attendance at all meetings of Cabinet/ Committees/ Boards of which they are a member. Any Member who is unable to attend a meeting should give their apologies in the usual way.
 - c. Any Member who is not a member of Cabinet, a Committee or Board but who wishes to attend and/ or speak at any such meeting is requested to let the Democratic Services Team know by no later than 5pm on the working day prior to the meeting taking place. Relevant officers will also be invited to the meeting, to provide advice (including any legal advice which may be needed) and to ensure the meeting follows proper procedures.
- 2) Any other person who is in attendance at the meeting for the purposes of exercising a right to speak e.g. a member of the public speaking at an Area Planning Committee, must register with the Democratic Services Team as early as possible but, in any event, no later than **5.00pm on the closest working day prior to the day of the meeting**. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk. Anyone seeking to register to speak after this time will be refused
- 3) The Democratic Services Officer will notify the relevant Chairman, and will take steps to ensure that the link can be established, that support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, email, are available.
- 4) In the case of a number of requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee/ Board.
- 5) Any person participating by video-conference link must test their link before the commencement of the meeting and should (insofar as practicable) join the meeting at least 20 minutes before the scheduled start time to ensure any connectivity issues can be addressed.

- 6) The video-conferencing equipment must be arranged in such a way that the Chairman can hear and, where practicable, see the remote Member(s) in attendance, as well as any members of the public in attendance exercising a right to speak.

At the meeting

- 7) Members and Officers should recognise that the virtual meeting is a public meeting and they will be visible and audible by the general public. All Members and officers should conduct themselves, and dress, accordingly. Mobile telephones should be switched off or on silent and not used during the meeting unless they are being used to access the meeting, or committee papers. Wherever possible, backgrounds should be free of distraction and care should be taken to ensure there are no sensitive or personal papers visible. A neutral or blurred virtual background should be used wherever possible.
- 8) A virtual “meeting chat” will be established (via the conversation function) between:
 - a. Members of the Cabinet, Board, Committee or other meeting (as appropriate) and the Chairman so that participating Members may indicate a wish to speak;
 - b. Key presenting officers, any council legal representative, and Democratic Services Officer present to ensure that officers are able to discuss questions raised by members so that an appropriate answer can be provided, and procedures are adhered to;
 - c. An appointed officer (either Democratic Services Officer or an appropriate presenting officer) and the meeting Chairman (or Mayor for Council). This is to ensure the Chairman/ Mayor is aware of any procedural issues requiring their attention or which may require the meeting to be adjourned or postponed or officer advice is needed to be sought.
- 9) No other “meeting chats” are to be used when the meeting is taking place, and those set out above are only to be used for the stated purpose. Members should proceed as if the content can be viewed by participants and the wider public. It should not be used to discuss the substantive issue – this should be done verbally.
- 10) The Chairman will confirm at the outset and at any reconvening of the meeting that he/she can hear and, where practicable, see all participating Members and any members of the public in attendance exercising a right to speak. Any Member participating by remote link must confirm their attendance at the outset and at any reconvening of the meeting. He/she must also confirm that they can hear and, where practicable, see the other participating Members and any members of the public in attendance exercising a right to speak. Members should ensure that their microphones are turned off unless they are speaking.
- 11) Any Member participating by remote link who declares an interest (either a Disclosable Pecuniary Interest or Other Significant Interest) in any item of business and is required to leave the meeting or determines to do so, shall leave the meeting for the duration of the item in question. Officers will make arrangements to be able to contact members to ensure they can be “invited back” to the meeting once the item in question has been concluded.
- 12) Should any aspect of the video-conference link fail, the Chairman may call a short adjournment of up to fifteen minutes to determine whether the link can quickly be re-established. If not re-established within this time, the Chairman may temporarily suspend discussion of the item under consideration at the time of link failure and continue with the remaining agenda items. Efforts should continue to re-establish the link. The Chairman will return to the suspended item on re-establishment, or on confirmation that this cannot be done, or before the end of the meeting, whichever is the earliest. For clarity, the item under consideration at the point of any re-establishment of a link will be concluded before returning to the suspended item.
- 13) If the Committee, Panel, Board or Council have to discuss confidential or exempt items under

“Part 2” the Chairman will make clear that the officers and Members will be moving into a confidential discussion. This will take place in a separate virtual meeting room to which there will be no access by the general public or press. Once the confidential item has been discussed, the Chairman/ Mayor will announce in the public meeting room that the Members are returning to the public discussion.

