

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
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18 January 2016

Members are asked to bring the Revenue Estimates and Capital Plan booklets previously circulated

To: MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 26th January, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

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MEMBERSHIP

Cllr A K Sullivan (Chairman)
Cllr Mrs A S Oakley (Vice-Chairman)
Cllr Miss S O Shrubsole (Vice-Chairman)

Cllr Ms J A Atkinson
Cllr M C Base
Cllr P F Bolt
Cllr J L Botten
Cllr R W Dalton
Cllr S M Hammond
Cllr S R J Jessel
Cllr Mrs F A Kemp
Cllr D Lettington

Cllr P J Montague
Cllr M R Rhodes
Cllr Miss J L Sergison
Cllr Ms S V Spence
Cllr M Taylor
Cllr T C Walker

Mr P J Drury (co-opted Member)
Mr D Still (co-opted Member)

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 15th September, 2015

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr R W Dalton, Cllr Mrs F A Kemp, Cllr D Lettington, Cllr M R Rhodes, Cllr M Taylor, Cllr T C Walker and Mr D Still (Co-opted Member)

Councillors D A S Davis, N J Heslop, S C Perry and F G Tombolis were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Miss S O Shrubsole (Vice-Chairman), Ms J A Atkinson, S M Hammond, S R J Jessel, P J Montague, Miss J L Sergison and Ms S V Spence

PART 1 - PUBLIC

OS 15/16 DECLARATIONS OF INTEREST

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

OS 15/17 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 7 July 2015 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 15/18 PEER CHALLENGE REVIEW

Further to Minute OS 15/14, consideration was given to a report on the issues discussed and conclusions reached by the Peer Challenge scrutiny review panel which had met on 23 July and 25 August. The panel had focussed on a review of the number and style of Council meetings including the issue of three Area Planning Committees. Given the degree of interest in these matters, reports on the remaining areas raised by the Peer Challenge including scoping of the Council's draft Transformation Strategy and a review of the Council's key priorities would be presented directly to a future meeting of the Overview and Scrutiny Committee.

Members considered the recommendations of the panel in respect of achieving a reduction in the number of Council meetings and holding more informal meetings where appropriate. Considerable discussion

ensued on the panel's recommendation that a single planning committee structure be developed. Some Members expressed serious concerns about replacing the current system and removing the voting rights of a majority of councillors in the planning process. They remained to be convinced of the effectiveness of other councils which had a single planning committee, given the quality of decision making and record of success in appeals in Tonbridge and Malling since its inception.

However, in support of the panel's recommendations, other Members emphasised the changing planning environment, the challenges of being both a committee member and a community advocate in respect of planning applications, the importance of meeting the statutory determination period and opportunities for direct and indirect savings offered by a single planning committee structure. In the event that this course of action was pursued, a number of issues were highlighted for further consideration including size of the committee to ensure appropriate political balance and speaking rights for Ward Members, improvements to site inspections and the venue for meetings.

RECOMMENDED: That the recommendations of the Peer Challenge Review Panel, as set out at paragraphs 1.2.3, 1.3.4 and 1.4.10 of the report be endorsed and commended to the Cabinet for its further consideration as follows:

- (1) a reduction in the number of Council meetings could best be achieved by
 - (i) selectively reducing the number of non-essential meetings by identifying those specific Boards/Committees that perhaps do not need to meet so regularly which do not impact on regular Council business; and
 - (ii) a protocol be developed which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of the Chairman;
- (2) the format of Council meetings be reviewed with a view to holding some programmed meetings in more informal settings where this is appropriate and to hold informal Member briefings either as a separate meeting or, preferably, in place of a programmed meeting. Council meetings in the first week of each month should be avoided if the annual meeting programme allows; and
- (3) a single planning committee structure be developed to meet the particular needs of the Council.

DECISIONS TAKEN BY THE COMMITTEE**OS 15/19 SCRUTINY REVIEW PROGRAMME**

Members considered the report of the Chief Executive which provided an update to the programme and proposed the next set of reviews to be undertaken. It was noted that the review of community engagement focusing on the Parish Partnership Panel and Tonbridge Forum had been delayed to meet a request for an extension of the consultation period. A further meeting of the review panel was being arranged for 6 October with its recommendations reported to the Overview and Scrutiny Committee in January 2016.

Details were given of suggested arrangements for the next scheduled reviews of charges and grants to voluntary bodies together with a proposal that the planned review of holiday activity programmes be brought forward. To accommodate the changes it was suggested that a report on the review of grants be made direct to the next meeting of the Committee in January to inform the budget setting process. Proposed arrangements were set out for informal panels to consider the reviews of the holiday activity programme and charges (scoping reports at Minutes OS 15/20 and 21 respectively).

RESOLVED: That the revised review programme and suggested meeting arrangements be approved as set out in the report subject to the substitution of Councillor Lettington for Councillor Sullivan in the membership of the holiday activity programme review panel.

OS 15/20 REVIEW OF HOLIDAY ACTIVITY PROGRAMME FOR YOUNG PEOPLE

The report of the Management Team set out for approval the suggested scope of the review of holiday activity programmes in the context of the significant financial challenge facing the Council. The review would be progressed by an informal panel the first meeting of which would be held on 2 November 2015. It was agreed that any changes arising from the review should be implemented in time for the summer 2016 holidays with the forthcoming Easter Activate programme proceeding as planned.

RESOLVED: That the proposed scope of the review of holiday activity programmes for young people be endorsed.

OS 15/21 REVIEW OF FEES AND CHARGES

The report of the Management Team set out for approval the suggested scope of the review of fees and charges currently levied for the provision of a range of services across Council departments. It was proposed that investigations only take place into discretionary fees and charges, rather than those set by statute, including areas where the Council did not currently charge but there was potential to do so. The review would be

progressed by an informal panel the first meeting of which would be held on 4 November 2015.

RESOLVED: That the proposed scope of the review of fees and charges be endorsed.

MATTERS SUBMITTED FOR INFORMATION

OS 15/22 LOCAL GOVERNMENT OMBUDSMAN - ANNUAL REVIEW LETTER

The report of the Chief Executive referred to the requirement in the Constitution for an annual report to be made to the Committee on the outcome of complaints to the Local Government Ombudsman. The annual review letter and accompanying information covering the year to 31 March 2015 were accordingly presented and indicated that none of the eight complaints made to the Ombudsman had been upheld. The positive outcome confirmed that the Council continued to operate an effective complaints process and there were no specific recommendations from the Ombudsman for the Committee to consider.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 15/23 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO CABINET

OS 15/24 LARKFIELD LEISURE CENTRE HEALTH SUITE - USE OF URGENCY PROCEDURES

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

The report of the Director of Street Scene, Leisure and Technical Services explained the circumstances leading to the use of the urgency procedure under Financial Procedure Rule 14.2 to approve additional funding to enable the project for refurbishment of the health suite at Larkfield Leisure Centre to proceed.

It was noted that the Leisure Trust had agreed to contribute 50 per cent of the shortfall in funding from its own capital reserves and the Management Team had identified virements from two existing List A

schemes in the Capital Plan. Given the timescale for the works, urgent approval had been sought from the Leader and Chairman of the Overview and Scrutiny Committee and the Cabinet Members for Finance, Innovation and Property and Community Services and the Leader of the Opposition were also consulted.

RECOMMENDED: That

- (1) the action taken in accordance with Financial Procedure Rule 14.2 to fund the refurbishment of the Health Suite at Larkfield Leisure Centre be endorsed; and
- (2) the funding in List A of the Council's Capital Plan for the project be adjusted accordingly.

The meeting ended at 8.48 pm

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Agenda Item 4

Any Executive Decisions which have been “called in”

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2016

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet

MEMBERS ARE ASKED TO BRING WITH THEM THE REVENUE ESTIMATES BOOKLET CIRCULATED WITH THE AGENDA FOR THE MEETING OF THE FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD

1 REVENUE ESTIMATES 2016/17

The Council has a statutory duty to set the level of council tax for the forthcoming financial year by 11 March. Under the Budget and Policy Framework Rules of the Constitution, the Cabinet is responsible for formulating initial draft proposals in respect of the Budget. The role of this Committee is to assist both the Cabinet and the Council in the preparation of the Budget for 2016/17 within the context of the Medium Term Financial Strategy and the Council's priorities.

1.1 Introduction

- 1.1.1 The Cabinet is responsible for formulating initial draft proposals in respect of the Budget for 2016/17. This report is intended as the basis for recommendations from this Committee to the Cabinet.
- 1.1.2 A special meeting of the Cabinet is scheduled for the 11 February to consider the recommendations of this Committee and of the Finance, Innovation and Property Advisory Board and, in addition, take into account the Council's final grant settlement.
- 1.1.3 At that special meeting on the 11 February, the Cabinet will need to formulate its final proposals in respect of the Budget for 2016/17 and the council tax to be levied in respect of the Borough Council. The Full Council will meet on the 16 February to approve the Budget and set the Council Tax. The Full Council may adopt or amend the Cabinet's proposals.
- 1.1.4 The role of this Committee is to consider both the Revised Estimates for 2015/16 and the Estimates for 2016/17 within the context of the Medium Term Financial Strategy and the Council's priorities. For completeness, details of how we are

updating the Medium Term Financial Strategy are contained within this report for information.

- 1.1.5 Copies of the Booklet containing the draft Revenue Estimates has already been circulated to all Members with the agenda for the meeting of the Finance, Innovation and Property Advisory Board. Please bring your copy of the Booklet to this meeting. If Members require further copies, please contact Michael Withey, Principal Accountant on extension 6103 or by e-mail at michael.withey@tmbc.gov.uk
- 1.1.6 Members will note from the Booklet that the 2016/17 Estimates total £11,398,300 **prior** to making a contribution to/from the General Revenue Reserve. This represents a **decrease of £998,050** (excluding Business Rates Retention Scheme Reserve) over the Original Estimates for 2015/16. Members are referred to the report presented to the meeting of the Finance, Innovation and Property Advisory Board for further details on the Estimates.
- 1.1.7 It is likely that there will need to be changes made to the Estimates as we move through the budget setting process. It is the intention of the Director of Finance and Transformation to bring these together for the Cabinet Budget meeting in February, rather than introduce them in a piecemeal fashion.

1.2 Medium Term Financial Strategy

- 1.2.1 To recap, the Council's current Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets over a rolling ten-year period, and it is this Strategy that underpins the budget setting process each year and over the strategy period. The aim of the Strategy is to give us a realistic and sustainable plan that reflects the Council's priorities. The MTFS sets out the high level objectives the Council wishes to fulfil over the agreed time span. These are:
- To achieve a **balanced revenue budget** that delivers the Council's priorities by the end of the strategy period.
 - To retain a **minimum of £2.0m** in the General Revenue Reserve by the end of the strategy period.
 - Seek to set **future increases in council tax having regard to the guidelines** issued by the Secretary of State.
 - Over the strategy period, **continue to identify efficiency savings and opportunities for new or additional income sources** within the Council's budget to contribute towards the identified 'funding gap'; and, if necessary thereafter, **seek appropriate reductions in service costs** following consultation, as necessary, with taxpayers.

- Subject to there being sufficient resources within the capital reserve, set a **maximum 'annual capital allowance'** each year as part of the budget setting process for all new capital schemes (currently set at £200,000 from the Council's own resources) and give priority to those schemes that generate income or reduce costs.
- 1.2.2 In recognition of the Savings and Transformation Strategy report to Cabinet on 17 November 2015 it is proposed that the objective above starting, 'Over the strategy period' be replaced by:
- Continue to **identify efficiency savings** and **opportunities for new or additional income sources** and to **seek appropriate reductions in service costs** in delivery of the Savings and Transformation Strategy approved by Members.
- 1.2.3 The MTFs sets out, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council's spending plans. Underneath the Strategy for the budget setting year sits detailed estimates formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures.
- 1.2.4 Members are fully aware of the significant financial challenge facing the Council as a result of the Government's ongoing budget deficit reduction programme which has resulted in continuing reductions in the financial support it can offer to local government. We believe, however, that our MTFs is resilient and the financial pressures likely to confront us can be addressed in a measured and controlled way, but with ever increasing pressure this is becoming progressively more difficult.
- 1.2.5 Members will recall that when setting the budget for 2015/16 in February 2015 projections at that time suggested a 'funding gap' between expenditure and income of circa £1.4 million. Based on the above projection it was further suggested that we break the savings target into three tranches (tranche one £200,000, tranche two £700,000 and tranche three £500,000 to be achieved by ideally the start of the year 2016/17, 2017/18 and 2018/19).
- 1.2.6 The MTFs will need to be updated and rolled forward as part of the 2016/17 budget setting process. Further information about this, together with the issues that Cabinet will need to address when updating the MTFs are set out later in this report at paragraph 1.9.

1.3 Provisional Local Government Finance Settlement

- 1.3.1 On 17 December 2015, the Secretary of State for the Department for Communities and Local Government, Greg Clark MP, made a statement to Parliament on the provisional local government finance settlement for 2016/17. The provisional figures are expected to be confirmed in late January/early February 2016. The government will offer any council that wishes to take it up a

four-year funding settlement to 2019/20 and as a result illustrative allocations up to 2019/20 have also been provided.

- 1.3.2 A new methodology has been adopted where rather than applying the same percentage cut to all local authorities, the government now propose to take into account the amount that can be raised locally from council tax. The government has also altered the split of funding between tiers of government seemingly in favour of upper tier authorities, with larger funding reductions for district councils. This approach sees our revenue support grant reduce to zero by 2017/18 and thereafter further reductions are reflected by way of a 'tariff adjustment' under the business rates retention scheme. What this highlights is that the settlement has been designed taking in account the particular pressures experienced by councils which provide adult social care and children's services ('robbing Peter (district councils) to pay Paul (authorities with responsibility for social care)' comes to mind).
- 1.3.3 Our provisional Settlement Funding Assessment (core funding) for 2016/17 and illustrative allocations up to 2019/20 can be seen in the table below. In 2019/20 our Settlement Funding Assessment is projected to be £1,283,705. This represents a cash decrease of £2,394,894 or 65.1% (the district council average is 44.3%) when compared to the equivalent figure of £3,678,599 in 2015/16. Included in the Settlement Funding Assessment is the parish councils' indicative allocation in respect of the council tax support scheme, however, it is not separately identified. Members are aware that this Council has traditionally passed on this funding to parish councils even though it is not separately identified; although some councils have chosen not to do so.
- 1.3.4 The Council's grant award for 2016/17 and illustrative figures up to 2019/20 under the New Homes Bonus scheme can also be seen in the table below and reflect proposed changes, the subject of consultation, to the scheme. Again, the proposed changes are designed to deliver savings which can be redistributed to authorities with responsibility for social care ('robbing Peter to pay Paul'). In 2019/20 NHB is projected to be £2,332,185. This represents a cash decrease of £768,968 or 24.8% when compared to £3,101,153 in 2015/16.
- 1.3.5 In 2019/20 Total Grant Funding is projected to be £3,615,890. This represents a cash decrease of £3,163,862 or 46.7% when compared to the equivalent figure of £6,779,752.

	2015/16 £	2016/17 £	2017/18 £	2018/19 £	2019/20 £
Local Share of Business Rates	2,089,115	2,106,525	2,147,957	2,211,323	2,282,001
Tariff Adjustment			(78,401)	(512,899)	(998,296)
Revenue Support Grant	1,589,484	655,042			
Settlement Funding Assessment	3,678,599	2,761,567	2,069,556	1,698,424	1,283,705
Change over SR Period (£)					(2,394,894)
Change over SR Period (%)					-65.1%
New Homes Bonus ##	3,101,153	3,843,083	3,868,836	2,430,655	2,332,185
Total Grant Funding	6,779,752	6,604,650	5,938,392	4,129,079	3,615,890
Change over SR Period (£)					(3,163,862)
Change over SR Period (%)					-46.7%

Note: These are the figures set out in the settlement consultation, although I am uncertain as to how these projected allocations have been arrived at by government.

- 1.3.6 In recent years the government has referred to the increase / (decrease) in an authority's spending power (now known as core spending power) and this is what tends to be quoted in media coverage. The decrease in core spending power calculated by the government over the four-year period is 10.9%.
- 1.3.7 The provisional local government finance settlement 2016/17 and an offer to councils for future years is the subject of consultation. The return date for responses to the consultation was 15 January 2016. The paper can be found at the following link:
- https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/486730/Provisional_settlement_consultation_document.pdf
- 1.3.8 A copy of our response is attached at **[Annex 1]**.
- 1.3.9 In overview, the provisional settlement, alongside the NHB proposals, brings added funding pressure for district councils and thereby increases the risks of financial sustainability. Four particular points within the response are given below:
- 1) In recognition of the fact that the Settlement and the proposed changes to NHB are redistributing funding to authorities with responsibility for social care resulting in larger funding reductions for district councils, district councils should not be subject to the council tax referendum principles or at the very least the higher threshold of 4% should apply to district councils too.

- 2) New Homes Bonus in 2019/20 is projected to be circa £2.3 million, but is not part of what is termed core funding, therefore, could, in full or in part, be seen to be at risk indefinitely (potential further reductions likely). This is clearly of concern particular when our core funding in 2019/20 is projected to be circa £1.3 million. To consider the offer of a four- year funding settlement the Council would first need to understand what its business rates baseline will be on the implementation of the 100% business rates retention scheme and if and how NHB is to be subsumed within the scheme.
- 3) The introduction of a 'tariff adjustment' under the business rates retention scheme is an opportunity to recognise and adjust for exceptional circumstances, for example, when our highest business ratepayer, Aylesford Newsprint, went into administration and the Council found itself in safety net position where it remains. As a result the government should be asked to consider a 'top adjustment' in addition to the 'tariff adjustment'.
- 4) The figures for council tax income included in the consultation assume that income in TMBC will increase by some 17% over the settlement period. This is a significant increase even allowing for potential 2% increases in Band D each year and a 'natural' level of taxbase growth. It appears that the government have compared the taxbase increase between 2013/14 and 2015/16 and assumed that the growth will continue at that level. That is extremely unlikely because the increase between those years has been influenced by the uplift in the CTRS scheme from 8.5% to 18.5%; plus the discounts and exemptions we have reviewed and reduced. These changes we have made cannot be replicated again so we have nowhere else to go. It seems to me that the wrong financial years have been used in assessing taxbase growth. This is of particular concern because in working out the reductions in RSG, the government are now taking into account the amount that is raised locally from council tax. Those authorities with higher taxbases relative to their Settlement Funding Assessment (like TMBC) have a higher reduction in grant than other councils. Effectively, it could be argued that TMBC taxpayers (along with taxpayers of authorities in a similar position) are disadvantaged in comparison to taxpayers in other areas.

1.4 Local Referendums to Veto Excessive Council Tax Increases

- 1.4.1 The Localism Act gives local communities the power to veto excessive council tax increases. The Secretary of State will determine a limit for council tax increases which has to be approved by the House of Commons. If an authority proposes to raise council tax above this limit they will have to hold a referendum to get approval for this from local voters who will be asked to approve or to veto the rise.
- 1.4.2 A referendum will be triggered where council tax is increased by 2% or more for 2016/17. However, see the comment in response to the provisional local

government finance settlement at paragraph 1.3.9 (1). It should be noted that beyond 2016/17 the Medium Term Financial Strategy assumes a 3% increase in council tax year on year. To put this into context, 1% currently equates to about £90,000. Parish councils have not been subject to the referendum limit previously, and are not subject to it for 2016/17.

1.4.3 There has been no announcement on a council tax freeze grant for 2016/17.

1.5 Business Rates Retention

1.5.1 Members will be aware that, from April 2013, the Government introduced the Business Rates Retention scheme. Where our actual business rates income is less than the baseline set under the scheme the Council has to **meet a share of that shortfall up to a maximum of circa £156,700 this year, 2015/16**. This figure increases each year in line with inflation.

1.5.2 As a result of Aylesford Newsprint, our highest business ratepayer, going into administration in February 2015 the Council is below its baseline. However, see the comment in response to the provisional local government finance settlement at paragraph 1.3.9 (3).

1.5.3 For medium term financial planning purposes we continue to assume our actual business rates income is equal to the baseline set.

1.6 New Homes Bonus

1.6.1 A critical component of our overall government grant funding is New Homes Bonus (NHB) and what happens to NHB, therefore, will be of particular interest and concern.

1.6.2 As mentioned at paragraph 1.3.4 our projected grant award under the NHB scheme reflects proposed changes to the scheme which are the subject of a consultation paper. The paper sets out proposals for:

- Reductions in the number of years for which NHB is paid from the current six to four years.
- Withholding NHB from areas where an authority does not have a Local Plan in place.
- Abating NHB in circumstances where planning permission for a new development has only been granted on appeal.
- Adjusting NHB to reflect estimates of deadweight by potentially introducing a baseline level of growth (0.25% suggested).

1.6.3 Again, the proposed changes are designed to deliver savings which can be redistributed to authorities with responsibility for social care. As a result our grant award in 2019/20 is projected to be £2,332,185. This represents a cash decrease

of £768,968 or 24.8% when compared to £3,101,153 in 2015/16. Furthermore, as **NHB is not part of what is termed core funding it could be seen to be at risk indefinitely** (potential further reductions likely).

- 1.6.4 The return date for responses to the consultation is 10 March 2016. It is my intention to report our proposed response for endorsement to the ordinary Cabinet meeting on 2 February. The consultation paper can be found at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/487095/151217_-_nhb_draft_condoc_published_version.pdf

1.7 Draft Capital Plan

- 1.7.1 A report elsewhere on this agenda seeks to advise Members of the way forward on the Capital Plan. The criteria established to guide the inclusion of new schemes to List C (holding list of schemes not yet fully worked up) and ultimately the inclusion of schemes on List A (schemes assigned budget provision) are:
- to meet legislative requirements including health and safety obligations;
 - funded from external resources; and
 - reduce revenue expenditure and or generate income.
- 1.7.2 The Capital Plan review report recommends schemes for inclusion on List B, the short-list of schemes for possible inclusion in the Capital Plan. Members are reminded that the selection from List B, of schemes to be included in the Capital Plan (List A) – if any – will be made at Cabinet on the 11 February for endorsement by Council. With this in mind Members are advised that other than loss of investment income the revenue consequences of new capital schemes **have yet to be incorporated within the Estimates.**
- 1.7.3 It is important to ensure that the revenue reserve for capital schemes can continue to fund capital expenditure at least until we reach a position where the annual contribution to the reserve matches the funding required for the replacement of existing assets (vehicles, plant and equipment) as well as recurring capital expenditure.
- 1.7.4 As a result there is an annual capital allowance for all other capital expenditure. Any 'bids' for capital schemes or discretionary capital grants are to be assessed in the context of the annual allowance. It should be noted, based on current projections, that from 2019/20 the Council will need to borrow to fund such expenditure. In order to support the funding arrangement in respect of the Tonbridge Town Lock Scheme in April 2015 the annual capital allowance was set at £200,000 and it is proposed that the annual allowance continue to be set at that level.

1.8 Consultation with Non-Domestic Ratepayers

- 1.8.1 Before the Borough Council determines the amount of its total estimated expenditure and makes calculations of its requirements for the ensuing financial year, it consults representatives of its non-domestic ratepayers about its expenditure proposals (including capital expenditure). The consultees, who include the local Chambers of Commerce as well as a group of the larger ratepayers in the Borough, receive on request information and copies of the draft budgets and are invited to make written representations if they deem it appropriate. Any points of clarification required are dealt with by telephone, written correspondence or, if appropriate, an informal meeting with officers.
- 1.8.2 Any comments or representations received from the consultees will be reported to Members during the budget process as appropriate.

1.9 Medium Term Financial Strategy Update

- 1.9.1 When updating the MTFS we need to take into account the following (not exclusive) factors:
- those factors that have contributed towards addressing the ‘funding gap’;
 - those factors that have taken matters in the ‘wrong’ direction;
 - the announcement on the level of council tax increase for 2016/17 above which the local authority would be required to seek the approval of their electorate via a local referendum;
 - the ongoing impact of the Business Rates Retention scheme; and
 - award of New Homes Bonus.
- 1.9.2 Members will recall we set ourselves a savings target this year of £200,000. Reflected in the estimates are ‘in-service efficiencies’ of just over £200,000 recently identified by Management Team (one of the savings themes identified within the Savings and Transformation Strategy). In addition, other net savings of over £100,000 have been reflected.
- 1.9.3 However, with both the provisional local government finance settlement 2016/17 including illustrative allocations up to 2019/20 and the proposed changes to NHB redistributing funding to authorities with responsibility for social care, the projected ‘outstanding’ funding gap now stands at £1.9 million with **potential for further reductions in NHB in the future**. This requires us to introduce an additional savings tranche of £700,000 to be achieved, based on current projections, by either 1 April 2021 or 1 April 2022 (absolute latest).
- 1.9.4 Undoubtedly, a significant financial challenge remains and if the ‘gap’ is to be bridged, it is clear that some difficult, and potentially radical, choices will have to

be made. A Savings & Transformation Strategy has been recommended by Cabinet to Full Council, and this will already need to be extended and hardened. The Overview and Scrutiny Committee has already embarked on a rigorous review programme of the Council's services and functions.

1.9.5 As in previous iterations of the MTFS the revised savings target can be broken down into tranches. Based on previous decisions by Members with regard to the delivery of savings, I propose the following timescales:

- 1) Tranche one - as already set out in MTFS, £700,000 to be achieved by April 2017.
- 2) Tranche two - as already set out in MTFS, £500,000 to be achieved by April 2018.
- 3) Tranche three - an additional target of £700,000 to be achieved by April 2021 or April 2022 at the latest.

1.9.6 Clearly, the Medium Term Financial Strategy will continue to be updated as we move through the 2016/17 budget cycle and as more information becomes available.

1.10 Savings and Transformation Strategy

1.10.1 Alongside the MTFS now sits a Savings and Transformation Strategy. The purpose of the Strategy is to provide structure, focus and direction in addressing the significant financial challenge faced by the Council and, in so doing, recognise there is no one simple solution and as a result we will need to adopt a number of ways to deliver the savings within an agreed timetable.

1.10.2 As Members are no doubt aware a number of key themes have been identified, together with outline targets and an indicative year of implementation for each. Further details can be found in the report to Cabinet on 17 November 2015.

1.10.3 It should be noted that the outline targets currently total £1,550,000 less the 'in-service efficiencies' target of £200,000 met as part of the budget setting process. As a result the targets set against each theme will need to be revisited with the projected 'funding gap' now standing at £1.9 million.

1.11 Finance, Innovation and Property Advisory Board

1.11.1 The draft Revenue Estimates were considered in detail at the meeting of the Finance, Innovation and Property Advisory Board on 13 January where a number of officers were available to answer detailed questions.

1.11.2 It is not our intention to replicate the officer representation at this meeting and assume that Members will wish to focus on the strategic aspects of the Estimates rather than the detail. If Members do have detailed questions, please contact Neil Lawley, Chief Financial Services Officer on extension 6095 or by e-mail at

neil.lawley@tmbc.gov.uk in advance of the meeting. Where appropriate, he will liaise with the relevant Services and advise accordingly.

- 1.11.3 The Finance, Innovation and Property Advisory Board endorsed the draft Revenue Estimates as presented.

1.12 Legal Implications

- 1.12.1 There are a number of legislative requirements to consider in setting the Budget which will be addressed as we move through the budget cycle.
- 1.12.2 The Localism Act gives local communities the power to veto excessive council tax increases. The Secretary of State will determine a limit for council tax increases which has to be approved by the House of Commons. If an authority proposes to raise council tax above this limit they will have to hold a referendum to get approval for this from local voters who will be asked to approve or veto the rise.

1.13 Financial and Value for Money Considerations

- 1.13.1 As set out above.

1.14 Risk Assessment

- 1.14.1 The Local Government Act 2003 requires the Chief Financial Officer, when calculating the Council Tax Requirement, to report on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides. Consideration will and is given to the risks associated with any budget setting process where various financial and other assumptions have to be made. To mitigate the risks detailed estimates are formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures and external advice on assumptions obtained where appropriate.
- 1.14.2 The Medium Term Financial Strategy sets out the high level financial objectives the Council wishes to fulfil and underpins the budget setting process for the forthcoming year and over the Strategy period. As the Council's high level financial planning tool the Strategy needs to be reviewed and updated at least annually and in the current climate regularly reviewed by Management Team.
- 1.14.3 The increased uncertainty and volatility particularly in some of our major sources of income (business rates and New Homes Bonus) make financial planning that more difficult with the increased risk of significant variances compared to projections.
- 1.14.4 Any increase in council tax above the relevant threshold, even by a fraction of a percentage point, would require a referendum to be held.
- 1.14.5 Members are reminded that there are factors not reflected in or throughout the duration of the MTFs, e.g. potential shortfall to be met by the Council in respect of

the Business Rates Retention scheme and cost implications as a result of government initiatives to identify housing benefit overpayments and, in turn, reduce the ongoing benefit bill. In addition, beyond 2016/17, the MTFSS assumes a 3% increase in council tax year on year whereas the threshold above which a referendum is to be held has in recent years been set at 2%.

1.14.6 The settlement consultation includes projected figures for New Homes Bonus and council tax income over the 4 year period which lack explanation and which may be difficult to achieve. There is a risk that these figures could be adjusted downwards which would further add to the savings targets.

1.15 Equality Impact Assessment

1.15.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.16 Recommendations

1.16.1 The Committee is requested to:

- 1) Recommend that the objective set out at paragraph 1.2.2 replace the one starting, 'Over the strategy period' at paragraph 1.2.1.
- 2) Consider the draft Revenue Estimates contained in the Booklet and make such recommendations, as it considers appropriate, to Cabinet for its special meeting on 11 February.
- 3) Recommend to Cabinet that the Savings and Transformation Strategy is updated to reflect the financial impact of the provisional local government finance settlement.

Background papers:

Nil

contact: Sharon Shelton
Neil Lawley

Sharon Shelton
Director of Finance and Transformation

Summary of consultation questions

Pre-amble and Headline Response from Tonbridge & Malling Borough Council

The Settlement on 17 December has proposed **radical changes** to the way council services are funded in the medium term; some changes of which were completely unexpected. **It is vital that the government continues to work closely with us to ensure the views of all councils are heard and understood in order to deliver sustainable financing of local government services.**

Both the Settlement and proposed changes to New Homes Bonus are designed in the context of the particular pressures experienced by councils with responsibility for social care. Effectively in simple terms this means taking resources from district councils and giving it to upper tier authorities and, in so doing, placing added funding pressure on district councils and the services they provide. **In short, we believe that district council services are at severe risk as a result of this provisional settlement.**

The methodology adopted within the provisional settlement is different to previous years, and no 'floors' have been set to protect authorities from excessive reductions in core spending power. As a result of the changes, made TMBC is one of 15 authorities in the country to lose all its RSG by 2017/18, and thereafter be subject to a clawback through a business rates tariff adjustment. **This is not an outcome we had expected prior to the business rate retention reform, and indeed would go so far as to say we have been misled given the (then) government's statement that tariffs and top-ups would not change until the system was reset.** The imposition of the tariff adjustment as a way of balancing the figures overall has a most unfair and significant impact on some authorities including TMBC to the extent that it should be reworked to reduce the effect and enable further time for those local councils to make the transition to new ways of funding their service provision. TMBC has joined with the group of 15 authorities to make a further and separate response.

TMBC could also be significantly affected by the outcome of the separate consultation on New Homes Bonus and we must also have regard to this in terms of the potential impact on our Medium Term Financial Strategy. We note that we are being invited to 'sign up' for a four-year funding deal; allegedly to give us greater certainty prior to business rate retention reform. **The principle of a 4 year funding deal is a good one for which we commend government.** However, with the questions and unexpected outcomes of this settlement alongside a review of NHB which could mean a significant reduction in resources and spending power way beyond those reported by government, it is presently very difficult for Members of the Council to make a truly informed decision about a 4-year settlement. This is unfortunate and disappointing given the government's good intentions in this respect.

We ask that:

- **district councils should be removed from the council tax referendum principles** or at the very least enable council tax increases of up to 4% for lower tier authorities. If neither of these options can be supported, we suggest the minimal position should be that all district councils should be able to increase council tax by £5 or 2% (whichever is higher);
- **as in previous years, a ‘floor’ is introduced in respect of reduction in core spending power;**
- **DCLG revert to methodology adopted in previous years regarding a council’s ability to raise council tax**, and at the same time we question why the OBRs forecast of taxbase growth have not been used within the calculations. As these figures are significant in future spending power projections, it is important we use the most robust forecast ;
- clarification is provided about **baselines from 2020 onwards**, and also how/if/when **New Homes Bonus** is to be subsumed into council’s funding, to assist in making informed decisions about the offer of a 4 year funding settlement.

Question 1: Do you agree with the methodology for allocating central funding in 2016-17, as set out in paragraphs 2.6 to 2.8?

We disagree. It appears that there is a fundamental change in the way the finance settlement has been allocated by taking into account **the amount that can be raised locally from council tax which penalises councils with a higher than average council taxbase**. Effectively taxpayers in those authorities (where for example the authority could have made the difficult decision to increase council tax and done what has been asked and encouraged growth in house-building) are disadvantaged in comparison to taxpayers in other areas. As a result we are of the view that the **approach adopted previously should continue to be used**.

In turn, we express **our grave concerns** at the way the Provisional Local Government Finance Settlement has impacted on TMBC. We ask how it can be right that over the four-year period 2016/17 to 2019/20 the Settlement Funding Assessment **reduction for Tonbridge and Malling is 65.1%** in comparison to District Councils 44.3%; and England 31.8%? In the lead up to the Spending Review the Chancellor asked non-protected departments to work on a 25% and a 40% reduction in funding, and these were the absolute ‘size’ of cuts we had been modelling and anticipating. The outcome for TMBC at 65.1% is significantly higher and has forced the Council to contemplate even greater savings targets and cuts to services within its Savings and Transformation Strategy. Furthermore, over the four-year period the **Council’s core spending power is projected to fall by 10.9%** (based on what are considered ambitious projected council tax income levels – see

response to question 4). This compares very unfavourably to the published headline figures for reductions in spending power i.e. “England 0.5%” and is most misleading for the general public.

Question 2: Do you agree with the proposed methodology for calculation of the council tax requirement for 2016-17, as set out in paragraphs 2.10 and 2.11?

We disagree with the proposed change to take into account the amount that can be raised locally from council tax as set out in the response to question 1.

Question 3: Do you agree with the proposed methodology in paragraph 2.12 for splitting the council tax requirement between sets of services?

We have no comment.

Question 4: Do you wish to propose any transitional measures to be used?

Yes. During the last Parliament no council had a reduction in spending power below a floor. In the 2015/16 Settlement the floor was 6.4%. In 2018/19, Tonbridge and Malling core spending power falls by 9.2%. Why was a floor not deemed to be appropriate for this settlement? **This is a departure from previous principles and on the grounds of consistency, fairness and not least financial sustainability, we suggest that the same or similar arrangement should continue.**

On the subject of spending power, by using the average growth in the taxbase for TMBC between 2013/14 and 2015/16 gives a figure of 2.2%. However, this is distorted by one-off changes such as the uplift in taxbase as a result of changes to the Council Tax Reduction Scheme (increasing working age minimum liability from 8.5% to 18.5% in our case) and changes made to council tax discounts and exemptions during that two-year period. By way of comparison, in years prior to the introduction of the Council Tax Reduction Scheme average growth in the taxbase was 1.2%. **As a result, projected council tax income levels are ambitious and in turn dampen down the potential real reduction in core spending power.** We question why the OBRs forecast of taxbase growth have not been used within the calculations. As these figures are significant in future spending power projections, it is important we use the most robust forecast.

Question 5: Do you agree with the Government’s proposal to fund the New Homes Bonus in 2016-17 with £1.275 billion of funding held back from the settlement, on the basis of the methodology described in paragraph 2.15?

We agree.

Question 6: Do you agree with the Government’s proposal to hold back £50 million to fund the business rates safety net in 2016-17, on the basis of the methodology described in paragraph 2.19?

We agree.

Question 7: Do you agree with the Government's proposed approach in paragraph 2.24 to paying £20 million additional funding to the most rural areas in 2016-17, distributed to the upper quartile of local authorities based on the super-sparsity indicator?

We note that it is intended to increase this to £65 million by 2019/20 which is more than a five-fold increase in funding compared to £11.5m in 2014/15. We are unclear on what basis this significant uplift has been determined to support the proposed increase. It could also be the case that some of the councils in this group can raise council tax by £5 under the council tax referendum principles? **We therefore feel unable to respond to this question.**

Question 8: Do you agree with the Government's proposal that local welfare provision funding of £129.6 million and other funding elements should be identified within core spending power in 2016-17, as described in paragraph 2.28?

We agree.

Question 9: Do you agree with the Government's proposal to include all of the grant funding for the Care Act 2014 (apart from that funded through the Better Care Fund) in the settlement, using the methodology set out in paragraph 3.2?

No comment.

Question 10: Do you agree with the Government's proposal to include all 2015-16 Council Tax Freeze Grant in the 2016-17 settlement, using the methodology set out in paragraph 3.3?

Agree.

Question 11: Do you agree with the Government's proposal to include all 2015-16 Efficiency Support Grant funding in the settlement and with the methodology set out in paragraph 3.5?

Agree.

Question 12: Do you agree with the Government's proposal to include funding for lead local flood authorities in the 2016-17 settlement, as described in paragraphs 3.6 and 3.7?

Agree.

Question 13: Do you agree with the Government's proposal to pay a separate section 31 grant to lead local flood authorities to ensure funding for these activities increases in real terms in each year of the Parliament?

Agree.

Question 14: Do you have any views on whether the grant for lead local flood authorities described in paragraph 3.8 should be ring-fenced for the Spending Review period?

Yes. In the spirit of freedoms and flexibilities suggest the grant is not ring-fenced.

Question 15: Do you agree with the Government's proposal to adjust councils' tariffs / top ups where required to ensure that councils delivering the same set of services receive the same percentage change in settlement core funding for those sets of services?