- 14) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will deem to have returned at the point of re-establishment. However, any Member who is absent for all or any part of the item in question will not be able to participate in the vote.

Voting

- 15) Voting will be by way of a roll call. The Chairman shall ask Members to record whether they are for, against, or abstaining by way of roll call. Councillors will need to vote for or against the motion using the phrases ‘For’ or ‘Against’ or if wishing to abstain do so by stating that they wish to ‘Abstain’. No response shall be taken as an abstention. For the avoidance of doubt a vote conducted by way of roll call shall not be treated as a recorded vote for the purposes of the Council and Committee Procedure Rules set out in Part 4 of the Constitution.
- 16) Where a roll call is not able to take place, voting will be through a poll overseen by the Democratic Services Officer through the conversation function, with the Democratic Services Officer announcing whether the motion/amendment was agreed or not agreed once this has concluded. No response shall be taken as an abstention

Area Planning Committees/Licensing & Appeals Panel

- 17) As the Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of an Area Planning Committee or a Licensing & Appeals Panel must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by the remote Members.
- 18) Supplementary reports must, therefore, be circulated in final form no later than 24 hours before the start time of the relevant meeting. Any additional updates required after that time will be in the form of an oral address by the relevant officers at the meeting.
- 19) Similarly, to help ensure that a remote Member can clearly follow any officer presentation, separate copies of the presentation should be shown simultaneously at all remote venues, in addition to using the video-conferencing link.
 - a. Please note that Paragraphs 17 and 18 will also apply to any other person who is required to take part in a Hearing.
- 20) All written representations to Area Planning Committees must be made no later than 48 hours prior to the start time of the relevant meeting.
- 21) The Chairman will conduct the meeting in accordance with the Interim Rules for public speaking at planning committee as set out at Appendix (x), Part 4 of the Constitution.

Confidential/Exempt Items

- 22) If a remote Member wishes to participate in discussion of a confidential/exempt item, he/she must verify that the venue from which they are participating is secure, that no member of the

public has access and that no recording of the proceedings is being made.

Amendment of Protocol

- 23) The Monitoring Officer is authorised to make any amendments to this Protocol and/ or the Interim Rules for public speaking at planning committee in consultation with Chief Executive and Leader.

**TEMPORARY RULES FOR PUBLIC SPEAKING IN RESPECT OF
PLANNING APPLICATIONS DURING THE CORONAVIRUS
OUTBREAK**

1.	Application of Rules
1.1	<p>These rules shall only apply until:</p> <p>(a) 7th May 2021;</p> <p>(b) In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or</p> <p>(c) such earlier date as may be determined by the Leader</p> <p>These rules apply to the consideration of planning and allied applications that may be determined by the Borough Council where the application is to be determined by an Area Planning Committee (or by Council in accordance with Council and Committee Procedure Rule 15.23 or 15.24), but do not apply to applications where the Council is a consultee and not the determining authority.</p>
1.2	The right to speak does NOT apply to reports relating solely to enforcement matters or any other business of the Area Planning Committees than that in 1.1 above.
2.	Procedure before Committee
2.1	Where these rules apply, the Applicant's Acknowledgement Letter will indicate that, in the event that the matter is to be determined by a Committee, members of the public will be given an opportunity to speak at the Committee.
2.2	Once the Director of Planning, Housing & Environmental Health has determined that an application will be determined by a Committee, the applicant will be sent written notification stating the date, time and manner of accessing the Committee's meeting.
2.3	The Neighbours' Consultation Letter will state that, in the event that

	the matter is to be determined by a Committee, members of the public or a representative of the relevant Parish Council will be given an opportunity to speak if they have made a written representation.
2.4	Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee. Anyone who wishes to do so must register with the Democratic Services Officer contact as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting . For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbs.gov.uk . Anyone seeking to register to speak after this time will be refused.
2.5	A person wishing to address committee but who does not wish to appear “live” at the virtual meeting may either provide a video or audio recording of their statement (limited to 3 minutes) or provide the address in writing to be read out by the Chairman (or an Officer nominated by the Chairman) (up to 3 minutes per statement), no later than 5.00pm on the closest working day prior to the day of the meeting . In any event, anyone wishing to address the committee whether in person or otherwise is encouraged to provide a written copy of their statement.
2.6	Where a recorded (or written) statement is being provided, the representor is encouraged to state their postal address at the beginning of their statement for the committee’s reference.
	Potential speakers are encouraged to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors to enable them to get in contact with each other and to encourage them to select a single spokesperson.