We disagree. As set out in the pre-amble, the imposition of the tariff adjustment as a way of balancing the figures overall has a most unfair and significant impact on some authorities including TMBC to the extent that we believe it should be reworked to reduce the effect and enable further time for those local councils to make the transition to new ways of funding their service provision. **On the introduction of the business rates retention scheme it was stated that tariffs / top-ups would, other than an increase in line with the Retail Price Index, not change until the system is reset.** The intention behind it was, we understand, to give 'strong financial incentive for councils to promote economic growth'. **This proposal is clearly at odds with that statement.** In early 2015, the Council sought the Coalition government's assistance (through a meeting with the then Minister for Local Government) in adjusting TMBC's baseline under exceptional circumstances when the highest business ratepayer (a paper recycling plant, one of only 3 in the country) went into administration and consequently placed the Council into safety net. It was not deemed appropriate to adjust the baseline despite the exceptional circumstances, and the Council is still in safety net (and may continue to be until 'reset' in 2020). **It is extremely disappointing that the Council is now being subject to a tariff adjustment prior to 2020 at the same time that it is still suffering from the impact of the demise of the highest ratepayer.** This feels like a 'double whammy' for our taxpayers. If the government is insistent on implementing these tariff adjustments prior to 2020, perhaps it would consider simultaneously adjusting the Council's baseline to reflect the impact described.

Question 16: Do you have an alternative suggestion for how to secure the required overall level of spending reductions to settlement core funding over the Parliament?

Yes. We suggest that you do not look at settlement core funding but instead core spending power noting the comment to question 4 on this matter. Set a floor so that no council sees a reduction in core spending power of say 6.5% over the four-year period. In 2019/20 on the introduction of the 100% business rates retention scheme the baseline funding and NHB in that year become the starting point for the revised baseline under the scheme.

If this is not practical within the overall funding envelope then, in recognition that both the Settlement and proposed changes to New Homes Bonus are designed in the context of the particular pressures experienced by councils with responsibility for social care, we propose that **district councils should be removed from the council tax referendum principles** or at the very least enable council tax increases of up to 4% for lower tier authorities. Finally, if neither of these options can be supported, we suggest the minimal position should be that all district councils should be able to increase council tax by £5 or 2% (whichever is higher).

The **principle of a 4 year funding** deal is a good one for which we commend government. However, with the questions and unexpected outcomes of this settlement alongside a review of NHB which could mean a significant reduction in resources and spending power way beyond those reported by government, it is presently very difficult for Members of the Council to make a truly informed decision about a 4-year settlement. This is unfortunate and disappointing given the government's good intentions in this respect.

Clarification on the offer of a four-year funding settlement is therefore sought.

Will both Settlement Funding Assessment and NHB figures be provided for each year? That said, without clarification as to what is to happen post 2019/20 how can the Council make an informed decision over the offer to take up a four-year funding settlement. For example, what its business rates baseline will be on the implementation of the 100% business rates retention scheme; if and how NHB is to be subsumed within the scheme; and what if any protection is to be offered to authorities who see a marked fall in spending power.

Question 17: Do you have any comments on the impact of the 2016-17 settlement on persons who share a protected characteristic, and on the draft equality statement published alongside this consultation?

No comment.

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2016

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet

MEMBERS ARE ASKED TO BRING WITH THEM THE CAPITAL PLAN BOOKLET CIRCULATED WITH THE AGENDA FOR THE MEETING OF THE FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD

1 CAPITAL PLAN REVIEW 2015/16

This report considers progress on the 2015/16 Capital Plan Review and requests endorsement of recommendations to Cabinet.

1.1 Introduction

- 1.1.1 The capital plan process, as outlined below, provides a means of maintaining a pool of schemes (List C) from which schemes can be selected for evaluation and possible implementation. It also provides an opportunity to review the provisions for schemes which are already in the Capital Plan (List A).
- 1.1.2 The criteria established to guide the inclusion of new List C schemes (holding list of schemes not yet fully worked up) and ultimately the inclusion of schemes on List A (schemes assigned budget provision) are:
- to meet legislative requirements including health and safety obligations;
 - funded from external resources; and
 - reduce revenue expenditure and or generate income.
- 1.1.3 The subsequent recommendations where appropriate have regard to these criteria.
- 1.1.4 The review takes place within the context of the revenue estimates, reflecting the fact that capital schemes have an impact on revenue. Positive impacts may include potential to increase income or reduce operating costs. Negative impacts may include loss of income during construction and will include loss of investment income where the project costs are met from the Council's resources.

1.1.5 The Capital Plan review process started at the Finance, Innovation and Property Advisory Board on 13 January 2016, where Members considered the following issues:

- 1) The position of the existing Capital Plan (List A).
- 2) The addition of new schemes to List C and the removal of schemes from List C.
- 3) The selection of schemes from List C for evaluation over the following year.
- 4) Consideration of those List C schemes which have been evaluated.

1.2 Capital Plan Funding

1.2.1 Members will no doubt be aware of the significant financial challenge facing the Council as a result of the Government's ongoing budget deficit reduction programme which has resulted in continuing reductions in the financial support it can offer to local government.

1.2.2 Capital expenditure is currently funded from the revenue reserve for capital schemes, grants from government and other bodies, developer contributions and from capital receipts derived from the sale of assets.

1.2.3 It is important to ensure that the revenue reserve for capital schemes can continue to fund capital expenditure at least until we reach a position where the annual contribution to the reserve matches the funding required for the replacement of existing assets (vehicles, plant and equipment) as well as recurring capital expenditure.

1.2.4 As a result there is an annual capital allowance for all other capital expenditure. Any 'bids' for capital schemes or discretionary capital grants are to be assessed in the context of the annual allowance. It should be noted, based on current projections, that from 2019/20 the Council will need to borrow to fund such expenditure. In order to support the funding arrangement in respect of the Tonbridge Town Lock Scheme in April 2015 the annual capital allowance was set at £200,000 and it is proposed that the annual allowance continue to be set at that level.

1.3 Recommendations from Finance, Innovation and Property Advisory Board

1.3.1 Details in respect of the existing Capital Plan (List A) can be found in the report to the Finance, Innovation and Property Advisory Board. The position of the existing Capital Plan (List A) presented to the Finance, Innovation and Property Advisory Board and summarised in **[Annex 1]** was endorsed noting:

- 1) The increase in the budget provision in respect of the Tonbridge Town Lock capital plan scheme and how that is to be funded (FIP Advisory Board report paragraph 1.4.3 refers).

- 2) The additional works at an estimated cost of £20,000 to be met in full by the TMLT and the use of the urgency procedure to amend the Capital Plan accordingly (FIP Advisory Board report paragraph 1.4.4 refers).
- 3) The increase in the budget provision in respect of the river wall, Wouldham capital plan scheme and how that is to be funded (FIP Advisory Board report paragraph 1.4.6 refers).

1.3.2 Members are aware of the undoubtedly difficult financial landscape that lies ahead where it will be difficult to fund other than priority capital plan schemes. As a result a number of what could be termed 'like to do' schemes that, in many cases, have sat on List C for a number of years are recommended to be deleted and, in so doing, focus attention on what are seen as priority capital plan schemes or where there is potential for external funding. The schedule of schemes recommended to be added to and schemes to be deleted from List C **[Annex 2]** was endorsed.

1.3.3 Attention was also drawn to a proposal from Kent County Council (KCC) for the provision of a new / enhanced tow path from Maidstone to Allington lock. KCC and Maidstone Borough Council have secured £2 million from the local growth fund for the project and Maidstone Borough Council has indicated funding of up to £500,000. KCC is seeking a contribution from this Council of up to £300,000 for the project to extend the path from Allington to Aylesford station. Whilst it is recognised that the proposal would be desirable in terms of improving access along the riverside, it does not meet the Council's existing priorities or stated criteria for capital funding, and no developer contributions are either available or forthcoming in the locality. A contribution of £300,000 would be in excess of the Council's entire annual allowance for funding new schemes and could bring forward the date when the Council would have to borrow to fund new capital plan schemes. As a result it is felt that the proposal from KCC cannot be supported.

1.3.4 The schedule of List C schemes recommended for evaluation **[Annex 3]** was endorsed including one recommended for Fast-Track evaluation. In addition, four schemes selected for evaluation in a previous Review: Tonbridge Farm Sportsground Provision of Toilets, Leybourne Lakes Country Park Facility Improvements, Tonbridge to Penshurst Cycle Route Refurbishment and IT Initiatives Revenues and Benefits Citizen's Access are to be evaluated over the coming year. Under normal circumstances, schemes successfully coming through the evaluation process, and progressing to List A, might be expected to be implemented in 2017/18.

1.3.5 The schedule of evaluated schemes **[Annex 4]** recommended for transfer from List C to List B was endorsed.

1.4 Capital Strategy

1.4.1 The Chartered Institute of Public Finance and Accountancy has supplied the following background notes: "The Capital Strategy should describe how the

investment of capital resources will contribute to the achievement of the authority's key objectives and priorities that are detailed in their Performance Plans and Community Plans/Strategies. An authority's Capital Strategy should be one of the key, overarching strategies that support service plans. The strategy will also determine priorities between the various services and look for opportunities for cross-cutting and joined-up investment. The authority's Capital Strategy should describe how the deployment of capital resources contributes to the achievement of the described goals. It will also help to ensure that issues around property and other assets are fully reflected in the Council's planning."

- 1.4.2 The updated Capital Strategy attached at **[Annex 5]** has been designed to be published on the Council's website. The Strategy has no annexes but incorporates links to a number of other documents or web pages which are referred to in the text and are available on the Council's website or the internet.
- 1.4.3 The Key Financial Statistics in paragraph 2.1 of the annex have been updated to reflect the 2015/16 estimates and the balance sheet as at 31 March 2015. Elsewhere, examples of our current practice have been updated where appropriate. Throughout the annex the type face of any new and or amended text and figures has been presented in bold italics. A more comprehensive update will be presented to Members in due course to reflect the new Corporate Plan, Savings and Transformation Strategy and Asset Review Strategy.
- 1.4.4 The Finance, Innovation and Property Advisory Board endorsed the Capital Strategy as presented.

1.5 Legal Implications

- 1.5.1 The Local Government Act 2003 and its subsidiary regulations set out the framework for the system of capital controls which applied from 1 April 2004 whereby local authorities must set their own borrowing limits with regard to affordability, prudence and sustainability. Underpinning this is a requirement to follow the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

1.6 Financial and Value for Money Considerations

- 1.6.1 The transfer of schemes from List C to List B has no financial impact. The transfer of schemes from List B to List A will be considered by Cabinet on 11 February in the context of the Medium Term Financial Strategy and the overall budget position.
- 1.6.2 The Capital Strategy outlines a capital plan process which follows the CIPFA Prudential Code and in addition to meeting the Council's Key Priorities and Improvement Actions, focuses on value for money.

1.7 Risk Assessment

- 1.7.1 Financial implications of new schemes to be considered by Cabinet at the February budget meeting.
- 1.7.2 Failure to endorse a satisfactory Capital Strategy may lead to a capital programme which does not fully support the Council's Key Priorities and Improvement Actions.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.9 Recommendations

- 1.9.1 It is **RECOMMENDED** that the recommendations to Cabinet by the Finance, Innovation and Property Advisory Board detailed at paragraph 1.3 be endorsed.
- 1.9.2 It is **RECOMMENDED** that Cabinet be asked to endorse the Capital Strategy as attached at **[Annex 5]** for adoption by Council and publication on the Council's website.

Background papers:

Nil

contact: Michael Withey
Neil Lawley

Sharon Shelton
Director of Finance and Transformation

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**CAPITAL PLAN REVIEW 2015/16
Capital Plan (List A) Summary**

	Expenditure To 31/03/15	2015/16 Estimate inc Prior Year Slippage	2016/17 Estimate	2017/18 Estimate	2018/19 Estimate	2019/20 Estimate	2020/21 Estimate	2021/22 Estimate	Total Scheme Estimate
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Capital Plan Schemes									
Service									
Planning, Housing & Environmental Health	74	356	235	235	235	235	235	235	1,840
Street Scene, Leisure & Technical	846	943	1,173	140	145	130	130	130	3,637
Corporate	(4)	40	42	90	30	30	30	30	288
Sub-total	916	1,339	1,450	465	410	395	395	395	5,765
Capital Renewals									
Service									
Planning, Housing & Environmental Health	n/a	1	0	0	0	15	0	0	16
Street Scene, Leisure & Technical	n/a	317	834	495	263	484	424	372	3,189
Corporate	n/a	368	299	392	336	270	269	198	2,132
Sub-total	n/a	686	1,133	887	599	769	693	570	5,337
Grand Total	916	2,025	2,583	1,352	1,009	1,164	1,088	965	11,102

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Capital Plan Review 2015/16

Recommendations in respect of List C

**Booklet
Annex 3
Page No**

Schemes to be added to List C

Street Scene, Leisure and Technical

Larkfield Leisure Centre: Pool Hall Roof	CP 39
Tonbridge Racecourse: Rugby Pitches Drainage Improvements	CP 41
Haysden Country Park: Site Improvements	CP 41
Tonbridge Castle: Site Improvements	CP 43
Environmental Improvements:	
Blossom Bank Development, Tonbridge, New Pedestrian Bridge	CP 46
River Medway, Riverside Lighting, Tonbridge	CP 47

Corporate

IT Initiatives: Council Chamber Conference System	CP 52
IT Initiatives: Virtual Desktop Infrastructure	CP 53

Schemes to be deleted from List C

Street Scene, Leisure and Technical

Poult Wood Golf Centre: Drainage	CP 39
Country Parks: Installation of Automatic Bollards	CP 43
Car Parking: East Malling Car Park Access & Security Improvements	CP 45
Car Parking: Resident's Car Parking, Eccles	CP 45
Environmental Improvements:	
Conservation Area Enhancements	CP 46
Larkfield (A20) Local Shopping Area	CP 47
Shopping Parade Enhancement, Woodlands Road, Ditton	CP 48
The Fosse/Landsdowne neighbourhood	CP 48
Tonbridge Town Centre Enhancements Phase 2	CP 49
Twisden Road Shopping Parade	CP 50
Drainage & Flood Defence: Drainage Improvement Programme	CP 50
Local Transport Plan Partnership Programme	CP 51
Community Partnership Initiatives	CP 51

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Capital Plan Review 2015/16

Schemes selected for evaluation from List C

	Booklet Annex 3 Page No
Street Scene, Leisure and Technical	
Haysden Country Park: Extension of Play Area (Fast-Track)	CP 41
River Medway, Riverside Lighting, Tonbridge	CP 47
Corporate	
IT Initiatives: Council Chamber Conference System	CP 52
IT Initiatives: Virtual Desktop Infrastructure	CP 53

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Capital Plan Review 2015/16

Recommendations in respect of evaluated schemes

	Capital Cost £'000	Estimated Annual Revenue/ Renewals Cost £'000		Booklet Annex 4 Page No
Street Scene, Leisure and Technical				
Haysden Country Park: Extension of Play Area	55	5	Transfer from List C to List B	CP 55
Total	55	5		

The above scheme is to be funded primarily by a grant of £50,000. Release of the grant is subject to a payment to a third party. As a result the balance of £11,000 is to be funded by way of a virement from the Tonbridge Racecourse Sportsground Flood Lighting scheme.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CAPITAL STRATEGY

1 Introduction

- 1.1 The purpose of the Capital Strategy is to document the principles and framework that underpin the Council's capital investment and expenditure proposals. The strategy is drawn up under the framework provided by the Local Government Act 2003 and its associated regulations.
- 1.2 The principal aim of the Capital Strategy is to provide a context for a programme of capital investment (known as the Capital Plan) that will assist in the achievement of the Council's strategic priorities and objectives. The Capital Plan is published in the Council's [budget book](#) and available on the Council's website.
- 1.3 The component elements of the Capital Strategy comprise:
- A statement of the financial context within which the Council needs to determine its approach to capital investment (Section 2).
 - A description of the legislative framework and Central Government policies that will influence capital investment decisions (Section 3).
 - An explanation of the direct relationship between capital investment decisions and the Council's strategic priorities and objectives (Section 4).
 - The key principles supporting the Capital Strategy (Section 5).
 - Consideration of various partnership arrangements (Section 6).
 - Explanation of the processes to be followed in the implementation and management of the Capital Strategy (Section 7).
 - The Capital Plan (Section 8).
 - Post implementation reviews (Section 9).

2 The Financial Context

- 2.1 Key financial statistics are:

Net Budget Requirement 2015/16	£11.37 million
Government Grant / Business rates <i>excluding New Home Bonus 2015/16</i>	£3.68 million
Borough Council Band D Charge 2015/16	£187.51
Capital Plan 2015/16 to 2020/21 (Gross expenditure)	£12.16 million
Fixed Assets at 31 March 2015	£72.35 million
Debt Outstanding at 31 March 2015	Nil
Revenue Reserve for Capital Schemes at 31 March 2015	£6.83 million

- 2.2 The Council transferred its housing stock to Russet Homes (formerly known as Tonbridge and Malling Housing Association) in 1991 and from the proceeds repaid all external debt. It is not expected that the Council will need to borrow to fund its capital expenditure prior to **2019/20**.

- 2.3 A [Medium Term Financial Strategy](#) (MTFS) was adopted in 2003/04. The MTFS together with the Council's key priorities and the Prudential Code (see paragraph 3.1) form the basis for any capital investment decisions. The MTFS was used to guide the selection of new Capital Plan schemes in recent years and will continue to be a major influence on the **2015/16** and subsequent Capital Plan reviews. The MTFS is updated at least once a year and the latest version is published on the Council's website.
- 2.4 ***As a non-stockholding Housing Authority, the Council has a key role to play in the delivery of the strategic housing function covering policy and enabling, private sector housing, and housing needs. Contained within a number of different strategies the key priorities are to:***
- ***Enable and facilitate the provision of housing across all tenures in order to meet existing and future housing need***
 - ***Prevent and reduce homelessness***
 - ***Support households to live independently in the community***
 - ***Improving conditions across all tenures to achieve safe, warm and healthy homes ensuring good health and wellbeing for our communities.***
- 2.5 The Housing Strategy identifies means, outside the Capital Plan, by which the Council seeks to identify new funding opportunities for meeting these priorities and to support Registered Provider (RP) partners in accessing resources for new development and other initiatives. Details of the Council's housing investment priorities can be found in the Housing Strategy 2013-2016 approved by Council in April 2013. ***Given the challenges emerging from government changes to housing, planning and welfare policies, the priorities will be reviewed in 2016/17 to reflect the changing landscape.***
- 2.6 Government support to the Council in terms of Capital funding is mainly focussed on mandatory Disabled Facilities Grants (DFGs) for adaptations to disabled persons' homes. ***From April 2015 there was a significant change in the way that funding for DFGs was paid to Local Authorities. Instead of Government making a direct payment to each local authority, the allocation is now paid through the Better Care Fund. Whilst the responsibility for provision of a DFG remains with the Housing Authority, the actual funding payment is made to KCC. Our DFG allocation for 2015/16 from Government is £490,000 and is ring fenced, meaning it is automatically pass-ported to Housing Authorities. Whilst the ring fence will not apply in future years, the Better Care Fund presents an opportunity to consider how to integrate the provision of DFGs across housing, health and social care systems to achieve better health and wellbeing outcomes. A countywide piece of work is being progressed to take this forward.***
- 2.7 Capital receipts ***derived from the sale*** of capital assets (***generally land and buildings***) ***can be used to repay debt or used as a source of finance for new capital expenditure.*** The Council's assets are reviewed ***on a regular basis to identify the potential for alternative use or disposal.*** Recent

examples of disposals include the sale of The Ridgeway and Lamberts Yard public conveniences in March 2014.