3.	Procedure at Committee
3.1	In the introduction to the meeting the Chairman will explain the composition of the virtual “top table”. The Chairman will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements.
3.2	The Chairman will indicate the order in which the Agenda is to be dealt with, this will ordinarily be as the Agenda, but is at the absolute discretion of the Chairman (on advice of officers where needed).
3.3	The Chairman will explain the speaking time limitations. Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.
3.4	Where the Chairman has suggested at the Chairman’s briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item, and will occur before the speakers are invited to speak.
3.5	<p>The speakers shall be taken in the following order:</p> <p>The representative of the relevant Parish (where they have registered in advance to speak);</p> <p>Individual speakers will then be invited to come forward by the Chairman, by name;</p> <p>Where a written statement has been provided in lieu of attending, the Chairman shall read out the statement (up to 3 minutes per application, per statement) after all “live” speakers have addressed the committee;</p> <p>Any pre-recorded statements shall then be played;</p> <p>Finally, the applicant and/or their agent will then have an opportunity to address the committee where they have registered to do so in advance.</p> <p>Where any written statement or pre-recorded statement exceeds 3 minutes, only the first 3 minutes shall be read or played.</p>
3.6	Committee Members will not be able to question speakers directly but may seek clarification of matters of fact raised by the speaker through the Chairman.
3.7	At the conclusion of their presentation, the speaker’s microphone will be muted by the meeting organiser.
3.8	At the conclusion of the public speaking, the Chairman will invite

	Members to debate the application. The members will indicate their wish to address the meeting through the virtual meeting platform and the Chairman will invite each member to speak in turn. All other microphones will be muted by the meeting organiser.
3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.



TONBRIDGE & MALLING BOROUGH COUNCIL

Homeworking Policy

Document Control

Reference	Homeworking Policy
Date	31 July 2018
Author	Adrian Stanfield, Director of Central Services & Monitoring Officer
Approved by	Management Team/ General Purposes Committee

Version History

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31 July 2018	V1	

Homeworking Policy

Purpose and Scope

Tonbridge & Malling Borough Council recognises that homeworking can provide considerable benefits for the business needs of the service as well as those of the individual. The Council also seeks to support homeworking in circumstances where productivity and performance improvements can be made.

Homeworking is evidenced to have clear benefits. To work effectively these arrangements must be based on good communication, trust and motivation, with the aim of improving the service for the customer.

This policy provides guidelines for managers, teams and employees when considering a homeworking arrangement. It sets out entitlements, eligibility criteria and other conditions that apply and have been developed to provide a clear approach to ensure fair treatment and consistency of approach.

The Council does not consider it feasible for staff to fulfil their caring responsibilities e.g. for looking after children or elderly relatives, at the same time as carrying out work duties. The Flexible Working Policy offers options and support to staff in such circumstances.

The Homeworking Policy is underpinned by an expectation that there is no detriment to provision of services or adverse impacts on colleagues. This policy applies to all employees of the Council. However, all arrangements are subject to the requirements of the service. It may not be practical for all services or teams to enable homeworking due to the nature of service delivery. If your role is entirely customer facing, in e.g. the Customer Services team, it is unlikely that a request for regular or permanent homeworking will be approved (although occasional ad hoc working from home could be approved in certain circumstances).

Types of Homeworking

The table below defines homeworking into three types:

Occasional (ad hoc) working from home	<ul style="list-style-type: none">➤ This is the most common type of homeworking.➤ It might be because an employee has a specific task they need to concentrate on without the normal interruptions of an office environment.➤ This might also occur where it is difficult for an employee to get into work because of travel disruption or adverse weather conditions.➤ This may be used in cases where following an illness or operation homeworking is recommended as part of a phased return.➤ The employee's line manager is empowered to authorise occasional working from home requests, taking into account the needs of the
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	organisation.
Regular homeworking	<ul style="list-style-type: none"> ➤ An employee would be classified as a regular homeworker when they regularly spend 30% of their contracted hours working from home. ➤ This is a formal agreement between the employer and the employee, which will need to be reflected in a written contract of employment. ➤ This type of arrangement often suits employees where the job involves frequent or regular off-site visits. ➤ Requesting regular homeworking needs to be supported by the formal process set out in Annex 1.
Permanent homeworking or remote working	<ul style="list-style-type: none"> ➤ This is when an employee spends 100% of their contracted working hours either working at home or visiting sites from their home base. ➤ Their contract of employment will need to reflect the fact that home is their contracted work base. ➤ This working arrangement could also be considered for any disabled employees with mobility problems. If upon medical advice homeworking is suggested this should be considered as a potential reasonable adjustment under the Equality Act 2010. ➤ Remote working is usually built into specific roles as part of the Job Description and job design.

Ad hoc or occasional home working

Key considerations for agreement between employees and their line manager for ad hoc or occasional home working are:

- Those requiring access to Council run systems must use a Windows to Go stick and a 2 Factor Authentication Token (the random number generator token) or a tablet provided by the Council;
- Those requiring access to email via a TMBC laptop or their own pc/laptop must use a 2 Factor Authentication Token (the random number generator);
- All those who have been issued with a Windows to Go stick and a 2 Factor Authentication Token (the random number generator token) must agree to checking that these function with their laptop or home pc on a monthly basis;
- Before homeworking is agreed the equipment, including the broadband connection, should be discussed with the IT Helpdesk to ensure that the setup will be sufficient to enable effective working from the home;
- Homeworkers must make arrangements to be contactable by phone;
- Homeworkers should ensure their Outlook calendars are up to date so others are aware of their availability;

- Homeworkers should ensure that arrangements do not impact adversely on other team members e.g. by ensuring that telephone calls aren't put through to colleagues without their agreement;
- There is no change in the contract of employment or designated work base;
- There is no allowance for household expenses arising from homeworking.

Regular homeworking

The key features of ad hoc homeworking also apply to regular homeworking. In addition the following will apply:

- The homeworking arrangement will be reviewed after a set period (e.g. 6 weeks in the first instance and as appropriate thereafter)
- An onsite health and safety risk assessment will be carried out in the home by the member of staff and their manager and any risks will be fully addressed by the line manager before the start of the home working arrangement (see the checklist in Annex 1);
- Employees will be expected to comply with reasonable management requests e.g. to attend meetings in the workplace (no travel expenses will be paid for attendance at such meetings);
- Requests for regular homeworking will be assessed and approved by a Director;
- The Personnel Manager will be consulted before the start of any regular homeworking arrangement to ensure that any agreement reached is consistent with the employee's contract of employment (which is likely to require amending).

Permanent homeworking and remote working

At present there are no employees permanently homeworking or remote working.

Procedure for requests for homeworking

- Homeworking is an option which is granted at management discretion. There is no entitlement to work at home.
- An employee who considers they have good reasons to request homeworking should discuss the issue with their line manager setting out how they think the work could be undertaken at home, and whether this is on an ad hoc or regular basis.
- Decisions on ad hoc homeworking will be undertaken by the line manager.
- For regular homeworking the employee should apply in writing to their manager. The request should specify why the employee thinks that their job role can be done as well as/or better at home than as at the office, and should propose appropriate working arrangements. They should also confirm the address at which home working will take place. They will also need to confirm that they have the appropriate internet connection and ability to securely access Council systems, and that their proposed homeworking arrangement will not impact adversely on other team members.
- The manager will consider the request and will evaluate whether or not they believe the homeworking arrangement will meet business needs as well as the needs of the individual making the request. If they do not, they will advise the employee accordingly.
- A recommendation for homeworking from the manager will be set out in writing and will be referred along with the request from the employee for consideration by the relevant Director, whose decision will be final. The manager will be responsible for notifying the employee of the decision and for ensuring that all of the conditions set out in this policy are properly addressed. Personnel Services should be copied into all emails/correspondence concerning the request, and will advise as to whether any contractual change is required before the homeworking arrangement begins.
- Before a permanent arrangement for regular homeworking is agreed there will be a trial period of 6 weeks during which there should be a continuous review of job performance

and working practices so that the advantages of homeworking for the post holder and the Council can be evaluated.

- Before the trial period begins the manager should have undertaken a Homeworking Health & Safety Risk Assessment (see Annex 1).