- 2.8 The demographic and economic features of the Borough give rise to a realistic assessment of very limited opportunities to attract funds from national and regional sources. From a European perspective the Borough does not have any specific objective areas status and thus European Union funding is also seen as limited. Nevertheless, the Council will continue to investigate and exploit external funding initiatives where projects are identified which deliver the Council's key priorities and do not generate unsustainable revenue budget commitments. European Union funding has previously been obtained for Tonbridge Castle Gatehouse and the Tonbridge to Penshurst Cycleway.
- 2.9 The Revenue Reserve for Capital Schemes (RRCS) contains funds the Borough Council has previously put aside from revenue to fund capital expenditure. This reserve provides the main source of funding for existing and any new schemes that are introduced into the Capital Plan.
- 2.10 The reserve is generally topped up annually by a revenue contribution as part of the Council's budget setting process. That top-up is intended to contribute sufficient new funds to meet the cost of replacing existing plant and equipment as it reaches the end of its useful life as well as providing money for the non-grant funded element of statutory services such as Disabled Facilities Grants. Clearly, replacement of life expired assets such as IT and the equipment used in our leisure facilities and elsewhere is essential to enable the Council to continue to deliver services.
- 2.11 The 2008/09 original estimates made provision for a contribution to the RRCS of £450,000 which represents approximately one third of the Council's long term capital renewals and other annually recurring expenditure. As part of a package of measures to address the significant financial pressures facing the Council, Members agreed as part of the budget setting process for 2009/10 to temporarily suspend the RRCS annual top-up (Finance and Property Advisory Board, January 2009). Agreement to that suspension was predicated on:
- Deleting / scaling back existing approved capital budget provision where feasible
 - Limiting budget provision for new additions to the Capital Plan to no more than £600,000 in any one year, and
 - Re-introducing the RRCS annual top-up within a reasonable time frame and increasing the annual contribution over time to a level sufficient to meet capital renewals and other annually recurring expenditure, currently £1.5m per annum.
- 2.12 The RRCS balance at 31 March **2015** was **£6.8m**. The annual limit on new additions to the Capital Plan and commitment to re-introduce and increase the annual RRCS contribution over time will enable the authority to support new investment, without recourse to borrowing prior to **2019/20**.

- 2.13 The annual limit on new additions to the Capital Plan and the annual RRCS contribution figures will be reviewed as part of each year's revenue and capital budget setting process. In setting the budget for **2015/16** Members **set** the annual limit for new schemes at **£200,000** per annum.

3 Legislative Framework and Central Government Policies

- 3.1 The legislative framework is set out by the Local Government Act 2003 and its subsidiary regulations. This framework provides for a prudential system based on borrowing limits set by each individual local authority. Under this system, local authorities must have regard to affordability, prudence and sustainability and must follow the "[Prudential Code for Capital Finance in Local Authorities](#)" published by the Chartered Institute of Public Finance and Accountancy (CIPFA).
- 3.2 The Prudential Code also requires that the CIPFA Code of Practice for Treasury Management in the Public Services is adopted. The Code of Practice adopted by Council in September 2003 was revised during 2009. The revised Code underpins the Council's Treasury Management Strategy Statement and Annual Investment Strategy for **2015/16** adopted by Council in February **2015**.
- 3.3 All government support for the Council's capital expenditure in **2015/16** is by way of capital grant. Government support through capital grants is usually ring-fenced for specific purposes. Recently, the Council has been successful on several fronts in securing grants, notably the Town Lock scheme in Tonbridge which has received capital grant from the **Environment Agency**. It is the Council's intention to try to secure capital grants, wherever possible, for schemes which advance the Council's key priorities.
- 3.4 The prudential framework for capital expenditure is intended to encourage local authorities to use resources more flexibly and plan for the longer term; provide more autonomy and accountability, with local authorities having greater responsibility for local capital spending decisions; move towards improved corporate and strategic working, with more effective tackling of cross-cutting issues; and better use and management of assets. Another key element of the legislative framework is the duty to secure economy, efficiency and effectiveness in the Council's use of resources. Achieving value for money is addressed in Section 5 of the Strategy as one of the key principles to be applied in capital investment decisions.

4 Key Priorities

- 4.1 The Council works with a range of partners and our local communities towards achieving the following key priorities:
- Continued delivery of priority services and a financially viable Council.
 - A clean, smart, well maintained and sustainable Borough.
 - Healthy living opportunities and community well-being.
 - Children and young people who are safe, involved and able to access positive activities.

- Low levels of crime, anti-social behaviour and fear of crime.
 - A continuing supply of homes, including affordable housing to buy and rent, and prevention of homelessness.
 - Sustainable regeneration of Tonbridge town centre and economic development in communities across the Borough.
- 4.2 Our 2012/15 [Corporate Performance Plan](#) sets out how we are doing this. It justifies and sets out the context for each of our key priorities, and brings together the main ongoing activities, improvements and measures to achieve and assess progress. This requires a collective effort across all of the Council's services. First published in July 2012 it is reviewed and updated annually.
- 4.3 The improvement actions set out within our Corporate Performance Plan, together with a range of specific improvement projects and initiatives that underpin them are cascaded down into section plans across the Council. These section and other plans also cover a range of other priorities, improvements and indicators that are set and managed by individual services.
- 4.4 The Council's key priorities are supported by a wide range of Strategies, and Plans. These will be kept under review to ensure they provide sound linkages to the Capital Strategy.
- 4.5 The Council's capital investment decisions should be in support of its key priorities, and this is an integral part of the evaluation process for each project under consideration. The Council's Capital Plan specifically records the linkage between individual projects and the key priorities. No project should proceed to inclusion within the Capital Plan unless it furthers achievement of the Council's key priorities.
- 4.6 ***The current set of seven key priorities apply to 2012/15 and over the coming months the Council will need to develop a new Corporate Performance Plan taking into account the actions identified following consideration of the 2014 Peer Review and recent issues and challenges.***
- 4.7 ***This new Corporate Performance Plan will need to take into account the continuing financial pressure to be placed on the Council's finances over the course of the current parliament, together with government led initiatives, e.g. Welfare Reform. As a result the need to determine what the Council can do and is in the business of doing and, in turn, its priorities for the organisation and our communities.***

5 Principles Supporting the Capital Strategy

- 5.1 The key principles that underpin the Council's Capital Strategy are:
- 5.2 **Key Priorities.** Establishment of a direct relationship with the Council's key priorities, with a Capital Plan based upon investment needs and prioritised on an authority-wide basis. This demonstrates an explicit link with key strategic planning documents and recognition of the need for a corporate approach to

cross-cutting issues such as the environment, social inclusion, affordable housing and community safety.

- 5.3 **Public Consultation.** The use of public consultation is, indirectly, an important part of developing the Capital Plan through its use setting priorities and developing strategies, which may lead to capital projects coming forward.
- 5.4 **Other Consultation.** As well as individuals communicating directly with Council Officers and Members, other conduits exist for expressing views to the Council. The Parish Partnership Panel, the Tonbridge Forum, the Tonbridge Sports Association, the Disability Working Party, and customer panels at leisure centres allow specific persons or groups of users to express their views.
- 5.5 **Partnerships.** Partnership initiatives are considered in Section 6 including the Tonbridge and Malling Local Strategic Partnership, the West Kent Partnership and the Community Safety Partnership which help shape policy objectives and which aim to deliver projects in conjunction with others.
- 5.6 **Procurement Strategy.** Corporate policies on procurement are detailed in the updated [Procurement Strategy](#) approved by Cabinet *in* March 2011. This strategy seeks to ensure that good procurement practice is applied consistently throughout the Council. It sets out how the Council will address procurement and establishes its importance to the Council and the contribution it can make to improved service delivery.
- 5.7 **Support for Regional and National Priorities.** To support, where possible, regional and national priorities, for example urban renaissance, transportation improvements, environmental initiatives such as increased levels of recycling.
- 5.8 **Support for Local Priorities.** The Borough Council has been consistently investing in its car parks to support the local economy through a phased programme of improvements. As a Flood Risk Management Authority, we will maintain our support for the flood defence schemes being developed for Aylesford, Little Mill and East Peckham.
- 5.9 **Availability of External Funding.** In support of the Council's strategic priorities and objectives to monitor and pursue available forms of external partnership and other funding including European and Lottery funds. Recent examples include the provision of all-weather pitches with community use at Wrotham and Hayesbrook schools, funded by grants from the Football Foundation and other partners augmenting School and Council contributions.
- 5.10 The Council's [Local Development Framework Core Strategy](#), adopted in 2007, supports the Government policy that development should contribute towards the community services and infrastructure that are necessary to support that development. Developer contributions (S106 obligations) are brought forward by planning conditions or legal **agreements** on a case by case basis **where justified by the application of the statutory tests**. These arrangements have brought forward **significant** contributions to affordable housing,

education facilities, children's play, sports pitches, leisure facilities, highway works and transportation services. However, the Government has quite clearly **signalled through draft legislation and policy that it's intention is to further 'free-up' various aspects of the planning system and other regulatory functions to promote growth, especially housing development.**

- 5.11 Our local analysis is that nothing that this Council is doing through the use of S106 obligations is holding back development. Indeed, development of key sites **has progressed well and our track record for the delivery of all types of development is sound and progressive. New development has been accompanied by appropriate levels of investment in community infrastructure and affordable housing to secure sustainable approaches on strategic sites.** Nevertheless, we must be alert to the fact that the Government is actively promoting the notion of reviewing and renegotiating S106 obligations. Funding properly made available from this source has been an important element of funding for the Council's Capital Plan, **as well as infrastructure more widely. It has also been a means to secure other Council objectives, such as a strong supply of affordable housing. However,** it has to be recognised that in the years ahead this may not be such a beneficial resource.
- 5.12 The Council has embarked on a new Local Plan for the Borough which will set out development policies and proposals until 2031. The funding of community infrastructure will be an important element in the new plan. **We will be considering the preparation of a Community Infrastructure Levy in parallel with the new Local Plan, but at this stage still see a role for S106 agreements on strategic sites.**
- 5.13 **Use of the Council's Assets.** Maintenance of an Asset Management Plan and performance measures for the use of Council owned assets to ensure optimum returns and early release of redundant assets in support of strategic investment priorities and to attract inward investment. An updated Asset Management Plan covering the period 2015-2020 is currently being prepared.
- 5.14 **Consideration of the Impact on the Council's Revenue Budget.** To ensure that capital investment decisions are consistent with the Council's Medium Term Financial Strategy, particularly the management of its revenue budget so as to reduce its dependence upon the use of revenue reserves.
- 5.15 **Value for Money.** Each year as part of the Annual Governance Report the Council's external auditor will express an opinion on whether the Authority has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources. Those arrangements amongst others will include:
- Planning finances effectively to deliver strategic priorities and secure sound financial health.
 - Having a sound understanding of costs and performance and achieving efficiencies in activities.

- Commissioning and buying quality services and supplies that are tailored to local needs and deliver sustainable outcomes and value for money.
- Producing relevant and reliable data and information to support decision making and managing performance.
- Managing assets effectively to help deliver strategic priorities and service needs.

5.16 All of the Capital Plan processes from identification and selection of schemes, through implementation to subsequent review of completed schemes can contribute to achieving value for money.

5.17 **E-Government.** The government has previously set a target that all services should be available electronically, where feasible. Additionally the Department for Communities and Local Government (DCLG) has set 73 priority outcomes. The Borough Council has used its Capital Plan to meet these targets, assisted by the receipt of grant from the DCLG. Although the specific targets and priority outcomes are no longer applicable, the general objective to make services available electronically still applies and is a priority in order to improve efficiency and economy and to meet customer aspirations for self service, particularly via the website.

6. Partnerships

6.1 **The Tonbridge and Malling Local Strategic Partnership (LSP).** This partnership was launched in 2008 following a review of the role and remit of the West Kent Partnership. That review concluded that each of the three West Kent Districts should have their own district based [Local Strategic Partnership](#), leaving the West Kent Partnership to focus on issues of concern that were relevant to all three district areas including economic development and transport.

6.2 The Tonbridge and Malling LSP is now well established and has attracted a high level of representation from the public, private, voluntary and faith sectors. Its work focuses on addressing key issues of concern locally such as older people's services, the needs of young people, the local economy, affordable housing and public health issues.

6.3 **West Kent Partnership.** The Council is a founding member of the [West Kent Partnership](#), formed on a sub regional rather than district basis, reflecting the degree of economic and social homogeneity across West Kent and a shared community of interest. The other members are Kent County Council, Sevenoaks DC, Tunbridge Wells BC, Police, the FE Education Sector, Registered Providers and other Social Housing Providers, Kent Association of Parish Councils, transport providers and representatives of the business community.

6.4 The Partnership works with other partners in a joined up fashion for the benefit of the local community with a focus on economic development and infrastructure issues. More recently, the Partnership has led a successful bid to the Government's Regional Growth Fund to provide funding of £5.5m to

enable interest free business loans to be offered. In addition, a new West Kent business support programme has now been launched following a successful bid to the County Council's Regeneration Fund. A new 5 year LEADER programme **has been** launched and the Partnership has recently been successful in securing local growth funding finance for a number of local infrastructure projects.

- 6.5 **Transportation Partnerships.** The Borough Council has consistently sought to influence the quality of transportation services in its area and increase investment in them by the relevant authorities. These authorities include the local highway authority, (Kent County Council), the strategic road network agency (Highways **England**), railway operators and Government Departments.
- 6.6 ***The Joint Transportation Board, comprising Members from the Borough and County Councils, provides an overseeing function for the co-ordination of transport investment in the Borough. This ranges from regular reviews of minor improvements, highway maintenance programmes and parking reviews to major investment through key strategies. The Medway Valley Transportation Strategy is a coordination of significant funding for highway and public transport investment focusing on the A228 and A20 corridors. That strategy will need to be refreshed in view of emerging proposals for development in the Medway Gap area. In Tonbridge a transport strategy has led to proposals for improvements to key junctions which remains work in progress.*** This strategy underpins and provides a framework for over £10m of contributions from various strategic development sites in the north of the Borough to fund elements of the strategy. These include the provision of service enhancements along the A20 corridor to make public transport more attractive and convenient for passengers.
- 6.7 The Borough Council's Rail Manifesto sets out clearly the service expectations that the Council has for rail services for the Borough. This has been submitted to the Department for Transport in response to their various consultations regarding service provision and the award of franchises to operators. The Manifesto is kept under constant review to reflect the changing demand for rail travel in communities across the Borough **and recent improvements to services have reflected the Borough Council's ambitions in the manifesto.**
- 6.8 **Local Enterprise Partnership (LEP).** The Council, in partnership with the County Council and others, has been successful in promoting a bid for funding from the LEP, via the Local Growth Fund. A sum of £2.37m has been awarded to **an extensive** traffic and environmental improvement project for Tonbridge High Street **which is currently under construction and due for completion in the spring of 2016.** A further £2.19m **has been awarded** for substantial improvements to junction 4 of the M20 motorway at Leybourne **which is due to commence in early 2016.** In addition the Council has access to part of a £4.89m fund allocated to West Kent as part of the Local Sustainable Transport Fund. The Council will be working up improvement

projects focussing on railway station improvements, ***including at Snodland and Tonbridge, following on from the successful project at West Malling station that was completed earlier this year.***

- 6.9 **Other Partnerships.** The Borough Council is also part of a partnership that has promoted a bid to the Local Growth Fund to bring forward the much needed improvement to the Leigh Flood Storage area ***and flooding protection at East Peckham.*** This is a strategic infrastructure investment required to safeguard many residential and business properties in the southern part of the Borough and to enable future growth and new development to take place. The Borough Council remains committed to working with partners to address additional issues of future flood resilience and to aid recovery from any future flooding episodes that may occur.
- 6.10 **Community Regeneration Partnership.** The Council has entered into partnerships which have made a genuine difference to the local community with clear and tangible outcomes. Partnerships are now in place for Snodland, East Malling and Trench ward in Tonbridge.
- 6.11 The Council contributes a range of resources in such partnerships, including, where appropriate, capital funding. At East Malling, the Council has supported the conversion of a former school to a much needed community centre using capital investment. The centre is now operational and *is* a hub for the provision of services to the most deprived community in the Borough.
- 6.12 **The Community Safety Partnership (CSP).** As well as the Council, the partnership includes organisations such as Kent Police, Kent County Council, Kent Fire and Rescue, South West Kent and Maidstone Weald Primary Care Trust, Probation Service, Russet Homes, and Kent Drug and Alcohol Action. The partnership has influenced the installation of CCTV in Tonbridge town centre and other borough locations, in partnership with the Home Office, Tunbridge Wells Borough Council and local traders, which has led to a reduction in crime as identified in the 2011/12 Strategic Assessment of crime trends.
- 6.13 **Tonbridge Central Area Action Plan.** The Plan provides the context for partnership projects to attract private sector investment in the town centre and secure transport and environmental improvements. A number of key sites are allocated that have potential to deliver town centre and mixed use development that can generate increased vitality into the town centre and the High Street in particular. The Council is carrying out a review of its own land assets with a view to bringing forward a regeneration initiative for the town centre in the near future and at the same time consider the best use of the Council's assets.
- 6.14 The Borough Council is promoting an enhancement scheme at Town Lock in partnership scheme with the Environment Agency and utilising funds from nearby development to deal with an 'eye-sore' area in the heart of the town on the bank of the River Medway is also supported by funding contributions from

developments in the area. The scheme is now likely to be completed in **early 2016**.

7 Implementing and Managing the Capital Strategy

- 7.1 The Council has developed a process for considering and evaluating potential capital schemes as an integral part of its Capital Strategy. This process for selecting schemes is described below.
- 7.2 Schemes, subject to some exceptions listed below, are selected by a phased process. For convenience, the stages have been termed List A, List B and List C, with List A being the approved Capital Plan and List C being the entry level.
- 7.3 As schemes come forward they are stored in a list of schemes (List C) for consideration and possible evaluation. These schemes arise naturally from the Council's strategic priorities and objectives, particularly the key priorities, reflect the results of consultation, and are accompanied by a preliminary cost estimate. As part of the budget setting process for 2011/12 Members agreed a set of criteria to guide the inclusion of new schemes to List C and ultimately the inclusion of schemes on List A. The criteria are: to meet legislative requirements including health and safety obligations; funded from external resources; reduce revenue expenditure and or generate income. Justification would need to be provided for any schemes that failed to meet one or more of these criteria in order for them to progress through the capital plan process.
- 7.4 From List C, Members select schemes for evaluation. Evaluations will include:
- Specification of the purpose of the scheme and its relevance to the Council's strategic objectives and any wider national policy objectives, the setting of targets by which the success or otherwise of the project can be judged post-implementation.
 - An outline design to facilitate costing and, where appropriate, consultation.
 - Consultation, including, where appropriate, public consultation on the scheme's principle.
 - The establishment of a realistic estimated capital cost, incorporating any consultation feedback on design issues.
 - An assessment of the ongoing revenue costs and income generating capacity of the completed scheme including an assessment of the loss of interest from investments and impact on capital renewals provisions.
 - Consideration of partnership and external funding opportunities.
 - Consideration of the time after the end of the project during which the targets and objectives should be reviewed and reported to stakeholders.
- 7.5 The evaluation process will reveal the impact of the project on the revenue base budget, enabling Members to compare the value of the scheme with the financial savings required to pay for it or the impact on the Council Tax requirement. Schemes successfully passing through evaluation will be included in List B.

- 7.6 The Council is conscious that the process of evaluation is a revenue cost in itself; involving in-house staff and resources or the buying in of external resources and which may draw resources away from the implementation of the approved Capital Plan. In order to minimise the resource impact of evaluation it is important that restraint is exercised in selecting schemes for evaluation. A balance is struck each year between deliverability of the programme and the evaluation of new schemes.
- 7.7 Under the constitutional arrangements adopted by the Council, the evaluated schemes will be reported to Finance, Innovation and Property Advisory Board which will advise the budget meeting of Cabinet of those schemes deemed suitable to progress to be included on List B. Prior to the budget meeting of Cabinet that advice will be reviewed by Overview and Scrutiny Committee and may be updated. By considering all eligible schemes at the same time, a corporate approach can be taken to selecting those schemes deemed suitable to progress. Prioritisation of such schemes will be informed by the wider financial climate, the Medium Term Financial Strategy and the requirements of the CIPFA Prudential Code. Prioritisation will take account of national and regional priorities, the Council's own strategic priorities and objectives and the financial consequences arising from the schemes proposed.
- 7.8 The main exception to this selection procedure is the investment necessary to maintain existing levels of service. This will consist primarily of renewals provisions and some one-off items outside the basic renewal provisions. These provisions are subject to Member scrutiny within List A and application of **value for money** principles.
- 7.9 Ultimately the selection of new Capital Plan schemes from List B for inclusion in the Capital Plan (List A) will be determined by the Council following recommendations from the Cabinet in the light of advice from the Finance, Innovation and Property Advisory Board and Overview and Scrutiny Committee.
- 7.10 Finance, Innovation and Property Advisory Board will also review existing Capital Plan (List A) schemes, advising Cabinet of the result. This provides an opportunity to review the budget and progress of existing schemes or even to propose their deferment or deletion.

8 The Capital Plan

- 8.1 The result of the process described in section 7 is the Council's Capital Plan. This is a medium term financial and capital planning document covering a seven-year period (current financial year + six).
- 8.2 Achievement against the Capital Plan is monitored regularly via monthly reports posted on the Council's intranet for use by the Council's staff. At the end of each quarter a statement is considered by the Council's Corporate Management Team and monitoring reports are presented to Members at meetings of the Finance, Innovation and Property Advisory Board.

9 Post Implementation Reviews

- 9.1 It is important that any issues relating to the implementation of a Capital Plan project are addressed as soon as possible; either during the project or shortly after completion. The wider issues of the effectiveness and value for money of a project are addressed through a formal system of post-implementation review. The reviews take place after completion of a project, at a time determined during the evaluation process and are reported to an appropriate Advisory Board. Lessons learnt inform future capital programme decision making and are part of a system of continuous improvement. Monitoring reports are presented annually to the July meeting of the Finance, Innovation and Property Advisory Board.

Strategy Updated *December 2015*

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2016

Report of the Review Panel

Part 1- Public

Matters for Recommendation to Cabinet

1 REVIEW OF HOLIDAY ACTIVITY PROGRAMMES – RECOMMENDATIONS OF THE REVIEW PANEL

To consider the recommendations of the Scrutiny Panel regarding the Activate, Y2Crew and Summer Playscheme programmes and to agree recommendations to the Cabinet.

1.1 Background

1.1.1 An informal scrutiny panel was established to undertake a review of the Council's three Holiday Activity Programmes: Activate; Y2Crew and the Summer Playscheme. Two meetings of the Panel have been held and the reports made to each of these meetings are attached as Appendices 1 and 2. These two reports provide full details of each scheme, the key issues that have been the subject of this review, and the options for change which have been evaluated.

1.1.2 As Members will be aware, the Council's current financial position requires savings of £1.4M to be made by April 2018. However, further additional savings will now be needed following the local government financial settlement for 2016/17. This could require a further £700,000 of savings to be identified. Against this challenging background, the review of the holiday activity programmes has focused on:

- Whether these programmes should continue to be provided and funded by the Council;
- The scope for encouraging other providers, including Parish Councils, to take on these activities independently;
- What continuing support, if any, should be provided to enable families on lower incomes to access the programmes via the Council's Leisure Pass Scheme.

1.1.3 As set out in the Panel reports, detailed financial information has been presented to enable various options for change to be evaluated. Every effort has been made to present as accurate figures and costings as possible. However, it has been necessary to give estimated costs in some circumstances and so the figures quoted in the panel reports, particularly in relation to potential savings, should be treated as a broad estimate for Members to consider rather than precise figures. For example, there may be scope to identify further savings related to central and other indirect costs related to these programmes once the proposed changes are implemented.

1.2 Recommendations of the Panel

(a) Activate Programme

1.2.1 The Panel agreed that the Borough Council should, from the Summer 2016, withdraw from the direct provision of this programme and instead help market and promote the wide range of schemes already being provided by other parties. The Panel was concerned, however, that support for those unable to afford the full costs of these programmes should be retained and that a provisional sum of £3,000 be set aside to cover such costs. As set in the Panel report of the 5th January 2016, this change would generate annual savings of approximately £15,000.

(b) Y2Crew Programme

1.2.2 The Panel concluded that, given the focus of this programme on the provision of diversionary activities for young people with more challenging behaviours and the low cost of the scheme to the Council (£1700 pa) including overheads), the programme should be retained. However, as its delivery is dependent upon continued funding from other partners, should that funding be reduced, the Council would need to review its own support.

(c) The Summer Playscheme

1.2.3 A number of options for change were considered by the Panel regarding the future delivery of the Summer Playscheme. Details of the options considered are set out in Appendix 2. In summary, the Panel agreed that, of the three main options presented, Option B was to be preferred. This is for the Borough Council to withdraw from the direct provision of the scheme and seek to encourage other providers, some of whom already deliver schemes in Tonbridge and Malling but who receive funding from the Council for this, to undertake this role independently.

1.2.4 The Panel heard that positive, early discussions with these providers had taken place which suggested a keenness of their part to explore this option in more detail. A further verbal update on progress will be made at the meeting. In addition, all relevant Parish Councils have been consulted regarding this review. Two formal responses have been received to date both of which record support

for the retention of their local Playschemes, to continue to fund the third week of the scheme, but also a willingness to work with alternative providers if required.

- 1.2.5 As with the Activate Programme, the Panel were concerned to ensure on-going financial support for Leisure Pass holders was provided but also wished the level of subsidy which currently is offered to be reviewed. On that basis, it was agreed that the concession currently applying to the Activate programme (50% reduction per child per week) should now be adopted for the Summer Playscheme. As set out in Appendix 2, our estimated annual cost of this subsidy, assuming current levels of attendance by leisure pass holders is maintained, would be approximately £18,000 pa. Given the Council's current financial position, the Panel agreed that leisure pass support should be limited to the current 12 Playscheme centres only and that this level of support should be subject to a further review in the future. For example, this could then to take account of changes to the benefits system and the planned introduction of Universal Credit potentially to focus future support more on those families with the lowest incomes.
- 1.2.6 An option to extend the current Summer Playscheme to all-day provision was evaluated but rejected on cost grounds. Similarly, a further option to retain direct provision of the three Playschemes for Trench, Snodland and East Malling was also not favoured. However, it was agreed that these three centres should be provided in 2016 by the Borough Council if discussions with other providers are not able to deliver these.
- 1.2.7 Overall, therefore, the preferred option to move to indirect provision of the Summer Playscheme but with on-going support for leisure pass holders (at the reduced rate) would generate annual savings of approximately £47,000.

1.3 Legal Implications

- 1.3.1 There will be on-going Council responsibilities relating to health and safety and safeguarding if the Playscheme programme is delivered by external providers but which are endorsed by the Borough Council. Our estimated future staff costs take account of these responsibilities.

1.4 Financial and Value for Money Considerations

- 1.4.1 As set out in this report

1.5 Risk Assessment

- 1.5.1 As set out in this report.

1.6 Equality Impact Assessment

- 1.6.1 As the Overview and Scrutiny Committee are now making a formal decision on these issues, an equalities impact assessment (EQIA) has been prepared to

assist Members with giving due regard to their responsibilities under the Equality Act (2010)

- 1.6.2 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out immediately below.
- 1.6.3 The Equality Impact Assessment relates to the Summer Playscheme only. This is because users of Activate and Y2Crew should be able to continue to take part in schemes provided by other parties. Children with mental and physical disabilities are supported by 'Playscheme Plus' which provides them with 1-2-1 support during their time at the Playscheme. In 2015, there were a total of 24 Playscheme Plus attendances by 11 children. A move to indirect provision may place such children at a disadvantage when compared with children who do not require 1-2-1 support, who may be able to participate in activities with other providers. The full EQIA is attached as Appendix 3.
- 1.6.4 The EQIA sets out four options to address this issue. Abandoning the Playscheme Plus programme would have a detrimental impact on current and future users and is not recommended. Therefore, to meet the future costs of Playscheme Plus, it is recommended that, based on the number of users in 2015, we provide for a maximum of 10 children at a cost of c£6,000 pa plus overheads. We would work with external providers of the scheme to encourage them to continue to provide Playscheme Plus as part of their customer offer (although this ultimately would be their decision) and also explore opportunities to share the costs of this which might then reduce the Council's own financial contribution.

1.7 Recommendations

- 1.7.1 That the following recommendations of the Holiday Activity Programme Scrutiny Panel **BE ENDORSED** and **BE COMMENDED** to the Cabinet:
- (1) Withdraw from the direct provision of the Activate Programme but set aside a sum of £3,000 to provide support for leisure pass holders at the current rate to access programmes provided by other agencies;
 - (2) Retain the Borough Council's financial support for the Y2Crew programme subject to other partners providing continued financial contributions;
 - (3) Withdraw from the direct provision of the Summer Playscheme from Summer 2016 and seek the support of external providers to take over these schemes but subject to the following:

- a) Leisure Pass concessions for Playscheme attendance initially be amended to provide a 50% reduction per child per week;
- b) A sum of £18,000 be set aside to provide continued support for Leisure Pass holders to access schemes at the current 12 sites;
- c) a future review of the level of support given to leisure pass holders be undertaken in the light of the Council's financial position;
- d) retention of directly provided Playschemes in the priority communities of Trench, East Malling and Snodland for 2016 if other providers are unable to deliver these for that year.

(4) That the consideration of the Public Sector Equality Duty be noted and that, to mitigate any impacts on children with disabilities who require 1-2-1 support, financial provision be made as set out at para 1.6.4 in the report. A review of the equality impact assessment will need to be completed and reported to the Overview and Scrutiny Committee within one year.

Background papers:

contact: Mark Raymond

Nil

Julie Beilby
Chief Executive

On behalf of the Management Team

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TONBRIDGE & MALLING BOROUGH COUNCIL**INFORMAL SCRUTINY REVIEW PANEL****25 November 2015****Report of the Management Team****1 REVIEW OF HOLIDAY ACTIVITY PROGRAMMES FOR YOUNG PEOPLE**

To set out, for discussion, the key issues to be addressed as part of the review and suggested areas for further evaluation.

1.1 Background

1.1.1 As set out in the Scoping Report for this review, endorsed by the Overview and Scrutiny Committee at its meeting on 15 September 2015, this review focuses on the future provision of the three holiday activity programmes for young people: the summer play scheme, the Activate programme and the Y2Crew programme.

1.1.2 All three programmes have now been running for a number of years. Reviews of the programme have been undertaken previously which have resulted in significant changes including the introduction of charging and a reduction of the summer play scheme from 4 weeks to 3.

1.1.3 Budgetary information for all three schemes is set out in Annex 1 to this report. Members will be aware of the significant financial challenges now being faced by the Council. A Savings & Transformation Strategy has recently been approved by the Cabinet which identifies a number of strands to achieve the budget savings including a review of discretionary spend and fees & charges. Our holiday activity programme is one such area of discretionary spend. Two key factors now require a fundamental review of those three programmes:

- The Borough Council's current financial position and the need to identify at least £1.4M of savings over the current three year period as set out in the Council's Medium Term Financial Strategy; and,
- The emergence of a range of other providers of holiday and activity programmes in the Borough which has created a wider market place for these services.

1.1.4 The purpose of the first meeting of the review panel is to set out the background information for each of the three activity programmes and for the panel to agree what options for change should be considered. A second meeting of the panel will be held to look at those options in more detail and arrive at some agreed

recommendations to make to the Overview and Scrutiny Committee at its meeting to be held on 26th January 2016.

1.2 Suggested Issues for Review

1.2.1 The Scoping Report identified the following issues:

- value for money and the sustainability of the schemes in their current form when weighed against the financial landscape and competing priorities;
- the overall objectives of the three programmes and the extent to which these should be regarded either as a universal service for all, one targeted to certain areas of need, or perhaps more closely linked to other Council objectives such as health improvement and community development;
- the current market place for activity programmes and how users could be signposted to schemes operated by the private and voluntary sectors as an possible alternative to direct provision;
- the potential to make greater use of information technology in the administration and marketing of the schemes; and,
- feedback from the users of each programme (both parents and young people) and the views of partner organisations to help inform the above issues and choices.

1.3 Aims and Objectives of the Holiday Activity Programmes

1.3.1 The aims and objectives of the three programmes have not fundamentally changed since they were originally introduced. For example, the summer play scheme's objective is to *“provide children throughout the Borough, between the ages of 4-11 years, with an opportunity to enjoy supervised play activities during the school holidays.”* Historically, the aims and objectives of our holiday programmes can be linked to various government initiatives including encouraging sport and physical activities, securing positive activities for children and underpinned by various strategies for youth, leisure and culture including the Leisure & Arts Strategy.

1.4 Overall Review of Each of the Three Programmes

(a) Activate Programme

1.4.1 The Activate programme was introduced in 2004 and sought to extend the scope of the existing play scheme to provide an activity programme for young people aged 8 to 16 years. It runs in the Easter and summer holidays and a wide range of activities are currently provided covering sports, outdoor activities, creative arts and life skills. In the summer 2015 programme, a total of 196 young people attended activities. There was positive feedback from users of the 2015 programme with 100% of parents being satisfied and 68% indicating their children would be more likely to

take part in further activities all year round, although this possibly may reflect the relative low cost of the scheme to families. A schedule of take up and costs is attached as Annex 2.

- 1.4.2 The role of the Borough Council is to organise, book and manage all activities. This includes hiring instructors, sourcing suitable venues and paying rent, providing an activate member of staff (casual staff we employ in Easter and Summer for this programme who are DBS checked), creating brochures and managing all bookings and payments.
- 1.4.3 The estimated net cost to the Council of the Activate Programme in 2015/16 is £30,000 comprising net direct costs of £20,000 and indirect overheads of £10,000.
- 1.4.4 One issue for the Panel to consider is whether, given the Council's current financial position and the need to make savings related to its discretionary services, the Council should now withdraw from the direct provision of the Activate programme and encourage other agencies and providers to continue to provide and develop their own activity programmes for this age group.
- 1.4.5 A key issue, should the programme be delivered by other organisations, is the affordability of these programmes to those on lower incomes. At the present time, Leisure Pass holders receive a discount on the cost of activities and the Borough Council then reimburses the various providers to offset the discount. In the summer of 2015, a total of 359 bookings were made for activities run by TMBC; of these 83 were for Leisure Pass holders (23% of bookings). In addition, 313 bookings were received by Carotty Wood (an outward bound centre in Tonbridge) of which 56 were for Leisure Pass holders (18% of bookings). For these, the Leisure Pass holder pays 50% of the cost direct to Carotty Wood and TMBC pays the remainder. The cost of this in 2015/16 totalled £790 (full year). If Members are minded to agree to withdraw from the direct delivery of this programme, an option would be to retain an element of funding to enable the discount to Leisure Pass holders to be retained for activities at Carotty Wood thus keeping the cost affordable to those who may be unable to meet the full costs.
- 1.4.6 The Borough Council could also help promote the various activity programmes for teenagers provided by other agencies.
- 1.4.7 As noted in the scoping report for this review, the programme for Easter 2016 will take place as usual given the need for forward planning to be commenced and thus any agreed changes to the programme as a result of this review will be implemented in time for the summer 2016 holiday period.

(b) Y2 Crew

- 1.4.8 Y2 Crew is a more specialist support programme run in partnership with KCC Early Help. A number of partners including the Kent Police, Youth Offending Service, the Community Safety Partnership and Kent County Council refer young people to the programme who then benefit from a range of diversionary activities,

although in recent years the scheme was opened to anyone to attend without a referral. This has had the benefit of generating additional income to offset the costs of the scheme relating to referred participants.

- 1.4.9 The estimated net cost to the Council of Y2 Crew in 2015/16 was £1,700 comprising direct costs of £1,300 and indirect overheads of £400.
- 1.4.10 The programme is run at a relatively low cost to the Borough Council due to the partnership nature of the scheme and has a number of additional benefits including positive engagement with those who may have been involved in low level crime and anti-social behaviour, building confidence of young people in need and raising aspirations.
- 1.4.11 The key issue for the Borough Council to consider is the extent to which the programme continues to be funded by other partners. Despite the benefits of the programme, should partner funding be significantly reduced in future years, then it would not be appropriate for the Borough Council, given our financial circumstances, to pick up this lost funding just to maintain the programme.

(c) Summer Play Scheme

- 1.4.12 The summer play scheme runs for a three week period currently at 12 venues across the borough, catering for children between 4 and 11 years. 5 of the 12 venues are provided directly by the Borough Council whilst the remaining 7 are provided by local partners. For these venues, the Borough Council pays the partners to provide the service and cover their staff costs and also pays for venue hire and equipment costs. Further financial and attendance information is set out at Annex 3. For 2015, there was a total of 1416 attendances of which 504 were leisure pass holders.
- 1.4.13 The estimated net cost to the Council of the summer play scheme in 2015/16 is £120,000 comprising net direct costs of £80,000 and indirect overheads of £40,000.
- 1.4.14 Approximately 55 members of staff (mainly temporary) are employed to work on the play scheme. The programme also includes Playscheme Plus for children with additional needs. Playscheme Plus offers one-to-one staff support to those children who receive that level of support at school.
- 1.4.15 Feedback from the users of the play scheme is very positive. 100% of parents that responded to a survey are satisfied with the quality of play scheme provision and 94% of parents felt that their children were safe. 99% of parents also felt their child enjoyed themselves at our play scheme setting due to the range of activities and the staff that we employed. The two main reasons for parents to book their children on to our play scheme were the proximity of local venues and value for money.