Consideration of requests for homeworking

The relevant managers will need to consider:

- Whether the job is suitable for homeworking taking into account the nature of the work.
- Whether the employee is likely to be effective as a homeworker. Do they have appropriate organisational and time management skills? Have they demonstrated the ability to work without close supervision? Do they have appropriate communication skills? Have they displayed the ability to comply with relevant legislation such as the General Data Protection Regulations?
- What impact the homeworking arrangement might have on the efficiency/effectiveness of the team/section and on customer service.
- In cases where the employee requesting homeworking is a supervisor or manager consideration will need to be given to the potential impact on those who are managed by the prospective homeworker.

Equipment

- The Council will not provide any essential equipment, other than at the request of a Director or where there are sound business reasons. The Council's IT staff are not authorised to install home equipment or provide home visits, and support services will only be provided from the Kings Hill offices.
- In the case of regular homeworking the Council will not provide any necessary equipment (e.g. desk, chair, and footrest) other than in cases of a reasonable adjustment due to disability.
- Employees will have a range of devices from which they may be able to access Council systems, and should adhere to Council protocols and information security policies at all times.

Security, Confidentiality and Health & Safety

- The Information Security Policy, all associated policies and the General Data Protection Regulations shall be adhered to at all times.
- Homeworkers should be mindful at all times to their duty of confidentiality to protect all information, particularly personal information, from unauthorised access. Care should be taken to ensure the security of such information at home. Failure to do so could be a breach of General Data Protection Regulations and could potentially lead to disciplinary action.
- Homeworkers must use a Council laptop, or a Windows to Go Stick and a random number generator to access the Council's network. Council documents must not be saved on personal PCs or memory sticks.
- Emailing of information should be done via Outlook. Under no circumstances should data be sent via external email or non-Council addresses.
- Homeworkers should not take sensitive paper files out of the office without the permission of their line manager and should ensure that such documents are not left exposed. Staff also need to ensure that a record is kept of any files taken out of the office.
- Staff who have taken paper copies of documents out of the office should ensure that such documentation is destroyed securely when it is no longer required.
- Employees working from home have the same duties under the Health & Safety at Work Act as all other employees and must take reasonable care of their own health and safety

and that of anyone else who might be affected by their actions and omissions. Homeworkers must not carry out work meetings in their home with customers, or officers from other agencies, to prevent the risk of difficult situations. If homeworkers need to attend site meetings direct from home, they must comply with their team's standard lone working practices.

Insurance

- In general the categories of homeworker encompassed within this policy are covered by the Council's Employers and Public Liability Insurance arrangements. Accidents or injuries at home must be recorded using the Council's existing accident reporting process.
- If a homeworker suffers an injury caused by the Council's negligence, any claim which arises will be dealt with under the Council's employers liability insurance.
- If through the negligence of the homeworker, whilst carrying out their duties, a third party suffers an injury or loss, any claim which arises will be dealt with under the Council's insurance. If, however, claims arise within the employee's home for which the Council has no control (e.g. defects on the homeworker's premises) they would not be covered.
- Regular homeworkers will be required to clarify that their Home Insurance covers them for working at home.
- In cases of homeworkers having mortgage or tenancy agreements, regular homeworkers should inform anyone with an interest in their property (i.e. building society, landlords etc.) of their homeworking arrangements.
- The Council's policy does not cover the loss or damage of equipment taken out of Council premises and left in vehicles. Employees should ensure that equipment e.g. laptops, printers etc. once taken out of Council premises should be transferred directly to a safe and secure location.

Taxation

- The ad hoc and regular homeworking as covered by this policy will not trigger changes in the council tax band of the homeworker's property, nor will the room in which they work be assessed for business rates.
- Any equipment supplied for homeworking should be used for Council business only, and as such is unlikely to be classified as a taxable benefit by HMRC.

Change of Employee Address

A homeworking agreement will be reviewed if an employee changes address. In this case a new health & safety risk assessment will need to be carried out, and, the relevant managers will consider if the homeworking agreement is likely to continue to be effective.

Terminating Homeworking Arrangements

The Council reserves the right to withdraw from a homeworking agreement with immediate effect if:

- security or safety standards are not being maintained, or it is no longer technically possible to maintain such standards;
- an employee does not comply with the homeworking policy or agreed arrangement;
- an acceptable level of productivity is not maintained.