- 1.4.16 Administration of the scheme has, however, become more time-consuming and more challenging over recent years with the regulation of Early Years provisions moving from local Social Services to Ofsted. The level of expectation and scrutiny has increased over recent years with a new Early Years Framework being introduced in 2014 and a new Ofsted inspection process commencing from September 2015. Resources will need to be maintained to ensure all the required regulations are met and the relevant policies, processes, training and staff are fully undertaken.
- 1.4.17 The summer play scheme remains popular with users with some 390 children attending the 2015/16 programme each week. However, across the Borough as a whole, this represents only 1% of all households and only around 5% of eligible children in the Borough attended. Whilst some venues had high attendance figures, some had lower attendance rates and overall attendance was 80% of available capacity within the scheme across the three weeks. Detailed figures for the 2015/16 scheme are attached as Annex 3.
- 1.4.18 Currently, the scheme is heavily subsidised by the Borough Council. At present, the average charge per child per hour is £1.14. In order to cover the full costs of the play scheme (including administration and overheads), the average charge would have to increase more than seven-fold to £8.01 per hour. However, if the same balance of discounts for Leisure Pass holders was also retained, that would further increase the costs for one week for a full-paying child to £13.65 per hour.
- 1.4.19 It is clear that the play scheme in its current form could not be made to be self-financing through a review of charges alone as, to break even, the charges required would be excessive and unaffordable, particularly when compared to programmes operated by other providers.
- 1.4.20 The summer activity programme including the play scheme is managed by the Council's Youth & Play Development Officer. This post is currently established at 3 days a week, but the post holder has been working an additional 2 days to deliver the activity programmes. The 2 additional days are only funded up to 31 May 2016. Making no changes to the play scheme and the other activities would require these 2 days to be funded and would therefore represent growth in the Council's budget.
- 1.4.21 As with the Activate programme, there are now many other providers of activity programmes for the under 12s in the Borough which also covering Easter and half-term periods as well as over the summer period. Whilst not replicating the Council's unique scheme exactly, they could provide alternative provision for current users of the play scheme across a range of ages, locations and duration. A schedule of other providers is attached at Annex 4.
- 1.4.22 As noted above, 7 of the current venues are operated by partner organisations. Parish Councils contribute to the overall costs of their local play scheme by funding the third week of the three week programme. It may be possible to

support a transition for them to run these sites independently and thus reduce costs to the Council but maintain local provision. There may also be scope for Parish Councils some of whom currently assist with the delivery of their local play scheme to be encouraged to continue to provide their local programmes without the same level of financial support from the Borough Council. As part of this review, the Borough Council will need to liaise with these Parish Councils over future delivery as well as engage with other delivery partners.

(d) Recommendations and Next Steps

1.4.23 It is therefore suggested that, subject to any initial views of the Panel on this issue, that the following further work is undertaken and reported to the next meeting of this Panel:

1. The Borough Council liaises with the relevant partner organisations (including relevant Parish Councils) involved in the delivery of the three activity programmes to explore the potential for different ways of working.
2. Some options for change are drawn up for the Panel to consider in more detail at its next meeting, for example, withdrawal of one or more of the schemes, a greater focus on targeting areas most in need in place of a universal approach, and/or reviewing the levels of fees charged and range of concessions available.

Background papers:

Nil

contact: Mark Raymond
Chief Corporate Policy Officer

Julie Beilby
Chief Executive
On behalf of the Management Team

Annex 1 Budgetary Provisions: Holiday Activity Programmes

	Total	Playscheme	Activate	Y2 Crew	Other*
	£	£	£	£	£
Temporary Staff	42,020	42,020			
Salaries**	36,880	27,547	6,749	287	2,298
Total - Operational Staff Costs	78,900	69,567	6,749	287	2,298
Rent	9,750	9,750			
Hire of Transport	1,000	1,000			
Purchases - Equipment & Materials	5,200	5,200			
Printing & Stationery	3,500	3,500			
Shows & Performances	3,500	3,500			
Partnership Fees	30,500	30,500			
Telephones	150	150			
Registration & Inspection of Centres	300	300			
Activate	23,500		23,500		
Youth Development Initiatives	9,000			1,000	8,000
Total - Payments to Third Parties	86,400	53,900	23,500	1,000	8,000
Fees & Charges					
Playscheme Registration Fees	(31,150)	(31,150)			
Activate	(9,400)		(9,400)		
Contributions from Other Bodies					
Playscheme - Parish Councils	(12,050)	(12,050)			
Total - Income	(52,600)	(43,200)	(9,400)	0	0
	112,700	80,267	20,849	1,287	10,298
Central Salaries & Administration	12,950	9,673	2,370	101	807
Information Technology Expenses	8,100	6,050	1,482	63	505
Departmental Administrative Expenses	31,700	23,678	5,801	247	1,975
Total - Support Staff Costs & Overheads	52,750	39,400	9,653	411	3,286
	165,450	119,667	30,502	1,698	13,584

Annex 2: Summary of Activate, Summer 2015

Number of activities run by TMBC	30
Total capacity	440
Total attendances	359 (82% capacity, ranging from 33% where 4 children were booked onto an activity for up to 12, up to 100% capacity).
Number of Leisure Pass attendances	83
Total income to TMBC	£6099
Number of activities run by Carroty Wood	35 (excluding their holiday club, for which statistics are not available)
Total capacity	405
Total attendances	313 (78% capacity, ranging from 25% up to 100%)
Number of Leisure Pass attendances	56
Total income to TMBC	£0
Total income to Carroty Wood requires TMBC staff involvement)	£4965, of which £425 was paid by TMBC to subsidise Leisure Pass holders (administration for LP holders)
Costs of direct staffing for Activate activities	£8222
Venue hire costs	£1429
DBS checks	£39
Print of brochures, forms etc	£4000
Total income to TMBC is therefore	£6099
Costs payable by TMBC	£14,115 plus Administration costs including staff directly involved in the scheme; other costs associated with the back-office functioning (IT, telephones, postage, support staff etc).

Annex 3: Summary of Play Scheme, 2015

Venue	Provider	Total capacity over period	Total attendances *		Leisure Pass attendances	Income before discounts, £	Venue hire, £	TMBC staff			Payment to provider
			Number	% capacity				Centre & Deputy manager	Play workers **	Costs modelled	
Borough Green	TMBC	120	99	83%	62	2280	938	2	3	2,747	n/a
Leybourne	TMBC	144	106	74%	45	2986	750	2	4	4,103	
Walderslade	TMBC	96	71	74%	9	2539	530	2	2	2,601	
Hillview	TMBC	96	83	86%	22	2676	1,000	2	2	2,256	
Woodlands Tonbridge	TMBC	216	163	75%	52	5031	975	2	7	5,405	
Aylesford	Poppy pre-school	72	77	107%	42	1932	0	Not applicable – staffing provided by external provider.			3,200
East Malling	Kent Creches	96	90	94%	68	1776	1250				7,275
Hadlow	Barnies	96	54	56%	32	1290	800				5,000
Snodland	Rainbows	144	140	97%	63	3854	525				21,055
West Malling	Rainbows	120	116	97%	46	3351	540				
Hildenborough	Rainbows	144	99	69%	33	3020	825				
Tonbridge Baptist Church	Rainbows	72	39	54%	30	756	1150				
DISCOUNTS (excludes Leisure Pass discounts)						- 5,479					
Total		1416	1137	80%	504	26,012	9,283			17,109	36,530

* The maximum capacity is based on a ratio of 1 member of staff to 8 children, excluding Play Scheme Plus attendees (who receive 1:1 support). It is therefore possible to have a greater than 100% attendance by having Play Scheme Plus attendees.

** Excludes Play Scheme Plus staff, who are employed on a per-week basis (other staff are for the entire 3 weeks).

Total number of children attending Play Scheme 2015: 639

Total number of Leisure Pass children: 231

Other costs include: New play equipment (c £3,500 this year); DBS checks for directly employed staff £900; Ofsted fees £650; Marketing £4,000; Administration costs including temporary staff and staff directly involved in the scheme; other costs associated with the back-office functioning (IT, telephones, postage, support staff etc).

Annex 4 – Alternative Activity Programme Providers

Provider / details	Location	Times	Price	Any other details
Tmactive Holiday Club 5-12 yr olds Range of sporting activities, plus swimming and soft play sessions. New holiday club – includes half terms.	Angel Centre – Tonbridge Tonbridge Pool Larkfield Leisure Centre	Various options – Full days, half days and two hour drop ins Runs for all school holidays excluding Christmas.	£25.80 per day £18.50 for Leisure Pass holders	Early drop off (8:30) and late collection offered (5pm - £2.50 or 6pm - £3.50)
Mrs B's 4-11 yr olds – activities include art, craft, cooking, outside games, messy play, wii, play station, themed activities. Also covers half terms.	West Malling	7:30am – 6:30pm or various options available 9-3, or mornings /afternoons only. Lunch provided. Runs throughout all school holidays.	£28 per full day (advance booking) or £33 on the day.	In addition to the holiday clubs, also runs day care (pre-school age), breakfast and after school clubs (currently expanding this service to include Offham). Will accept childcare vouchers.
Steps to School Age 4-11 daily activities, arts, crafts, games, cooking, camp building etc	Borough Green	8am – 6pm Runs throughout all school holidays.	Full day £27.05 Half day £14.86 Includes evening meal, drinks and snacks.	All year round, all holidays. Also operates breakfast and after school clubs.
Recre8 4-11 yr olds – range of sporting activities – archery, climbing, swimming, scuba diving, dance, football, fencing,	Tonbridge school	10 – 12:30 and 1:30-4 Early (8:30) and late (5:30) clubs available (for additional £5 per child per week). Runs throughout the Easter holidays and for	Approx. £105+ per week, per child (but depends on the courses booked).	In addition to the holiday clubs, year round after school clubs also available.

Provider / details	Location	Times	Price	Any other details
badminton etc. also pottery, craft, cake decorating, drama, photography, movie maker, detectives, wildlife etc etc		3 weeks of the summer holidays		
Barracudas (4 ½ - 16 yrs) 80+ activities including sports, crafts and creative arts.	Tonbridge Grammar School	8.30 – 5.30 standard day (early drop off 8am and late collection 6pm (£3 extra for each). Runs during summer holiday for 4 weeks.	Approx. £139 per week for 2015 (advance booking – prices increase as places are filled)	summer holidays only – runs additional camps in Sevenoaks (Easter and Summer)
Parish church St Peter and St Paul. Tonbridge Baptist Church St Stephens Church 4-11 year olds, activities, crafts, games, drama and bible teaching	Tonbridge	9.45 – 12 approx Runs for 1 week of the summer holidays	Approx. £5 per week / a donation	
Clocktower Childcare – arts, crafts, sporting activities. 2- 11 years	Snodland	Offer half days and full days. Runs for all school holidays excluding Christmas.	£3.60 per hour. Approx £189 per child, per week for 5 full days.	Also offer breakfast and late club.
Superstars Holiday Club – includes arts, crafts, sports, adventure walks, minibeast, circus skills, drumming, judo, safety classes etc	Maidstone Leisure Centre	27 July – 3 Sept. 8:30 – 5:30 Runs for all school holidays excluding Christmas	Full day - £20.95 Half day £12.95 Early booking £16.95	
YMCA ages 5-11	Maidstone	Runs throughout all school	Full day £14.50	

Provider / details	Location	Times	Price	Any other details
		holidays	Half day - £9.50 Breakfast club (8am-9am) £2.50 Movie club (4pm – 6pm) £5	
Stage Summer School (4-13 yrs)	Hillview School	27 July – 31 July 3 Aug – 7 Aug	£70 per week	Two weeks of musical theatre, singing, dancing etc
Summer School	Wrotham School	Runs for 1 week of the summer holidays.		Offers academic activities and sports to boost confidence for 5 days
Dawn to Dusk (4-11 yrs) Arts, baking, sports, themed activities etc.	Larkfield	7am – 7pm Runs throughout all school holidays	Approx. £15 half day, £30 full day	
Busy Bees (Holiday Club)	Kings Hill (Discovery School)			Also does the after school club
Premier Sport – runs holiday clubs 4-11 yrs (includes half terms).	Wrotham (St Georges Primary)	9am – 3.30pm Runs throughout all school holidays	£15 per day Or £10 half day for 4 year olds. 15% sibling discount.	Sports activities – variety across the week – dodgeball, football, basketball, hockey, tennis, rounders, fencing, archery and daily coaches' challenge. Will accept childcare vouchers.

TONBRIDGE & MALLING BOROUGH COUNCIL

INFORMAL SCRUTINY REVIEW PANEL

05 January 2016

Report of the Management Team

1 REVIEW OF HOLIDAY ACTIVITY PROGRAMMES FOR YOUNG PEOPLE

To provide the Panel with options for change for all three activity programmes for further consideration and decision.

1.1 Background

1.1.1 The Panel first met on 25th November 2015 and gave initial consideration to the review of the three holiday activity programmes for young people: the Summer Playscheme, the Activate programme and the Y2Crew programme. Set out below is further information related to these schemes to assist the Panel in agreeing some recommendations for change for consideration by the Overview and Scrutiny Committee on 26th January 2016.

1.1.2 Whilst every effort has been made to present accurate financial data in this report, the Panel should be aware that the figures quoted relating to possible savings should be treated as indicative as assumptions have had to be made about future direct delivery and overhead costs. Pro rata direct delivery costs have also been used to estimate the costs of individual schemes. There are three key components of these costs as follows:

- Costs related to the direct delivery of a programme
- Direct staff costs related to the programme
- Indirect overhead costs (such as IT and administration) which are apportioned centrally.

Whilst direct delivery costs can be estimated fairly accurately, the implications of making changes to programmes on future staffing levels and apportioned central costs are less easy to determine. On that basis, indicative figures have been presented in this report. Should changes to the three programmes which are the

subject of this review be taken forward, a separate review of overhead costs related to the programmes will need to be undertaken subsequently.

(a) Activate Programme

- 1.1.3 The annual budgeted costs of delivering the Activate programme for 2015/16 were as follows:

Operational Costs	£23500
Central Overheads	£9653
Direct Staffing Costs	£6749
Income from charges	-£9400
Net Annual Cost	£30502

- 1.1.4 The Panel agreed that the Borough Council should now withdraw from providing the Activate programme. A number of Kent councils have already done this and the focus on external provision follows that recently adopted regarding the formation of the Leisure Trust. One option would be to abandon all work related to the Activate programme generating immediate savings of **£20849** (central overheads would need to be reviewed separately).
- 1.1.5 The Panel, however, indicated a desire to continue to give financial assistance to families who qualify for a Leisure Pass to encourage their continued participation and also promote similar programmes being delivered by other providers. The current rate of concessions for the Activate programme is currently set at 50% of the total attendance cost for each child per week. It is suggested that this be retained and also now be applied to the summer Playscheme (see below).
- 1.1.6 It is difficult to estimate precisely how many families might take up this option and therefore what residual budget should be set aside to meet such costs. As a guide, some 56 bookings for Carrotty Wood programmes were made last year by leisure pass holders. 50% of the cost was reimbursed at a total cost of £790 for the full year. Carrotty Wood is only one provider of such activities and therefore additional costs are likely to be incurred in relation to leisure pass concessions. It is therefore suggested that leisure pass concessions be offered to a maximum budget of approximately £3,000 pa.
- 1.1.7 The following table sets out the resulting savings that could be achieved. Operational costs are now limited to leisure pass costs as estimated above. A separate review of staffing costs (currently £6749pa) related to the programme would also need to be undertaken, for example to take account of a reduction in time for direct delivery of the programme but taking account of some on-going

administration (including health and safety checks) and marketing of the programmes delivered by other agencies. The aim would be to seek to reduce these costs to approximately £3,000. There would of course be no income generated to the Council under this option.

Operational Costs (Leisure Pass)	£3000
Central Overheads	£9653
Direct Staffing Costs	£3000 (indicative)
Income from charges	0
Net Annual Cost	£15653
Net Annual Savings	£14849

- 1.1.8 The overall annual saving would therefore be 50% of current costs at approximately £14849. In addition, the central overheads for the programme currently totalling £9653 will also need to be reviewed which may lead to the identification of further additional annual savings. **The Panel is invited to endorse the above option.**

(b) Y2 Crew

- 1.1.9 As set out in the earlier report to the Panel, the Y2 Crew is a more specialist support programme run in partnership with KCC Early Help, the scale of which is driven by the extent of available partner funding. A number of partners including the Kent Police, Youth Offending Service, the Community Safety Partnership and Kent County Council refer young people to the programme who then benefit from a range of diversionary activities, although in recent years the scheme was opened to anyone to attend without a referral. The estimated net cost to the Council (via the Community Safety Partnership) of Y2 Crew in 2015/16 is £1,700 comprising direct costs of £1,300 and indirect overheads of £400.
- 1.1.10 The Panel decided that, given the low cost of the scheme and its added social benefits, the Borough Council should continue to support the programme provided other funding partners continued their own levels of support. There would also be scope for the Council to market this programme in conjunction with other holiday activity programmes.

(c) Summer Play Scheme

- 1.1.11 The Panel gave careful consideration to the future of the Summer Playscheme. Generally, it was agreed that the Borough Council should seek to withdraw from

direct provision as far as possible and seek to outsource the programmes in consultation with Parish Councils and other partners.

1.1.12 The annual budgeted costs of delivering the Playscheme in 2015/16 were as follows

Operational Costs (including temporary staff and leisure pass costs)	£95920
Income from charges/Parish Councils	£43200
Net Cost	£52720
Central Overheads	£39400
Direct Staffing Costs	£27547
Net Annual Cost	£119667

1.1.13 The Panel felt that continued financial assistance should be offered to Leisure Pass holders to reduce the costs of attendance and so enable those on lower incomes to gain access to the programme for their children. Two options were suggested to achieve this objective:

1. To withdraw from all direct provision but to offer a revised concession to leisure pass holders as suggested above (50% reduction per child) when attending a programme run by other partners; or.
2. To retain three directly-provided play scheme centres in the Borough's three most deprived communities – Snodland, East Malling and Trench – and offer a similar level of concession to leisure pass holders as set out above who attend both these centres and those run by other partners. An option of running these centres for both mornings and afternoons was also suggested.

1.1.14 The Panel requested that the costs and benefits of both options be investigated and reported to a second meeting of this Panel. That work has now been completed and the results are shown below at options (b) and (c).

1.1.15 Since the last Panel meeting, however, the Government has announced the local government financial settlement for the coming financial year and beyond. A briefing paper has recently been sent to all Members which indicated that a further savings tranche of some £700,000 needed to be added to the Council's current savings target of £1.4M. Given the severity of this settlement, the Panel is invited to consider a further option in addition to the two outlined above. This is option (a) below.

(a) Immediate withdrawal from all activities related to the Playscheme and make no further provision for leisure pass holders who attend privately operated schemes.

1.1.16 As set out in the table at 1.1.12, abandoning all work on the Summer Playscheme with immediate effect could generate immediate annual savings of some £80,000. Further savings via a review of the central overhead costs related to the programme could also be identified via a separate review. This would of course rely on other providers 'filling the gaps' in the service or accepting that some communities might not have access to any local Playscheme. Notwithstanding these drawbacks, the Panel is invited to give serious consideration to this option given our worsening financial position.

(b) Withdrawal of all direct provision but with continued provision of support for Leisure Pass holders to access other programmes.

1.1.17 For this option, we have assumed that, for the purposes of this review, the discount available to leisure pass holders is a 50% discount on the total cost of the scheme for each child attending the Playscheme. The Panel should be aware, however, that this might not make the scheme affordable for some low income families with a number of young children. We assumed all existing 12 sites would continue to operate through other providers and that the same level of attendance by leisure pass holders would be maintained at each centre.

1.1.18 Under this option, the costs of attending a privately operated Playscheme would of course be a matter for the provider to determine and so the potential annual costs of meeting leisure pass holder discounts could be difficult to estimate. One approach on which to estimate such costs would be to assume that other providers would wish to charge a fee which generated a level of income which met all of their operational costs (a break even approach). We have estimated that the charge for non-leisure pass holders would need to be approximately £70 per child across all current scheme centres to enable operators to break even. Leisure pass holders would then pay half of this fee (£35) direct to the provider, with the Borough Council paying the remaining £35 per child attending per week.

1.1.19 Assuming the same number of leisure pass holders took up places at the play scheme as previously (504 in 2015), the annual cost to the Council would be approximately £17635 per annum. This is of course an estimate. Providers might choose to charge higher or lower fees and the number of children attending the Playscheme who are leisure pass holders might also vary. However, for the purposes of this review, annual budgetary provision of £18,000 might be a prudent sum to budget for initially. In future years, this sum could be revised in the light of further experience.

1.1.20 Initial liaison has recently taken place with existing providers of the Playscheme. Early indications show a potential desire by them to operate the scheme in the

Borough. One provider has suggested a provisional cost of £70 per week. In addition. However, further detailed work on the cost of each venue and Ofsted regulations are needed before any options are finalised. Whilst every effort will be made to encourage new providers, it cannot be guaranteed that all 12 existing schemes will continue to operate. Parish Councils have also been informed of the review and comments from them are awaited.

1.1.21 Compared to the current costs set out in 1.1.12 above, immediate operational savings (not including direct staff costs and central overheads) of some £34720 could be generated as set out below. The only remaining operational costs would be the leisure pass concession costs of £18000, compared to the current operational costs of £52720. In addition, there will be scope to reduce direct staffing costs (currently £27547) to reflect an on-going need for some residual administration and marketing work. As an initial estimate, this could generate further savings of £12550. There would of course be no direct income to the Council from fees and Parish Councils contributions. Additional further savings could be generated via a subsequent review of central overheads which currently totalling £39400pa.

Operational Costs (Leisure Pass)	£18000
Central Overheads	£39400
Future Direct Staffing Costs (estimate)	£15000
Income from charges/Parish Councils	£0
Net Annual Cost	£72400
Current Annual Cost	£119667
Net Annual Saving	£47267

(c) Retain three commissioned Playscheme centres at Trench, East Malling and Snodland and provide continued support for leisure pass holders at these and other centres.

1.1.22 In 2015, these three sites generated a total of 269 attendances, 161 of which were leisure pass holders. To estimate the overall operational costs of retaining these sites, we have assumed that the above attendance rates will be largely the same going forward. We have assumed that the same arrangements will apply as at present whereby TMBC provide the administrative and bookings facilities and, for these three sites, an external provider runs the centres themselves but with the

Borough Council meeting their costs. There may be scope in the future for this approach to be reviewed to generate additional savings, for example, for operators to arrange their own booking facilities.

1.1.23 If other privately provided schemes do continue elsewhere in the Borough and charges there are increased to a cost recovery basis, there may also be scope to increase charges at the three directly provided centres. On the one hand, this would generate increased income for the Council but on the other, assuming we provide the same level of concession for leisure pass holders as above (50% reduction per child per week), the costs of that support would then increase.

1.1.24 Set out below are a range of possible options ranging from retaining the current charge of £39 per week up to an increased fee of £70 per week assuming the same level and range of attendances as at 2015. Direct salary and central overhead costs are considered separately.

Charge per week (non LP)	£39	£50	£60	£70
Charge per week (LP)	£19.50	£25	£30	£35
Total Income	£7352	£9425	£11319	£14138
Direct Delivery costs	£23877	£23877	£23877	£23877
Net Cost	£16525	£14425	£12558	£9739
Total LP Costs	£15140	£16025	£16830	£17635
Total Annual Costs to TMBC	£31665	£30450	£29388	£27374
Annual savings	£21055	£22270	£23332	£25346

1.1.25 Compared to the current costs as set out at 1.1.12, immediate annual financial savings (ie the direct delivery costs) would be between in the order of £21,000 and £25,000. Further savings could, however, also be generated via a subsequent review of direct staffing and central overheads associated with the programme given that the Council would only be responsible for administering the 3 sites and other providers would then operate the remaining nine independently. For example, a 50% reduction in direct staffing costs would generate a further £14,000 of savings.

1.1.26 Further analysis has also been undertaken regarding all-day operation at the above three sites and this is set out on the table below. Within our model, we have assumed some costs associated with the site will double (such as staffing-related costs), others will increase but not double (such as venue hire) and others will remain static (such as transport costs). We have assumed that all current users choose to stay all day rather than a half day (this may of course be unrealistic and, as delivery costs are fixed, this indicates that the levels of income generated below should be treated as maxima (ie best possible case).

Charge per week – all day	£80	£100	£120	£150
Charge per week – all day (LP)	£40	£50	£60	£75
Total Income	£15080	£18850	£22620	£28,275
Delivery costs	£42604	£42604	£42604	£42604
Net cost	£27524	£23754	£19984	£14329
Total LP Costs (all 12 sites)	£18280	£20050	£21660	£23270
Total Annual Costs to TMBC	£45804	£43804	£41644	£37599
Annual savings	£6916	£8916	£11076	£15121

1.1.27 Compared to the net costs of half day operation set out at 1.1.23, potential annual savings are reduced considerably. It should also be recognised that these income figures are maxima. As a comparison, if only 75% of current attendees took up the whole day option, the net annual cost to the Council could increase by some 8% - 21% subject to the level of fees that were charged. The scope to make reductions on direct salaries and central overheads might also be reduced given the longer working days and added administration. **On this basis, the all-day 3 sites option is not recommended.**

1.1.28 In reviewing options for the future of the play scheme, the Panel are invited to consider what limits should be set for the provision of discounts to Leisure Pass holders. The modelling work summarised above is based on the assumption that the same number of Leisure Pass holders will attend the scheme, and that the level of provision remains unchanged. There is a possibility that other providers of similar schemes could come forward and ask for financial support to allow Leisure

Pass holders to attend; if the Borough Council were to do so, the costs to the Council could not be quantified nor restricted at this stage. The Panel is therefore invited to consider whether the provision of financial support for Leisure Pass holders attending the play scheme should be fixed to only the current 12 sites.

1.2 Conclusions

- 1.2.1 The Panel is therefore invited to consider the analyses set out above and, taking into consideration the need to make financial savings to agree a preferred option for recommendation to the Overview and Scrutiny Committee. A final decision will then be made by the Cabinet and, at this time, an equalities impact assessment will be required.
- 1.2.2 Clearly, the option to withdraw immediately from all direct provision would be most advantageous on financial grounds and would make a major contribution to the level of additional annual savings now required as a result of the recent announcement of the local government financial settlement.
- 1.2.3 A summary of the various options available regarding the future of the Playscheme are set out below.

Playscheme Review Option	Estimated Annual Savings
Immediate Withdrawal of Playscheme	£80,000
Withdrawal of Playscheme but continued support for Leisure Pass Holders and residual administration/marketing	£47,267
Retain 3 Playscheme sites operated in the mornings only with support for Leisure Pass Holders	£21,000 – £25,000 dependent upon weekly rates to be charged
Retain 3 Playscheme sites operated in the mornings and afternoons with support for Leisure Pass Holders	£7,000 - £11,000 dependent upon weekly rates to be charged

Background papers:

Nil

Julie Beilby
Chief Executive
On behalf of the Management Team

contact: Mark Raymond
Chief Corporate Policy Officer

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Summary of decision to be made:	Review of summer Playscheme		
Lead Officer (job title):	Director of Street Scene, Leisure & Technical Services		
Date the final decision is due to be made:	2 nd February 2016 (Cabinet decision)	Date this assessment commenced:	December 2015
Is the decision relevant to the aims of the Public Sector Equality Duty?	Yes		
Eliminate discrimination, harassment and victimisation	No		
Advance equality of opportunity	Yes		
Foster good relations	No		
If the answer is yes to any of the above, proceed with the assessment. If the answer is no, please say why and summarise any evidence:			
At the time of commencing this equality impact assessment, there are three options under consideration:			
a. Immediate withdrawal from all activities related to the Playscheme, making no provision for Leisure Pass holders who attend privately operated schemes.			
b. Withdrawal of all direct provision, but with continued provision of support for Leisure Pass holders to access other programmes.			
c. Retain three commissioned Playscheme centres at Trench, East Malling and Snodland and provide continued support for leisure pass holders at these and other centres.			
The informal Scrutiny Panel of 5 January 2016 has recommended that option B is taken forward. This Assessment looks at the potential impact of this recommended option.			
For each of the following characteristics, summarise any existing data, consultation activity, interpretation of the impacts and actions that can be taken to reduce or mitigate any negative impacts:			

Characteristic:	Data	Summary of impact	Actions
Disability	<p>Running as part of the Playscheme is the PlayScheme Plus programme. This provides a one-to-one support worker for children who have this level of support at school. Places on PlayScheme Plus are limited, and offered on a first-come, first-served basis. There is no additional charge for users of PlayScheme Plus. In addition, there is the option to attend half-sessions for children who may not be able to attend a full morning due to their disability or condition.</p> <p>In 2015, there were 24 attendances of PlayScheme Plus, out of a total of 1,137 attendances across the three weeks of the Playscheme. These were all at six of the 12 venues.</p> <p>The 24 attendances were from 11 children, representing 9 families. 8 of these children had Autistic Spectrum Disorder (ASD) as their sole or one of their disabilities cited as a reason for requiring PlayScheme Plus. Two of the eleven children will not</p>	<p>With the withdrawal of direct provision, there is a possibility that the additional support offered through PlayScheme Plus may no longer be available through third party providers. This may mean that some of these children who currently attend are no longer able to.</p> <p>Some other providers may not offer this (or an equivalent) scheme, although many do have some level of understanding and support for children with additional needs. A number of external providers of other schemes (such as holiday clubs) do have similar provision in place at no extra cost to attendees already.</p> <p>Under this arrangement, there is a potential that the 9 children who are still</p>	<p>Overview and Scrutiny Committee, and subsequently Cabinet as the final decision-makers, should determine if a level of provision for one-to-one support for children with additional needs is to continue, in some form.</p> <p>Overview and Scrutiny Committee, and Cabinet as the final decision makers may wish to consider the following options to mitigate the potential impacts on children with one-to-one support needs:</p> <p>a. External providers are required to jointly provide Playscheme Plus places for</p>

Characteristic:	Data	Summary of impact	Actions
Page 92	<p>be eligible to attend the PlayScheme in 2016 by virtue of their age.</p> <p>Most of these children are also Leisure Pass holders, with 9 of the 11 holding a Leisure Pass (one of those that did not is now too old to attend).</p> <p>In addition, a small number of children were added to a waiting list, having applied for a PlayScheme Plus place after the spaces were full (8 of these were Leisure Pass holders). Spaces are offered to those on the waiting list on a first-come, first-served basis. There is a maximum of 10 spaces across all sites per week and a maximum of 2 spaces per site. This gives a total of 30 possible PlayScheme Plus attendances (three weeks, ten per week).</p> <p>The application form asks for 'details of any additional requirements including special educational needs and/or physical disabilities and any significant behavioural issues.' This information is provided to the PlayScheme sites. A random sample of two sites has been analysed manually. From this sample of 118 applicants, a total of 8 recorded some form of additional requirements, of whom 2 were admitted to PlayScheme Plus.</p>	<p>eligible would no longer be able to attend a Playscheme type activity.</p> <p>One child also attended Activate courses where one-to-one support is not available. Whilst the duration of Activate is less than that of Playscheme and the activities are more focussed, it may be that one-to-one support is not always required if suitable provision is made. Under this arrangement, children with disabilities could also be affected in that their costs will increase (from £13.50 per family with a Leisure Pass). However, with the retention of financial support for Leisure Pass holders, children with disabilities who have Leisure Passes will continue to be supported through that scheme.</p> <p>In 2015, a small number of families had two children with additional needs admitted onto PlayScheme Plus. The impact on these families may be greater if there is no one-to-one provision available if they are not able to attend other alternative schemes. If one-to-one support is available, then these families will still be impacted by the financial change (from £13.50 per family to potentially £35 per child).</p>	<p>10 children and to meet the full costs of this (c£6000 plus overheads)</p> <p>b. The Council negotiates with the future external providers to share these costs as above equally between the Council and those providers.</p> <p>c. The Council undertakes to meet these additional costs in full.</p> <p>Alternatively, Overview and Scrutiny Committee may recommend that no further provision is made for Playscheme Plus. A formal consultation with current users would be required if this option was selected.</p>
	Race	<p>The application form asks for the ethnicity of attendees. A random sample of data from two sites has been analysed manually. From this sample (of 118 applicants), 21% did not provide their ethnicity, 71% described themselves as British, White British or White European. The remaining applicants were of Mixed ethnicity (6%), Chinese (1%) or African (1%).</p>	<p>We have not identified any disadvantage or differing needs based on ethnicity.</p>

Characteristic:	Data	Summary of impact	Actions
Gender	<p>The existing scheme is open to both boys and girls. From the sample of 118 applicants, 68 (58%) were boys. Mid-2014 population estimates suggest the general population of that age group is 52% male.</p> <p>The proportion of boys who are Leisure Pass holders is similar (65%) to the proportion of girls who are (62%).</p> <p>There were 11 PlayScheme Plus attendees in 2015. Ten of these were boys.</p>	<p>There is a slight difference in attendance rates between boys and girls, based on this sample.</p> <p>The recommended change to the scheme, however, will not affect end users and so there should be no impact based on gender.</p>	None.
Age	<p>The Playscheme is open to children aged 5 to 11 (primary school age). However, only around 5% of all eligible children in the Borough attend any of the Playscheme venues (2015 figures). Therefore, 95% of primary school age children do not attend Playscheme.</p> <p>From the sample taken, over half of the children attending in 2015 were aged 4-6, with less than half aged 7-11. This was the same pattern on both sample sites as well as in total. There are noticeably fewer 9-11 year olds attending (a total of 19% in this sample).</p>	<p>Only primary-age children will be affected directly by any change in Playscheme provision. Within this group, younger children (aged 4-6) will be more affected as fewer older children attend.</p> <p>The recommended change to the scheme, however, will not affect end users and so there should be no impact.</p>	None.
Religion / Belief	<p>The application form asks for the religion of attendees. A random sample of two sites has been analysed manually. From this sample of 118 applicants, 54% recorded 'none' or did not provide an answer; 45% were Christian and 1% Hindu.</p> <p>The 2011 Census recorded 64% of people in Tonbridge & Malling as being Christian; 34% as no religion or religion not stated; and 0.4% Hindu.</p>	We have not identified any disadvantage or differing needs based on religion or belief.	None.
Sexual Orientation	The scheme is open to primary school age children only. No information is recorded about the families.	We have not identified any disadvantage or differing needs based on sexual orientation.	None.
Pregnancy / Maternity	The scheme is open to primary school age children only. No information is recorded about the families.	We have not identified any disadvantage or differing needs based on pregnancy or maternity.	None.
Marital or Civil Partnership Status	Not relevant to the duty to advance equality of opportunity.	Not relevant to the duty to advance equality of opportunity.	None.

Appendix 3

Characteristic:	Data	Summary of impact		Actions
Gender reassignment	The scheme is open to primary school age children only. No information is recorded about the families.	We have not identified any disadvantage or differing needs based on gender reassignment.		None.
Summary of impacts	The recommended option has potential to impact on children aged 5-11 with disabilities, who require one-to-one support. The children who received one-to-one support in 2015 were predominantly male. This places them at a disadvantage when compared with children who do not require one-to-one support, who may be able to participate in activities through other programmes. Mitigating actions, to take account of children with additional needs, are proposed for consideration by Members.			
Please tick the outcome of this assessment:	No impact	Adjust the policy <input checked="" type="checkbox"/>	Continue the policy	Stop and remove the policy
Date assessment will be reviewed:	Within one year of the Cabinet decision.			

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2016

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 COMMUNITY ENGAGEMENT – TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

1.1 Background

1.1.1 It has been agreed that Overview and Scrutiny will evaluate the scope for change and potential savings via informal review groups drawn from the membership of Overview and Scrutiny. The Community Engagement review group looked at the mechanisms through which the Council engages with parish/town councils and community groups in Tonbridge, focussing on the roles of Tonbridge Forum and the Parish Partnership Panel (PPP).

1.1.2 The review group met initially on 21 July 2015 and is now able to present the findings for formal endorsement and recommendations to the Overview and Scrutiny Committee.

1.2 Meeting Attendance

1.2.1 At the initial meeting the review group focussed on attendance levels at previous meetings and found that over the last two years, for Tonbridge Forum (where membership currently stands at 41 members) attendance ranged from 18 groups represented at its highest, to just 7 groups attending on one occasion. On average, less than half of the membership attends any one meeting. For PPP meetings, attendance has ranged from 15 parishes represented at its highest, to just 9 at the least attended meeting. Again, attendance is less than half the membership for most meetings.

1.3 Options for Change

1.3.1 Whilst Tonbridge Forum and PPP are appreciated by some of the attendees, it is clear a review was necessary given the low levels of attendance. The Review Panel requested further consultation with Members of Tonbridge Forum and PPP to consider the following options:

- To discontinue Tonbridge Forum and PPP and replace these meetings with a joint Borough Council/KCC quarterly service update which is circulated to Parish Councils and Tonbridge Community Groups

- To reduce the frequency of Tonbridge Forum and PPP meetings to two main meetings each year and focus on more targeted topics that would hopefully be of greater interest to members
- To make no change to the current meeting arrangements but canvass the opinions of members of Tonbridge Forum and PPP to establish a preferred format for the meetings and any changes they would like to see implemented

1.3.2 All members of the Forum and PPP were sent a questionnaire inviting their views on the above. The Review Group then met again on 6 October 2015 to discuss the findings from the consultation. The papers from this meeting are attached as Appendix 1 of this report.

1.3.3 Responses from the questionnaires suggested that, for Tonbridge Forum, a more informal style of meeting be adopted and be held twice a year, with a review of the membership. Responses for PPP suggested that the current frequency should be retained, with the option to cancel meetings if insufficient items are brought forward. A longer lead in time was suggested to allow greater opportunity for parishes to suggest items. For both meetings there was some support for earlier meeting times.

1.4 Legal Implications

1.4.1 None

1.5 Financial and Value for Money Considerations

1.5.1 Reducing the frequency of the meetings would see a reduction in staffing costs and room hire costs (Tonbridge Forum) and refreshment costs for both meetings.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.7 Recommendations

1.7.1 In light of the questionnaire responses from Tonbridge Forum members, as set out in the report to the Review Group meeting held on 6 October 2015, the Review Group recommends the following suggested changes to Tonbridge Forum:

- 1. That the Tonbridge Forum be retained but reduced to two meetings each year. Meetings to be held in the Castle Chamber at the earlier time of 6pm.**

2. **A review of the Tonbridge Forum Membership should be undertaken which will enable members to withdraw from the Forum if they wish to do so or confirm their continued membership.**
3. **Rather than a formal Council 'Panel' as at present, consideration should be given to a reduction of Council Members attending, allowing for a more informal community meeting.**
4. **The format of future meetings should be changed with a view to implementing a round table style of meeting with community members encouraged to raise items.**

1.7.2 Further to the questionnaire responses from Parish Councils as set out in the Review Group meeting held on 6 October 2015, the Review Group recommends the following suggested changes to Parish Partnership Panel meetings:

1. **To retain the PPP meetings at the current frequency (four per year) on the understanding that if insufficient items are put forward, the meeting will be cancelled.**
2. **Meetings will be chaired by the Leader or Cabinet Member and will be at the earlier time of 6pm.**
3. **To encourage greater participation, Parish Councils will be given a longer lead in time to suggest agenda items. It will also be recognised that some area specific issues will be relevant/ of interest to the wider area and should be included on the agenda.**
4. **Rather than providing presentations, KCC and Police representatives to submit brief reports highlighting any relevant updates, including contact details to allow Parish Councils to follow up on any issues if they wish.**

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL
OVERVIEW AND SCRUTINY REVIEW GROUP

6th October 2015

1 COMMUNITY ENGAGEMENT – TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

1.1 Background

1.1.1 The Panel met initially on the 21st July 2015 to give initial consideration to the review of the Parish Partnership Panel and Tonbridge Forum. Following discussion, it was agreed that consultation with the community groups who attend the Tonbridge Forum and with Parish Councils should be undertaken to inform the review and assist the Panel with the formulation of recommendations to the Overview and Scrutiny Committee. The period for consultation was extended at the request of the Kent Association of Local Councils (KALC). The results of these consultations and some suggested options for change are set out below.

1.2 Tonbridge Forum

1.2.1 As reported previously, the Tonbridge Forum membership currently stands at 41 members but recent levels of attendance by those members has been low, ranging between 18 groups to 7 groups attending.

1.2.2 All members of the Forum were sent a questionnaire inviting views on whether:

- the Forum should be retained or abandoned;
- if to be retained, what changes to the format and frequency of the meetings might be appropriate.

1.2.3 Despite many reminders, a total of 23 organisations responded to the questionnaire, just over half of the Forum's membership. When considering the responses, therefore, we need to take account of the fact that 18 groups were not inclined to take part in the survey, perhaps suggesting a degree of ambivalence regarding future Forum meetings. The consultation results regarding the main issue are as follows:

Abandon the Forum – 8

Retain the Forum but reduce its frequency to two meetings a year and consider changes to the format – 10

Retain the four Forum meetings per year but consider changes to the format - 5

1.2.4 It is clear from the above that the majority of those responding wish to retain the Forum in some form. However, a significant number do not support its retention (and this number may well be augmented by those who did not complete the survey).

1.2.5 The questionnaire included some specific options on possible detailed arrangements for future Forum meetings. Not all respondents offered opinions on these questions. The results in favour of the following options were:

Move to 2 meetings per year - 10

Opportunities for community groups to chair Forum meetings: 1

Hold meetings at different times:

Mornings – 2

Afternoons – 2

Retain Evenings - 10

More informality – 6

Forum members to suggest items – 8.

1.2.6 There is a majority in favour of moving to 2 Forum meetings each year. Such an approach might enable those meetings to be more meaningful in content and accords with recent recommendations to the Overview and Scrutiny Committee that the number of formal council meetings should be reduced generally. Evening meetings appear to suit the majority of the community members. If a reduction to two meetings a year is supported, there should perhaps then be provision for additional Forum meetings to be called to deal with any major issue that might arise.

1.2.7 It is clear that a number of existing community members may no longer wish to take part in the Forum. A review of the membership of the Forum should therefore be undertaken to enable those members no longer wishing to take part to formally withdraw.

1.2.8 Currently, the Tonbridge Forum operates as a formal 'Panel' of the Borough Council and 13 Members are awarded seats. The review group might wish to consider whether this is the right approach going forward. The number of Council

Members attending the Forum can, at times, lead to them dominating discussions and this may deter the community members from taking a more active role. A smaller membership with a majority of community members rather than Council might enable a more informal, discursive approach to be adopted to engender greater input from community groups and give more opportunity for community members to suggest future items and raise issues.

1.2.9 It is therefore suggested that a more informal style of meeting be adopted. The current approach of a 'top' table and formal speakers/presentations could be replaced by a round table format which could allow greater interaction and comment. Public seats could still need to be made available but these could be separate from the suggested round table. A public question and answer session could be retained.

1.2.10 The Panel is therefore invited to consider the following suggested recommendations:

1. That the Tonbridge Forum be retained but be held two times each year in the evenings.
2. A review of the Membership should be undertaken which will enable members to withdraw from the Forum if they wish to do so or confirm their continued membership.
3. Consideration is given to changing Forum meetings to an informal community meeting rather than a formal Council 'Panel' as at present. This needs to involve a reduction in the number of Council Members attending.
4. The format of future meetings should be changed with a view to implementing a more informal, round table style of meetings and encouraging community members to suggest and raise items.

1.3 Parish Partnership Panel

1.3.1 As with the Forum members, all Parish Councils were sent the same questionnaire inviting their views on the current format of PPP meetings. There were 22 Parish Councils who responded to the questionnaire and 5 that did not take part in the survey. The consultation results regarding the main issue are as follows:

Abandon the PPP – 2

Retain the PPP but reduce its frequency to two meetings a year and consider changes to the format – 9

Retain the four PPP meetings per year but consider changes to the format - 11

1.3.2 It is clear that the majority are in favour of retaining the PPP although almost half of respondents wished to reduce its frequency to two main meetings a year. With

regard to specific options regarding the arrangements for the meetings, there was support for the following:

Opportunity for PC's to chair meetings - 7

Hold meetings at different times:

Mornings – 4

Afternoons – 5

Retain Evenings - 6

Support for increasing the number of items, but making them shorter and less formal – 11

Support for PC's to suggest agenda items - 15

- 1.3.3 It is clear that Parish Councils would value the opportunity to suggest more agenda items for future PPP meetings. At the present time, Parish Councils are invited to raise agenda items prior to each meeting but rarely does this happen. We therefore need to review the process by which Parishes are invited to suggest items, for example, giving Parishes a longer lead in time to enable them to consider this. The aim should be to achieve future agendas which are led by the Parish Councils themselves with the number of Borough Council items being kept to a minimum.
- 1.3.4 All of the respondents have opted for some level of change. The Parish Councils that responded were divided on whether the PPP meetings should be reduced to two main meetings a year or kept to four meetings as at present. A change to two main meetings would align with recent recommendations to reduce the frequency of meetings generally and be consistent with the recommendations regarding the Tonbridge Forum. This could also allow for a more interactive approach allowing more time for Parish Council's to suggest topics that they would like to see discussed and thus result in better attendance and more pro-active meetings. If a need arises, additional meetings of the PPP could be called if a specific issue arises
- 1.3.5 Alternatively, the four meetings per year could be retained but perhaps only on the basis that, unless there are sufficient items suggested by the Parish Councils for a particular meeting, it would be cancelled rather than its agenda only having Borough Council items. A possible compromise solution given the split of preferences between 2 and 4 meetings would be to suggest 3 meetings of the PP each year.
- 1.3.6 The preferred timings of the meetings were varied, with only a slight favour towards retaining evening meetings. Holding meetings in the afternoons might encourage more to attend and would save on costs of caretaking etc.

1.3.7 A number of Parish Councils expressed support for the opportunity to chair PPP meetings. This could be one way that Parish Councils could be encouraged to take more ownership of the PPP meetings and could therefore perhaps be accommodated on a rotational basis or, alternatively with joint chairs appointed on an annual basis who would then share such duties. To create a more informal approach, future PPP meetings could perhaps be held in the Committee Room, rather than the Council Chamber.

1.3.8 The Panel is therefore invited to consider the following

1. To retain the PPP meetings but to consider whether its frequency should be reduced to two or three per year or, if the four meetings are retained, that they only held if there are sufficient items suggested by the Parish Councils.
2. Whether future PPP meetings should take place in the afternoons instead of evenings as at present.
3. That the process by which Parish Councils are invited to suggest topics and agenda items be reviewed to encourage greater participation.
4. That the opportunity be given for Parish Councils to chair the meetings be investigated further.

1.4 Financial and Value for Money Considerations

1.4.1 Reducing the frequency of the meetings would see a reduction in staffing costs and room hire costs (Tonbridge Forum) and refreshment costs for both meetings.

1.5 Recommendations

1.5.1 That the Panel be invited to consider the suggested recommendations in 1.2.10 regarding Tonbridge Forum and the recommendations in 1.3.8 regarding Parish Partnership Panel to be presented to the next meeting of the Overview and Scrutiny Committee.

contact: Gill Fox

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2016

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 DRAFT SAFEGUARDING POLICY

To consider the Draft Safeguarding Policy and to recommend its adoption by the Cabinet

1.1 Background

1.1.1 The Council has had a Child Protection Policy in place for a number of years, but there currently isn't a formal policy in place for Adults at Risk. Rather than having separate policies for children and adults, the decision was taken to have a combined policy and to include the reporting procedure and action plan within it.

1.1.2 In response to the need to have this in place, the Council's recently established Safeguarding Task Group have drafted the "Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk" (Annex 1).

1.2 Aims of the Safeguarding Policy

1.2.1 The policy aims to ensure that an overarching approach to safeguarding is embedded within all Council services and that staff, elected Members, those delivering services on behalf of the Council and volunteers have a good understanding of safeguarding guidelines and good practice.

The policy aims to:

- Raise awareness of the duties and responsibilities for children, young people and adults at risk of harm
- Encourage good practice among staff, elected members, volunteers and contractors, to safeguard children and adults at risk who receive Council services
- Provide clear guidance on procedures to be adopted if it is suspected that an adult, young person or child may be at risk of harm

1.3 Safeguarding Action Plan

- 1.3.1 The Council has formed an officer level Safeguarding Task Group to ensure the completion of targets within the Safeguarding Action Plan and ensure the Council stay up to date with Safeguarding knowledge and best practice. Progress on the Action Plan will be reported regularly to the Council's Management Team and on an annual basis to the relevant Council Advisory Board to ensure Councillors are fully informed of safeguarding issues.

1.4 Legal Implications

- 1.4.1 None

1.5 Financial and Value for Money Considerations

- 1.5.1 N/A

1.6 Risk Assessment

- 1.6.1 N/A

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Recommendations

- 1.8.1 That the Draft Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk be endorsed and recommended for adoption by Cabinet.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

TONBRIDGE AND MALLING BOROUGH COUNCIL

DRAFT

Safeguarding Policy & Reporting Procedure

Safeguarding Policy and Procedures for Children,
Young People and Adults at Risk



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Section 1: Safeguarding Context / Policy Aims and Objectives

INTRODUCTION

Tonbridge and Malling Borough Council is committed to working in partnership with others to safeguard children, young people and adults at risk from all detectable forms of abuse, neglect or exploitation. Everyone has a responsibility to ensure that concerns about the abuse of children, young people and adults at risk are addressed.

The lead responsibility for managing child and adult protection lies with Kent County Council which retains the co-ordinating role and duty of enquiry. However, it is recognised that successful safeguarding responses need multi agency and multi-disciplinary working and Tonbridge and Malling Borough Council will work with partners to identify and respond to suspected abuse.

In order to keep children, young people and adults at risk safe from harm, the Borough Council will ensure that it complies with all relevant legislation and government guidance, a summary of which is listed in Annex 2.

AIMS

This policy aims to ensure that an overarching approach to safeguarding is embedded within all Council services and that staff, elected Members, those delivering services on behalf of the Council and volunteers have a good understanding of safeguarding guidelines and good practice.

The policy aims to:

- Raise awareness of the duties and responsibilities for children, young people and adults at risk of harm.
- Encourage good practice among staff, elected members, volunteers and contractors, to safeguard children and adults at risk who receive Council services.
- Provide clear guidance on procedures to be adopted if it is suspected that an adult, young person or child may be at risk of harm.

OBJECTIVES

Through this policy the Borough Council will create an environment where staff and others associated with the delivery of Council services are adequately trained and encouraged to think of safeguarding as being their responsibility. This policy aims to ensure that all residents of the Borough are able to live a life free from abuse, exploitation and intimidation.

The policy objectives are to:

- Explain the responsibilities the organisation has in respect of children, young people and adults at risk.
- Provide an overview of safeguarding and the legal duties associated with the protection of children, young people and adults at risk.
- Raise levels of awareness of those who might be at risk, the types of harm and their impact on children, young people and adults at risk.
- Promote the general health and wellbeing of children, young people and adults at risk that come into contact with us through the delivery of services.
- Provide a clear procedure that will be implemented when issues arise.
- Maintain effective procedures for recording and responding to suspected incidents of harm.
- Regularly review and monitor our approach to safeguarding to ensure our procedures and policies remain fit for purpose.

CONTEXT

Child Safeguarding

For the purpose of this policy the term 'child' or 'children' applies to children and young people under 18 years of age and for those with an Education, Health and Care plan (EHC) under the age of 25. "Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children, 2015" defines child safeguarding as:

- Protecting children from harm
- Prevention and support provided to ensure the health and development of all children and young people is promoted.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

Adult Safeguarding

For the purpose of this policy adult safeguarding is about protecting an adult's right to live in safety, free from abuse and neglect. The 2014 Care Act extended the definition of a vulnerable adult for safeguarding purposes from someone 'who is or may be in need of community care services' to an adult who:

- Has need for care and support
- Is experiencing, or is at risk of, abuse or neglect; and
- As a result of those needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

What constitutes abuse and neglect?

Abuse is a violation of an individual's human and civil rights by any other person or persons and can be perpetrated by, and to, anyone, regardless of age, gender, class or ethnicity. Abuse may be a single act or repeated over a period of time.

Somebody may abuse or neglect a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children or vulnerable adults may be abused in a family, in an institutional or community setting, by those known to them or by a stranger. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

Abuse and neglect can include:

Physical abuse – non accidental infliction of physical force that results, or could result, in bodily injury, pain or impairment, including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions

Sexual abuse - involvement, either direct or indirect, in sexual activity without consent. It could also be the inability to consent, pressured or induced to consent or take part.

Child Sexual Exploitation (CSE) - forcing or enticing participation in sexual activities (regardless of whether or not the child or young person is aware of what is happening). CSE is illegal activity by people who have some form of power and control over children and use it to sexually abuse them. It involves forcing or enticing a child (under the age of 18) to take part in sexual activities whether or not the child is aware of what is happening, including exploitative situations, contexts and relationships where children (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities. CSE can be a form of organised or complex abuse, involving a number of abusers and/or a number of children.

Neglect - persistent failure to meet basic physical and/or psychological needs, likely to result in serious impairment of health or development. Ill-treatment and wilful neglect of a person who lacks capacity is a criminal offence under the Mental Capacity Act 2005.

Self-neglect – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding.

Emotional abuse - persistent emotional maltreatment to cause severe and persistent adverse effects on emotional development

Emotional or psychological abuse - acts or behaviour which impinge on the emotional health or, or which cause distress or anguish.

Bullying – deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. Bullying may include – Physical eg: hitting, kicking and theft; verbal eg: name calling, constant teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures; emotional eg: tormenting, ridiculing, humiliating and ignoring; sexual eg: unwanted physical contact or abusive comments.

Financial abuse - unauthorised, fraudulent obtaining and/or improper use of funds, property or any resources.

Discriminatory abuse - values, beliefs or culture result in a misuse of power that denies mainstream opportunities. It includes discrimination on the basis of race, gender, age, sexuality, disability or religion, or any of the other protected characteristics.

Institutional abuse - an organisation imposing rigid and insensitive routines; poor practices embedded in systems; unskilled, intrusive or invasive interventions, or an environment allowing inadequate privacy or physical comfort.

Domestic Abuse is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality.

Honour Based Abuse (HBA) is violence and abuse in the name of honour, covering a variety of behaviours (including crimes), mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family.

Female Genital Mutilation (FGM) is a collective term for illegal procedures which include the removal of part/all external female genitalia for cultural or other non-therapeutic reasons. The practice is not required by any religion. It is painful, medically unnecessary and has serious health consequences at the time it is carried out and in later life. The procedure is typically performed on girls of any age, but is also performed on new born girls and on young women before marriage/pregnancy. A number of girls die as a direct result of the procedure, from blood loss or infection. FGM may be practised illegally by doctors or traditional health workers in the UK, or girls may be taken abroad for the operation.

A Forced Marriage (FM) “is a marriage conducted without the valid consent of both parties, where duress is a factor” (‘A Choice by Right’ HM Government 2000).

Modern Slavery/Human Trafficking - the organised crime of human trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children and adults. Any form of trafficking humans is an abuse. Trafficking of persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of, or use of coercion, abduction, fraud, and deception, abuse of power or of a position of vulnerability. It also includes the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Annex 3 provides further information on recognising the potential indicators of abuse.

PARTNERSHIP ROLES AND RESPONSIBILITIES

Kent County Council (KCC)

KCC has statutory responsibilities as the Children’s Services Authority and the Social Services Authority for Kent. All safeguarding concerns, incidents and allegations regarding the welfare of a child or vulnerable adult will be reported to KCC. The relevant officers at KCC County Council are responsible for co-ordinating any investigation.

Kent Police

Kent Police has the responsibility to investigate any allegations or suspicions of criminal offences against a child or adult. They will also support victims and enable them to access support services, e.g. victim support, social care.

Safeguarding Boards

Kent & Medway Safeguarding Adults Board (SAB)

The Kent and Medway Safeguarding Adults Board (SAB) is a statutory service which exists to make sure that all **member agencies** are working together to help keep Kent and Medway’s adults safe from harm and protect their rights. It is chaired by Kent County Council’s **Corporate Director of Social Care, Health and Wellbeing** and meets 4 times a year. It is an inter-agency forum (which includes TMBC) for agreeing how the different services and professional groups should co-operate to safeguard vulnerable adults across Kent & Medway. The board aims to raise awareness and promote the welfare of vulnerable adults by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. Issues arising from the meetings of the SAB will be fed back to relevant TMBC staff via the Council’s Management Team and the Safeguarding Task Group.

Kent Safeguarding Children's Board (KSCB)

The Kent Safeguarding Children Board is overseen by an Independent Chair and sets the performance, policy and strategic priorities for KSCB. It is responsible for ensuring that statutory requirements are met and resources are in place to meet these. Its [member agencies](#) comprise of senior representatives from all agencies responsible for child protection arrangements in Kent. Details from the KSCB are fed back to TMBC staff via Management Team and the Safeguarding Task Group.

The objective of the board is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which is established; to ensure the effectiveness of what is undertaken by each person or body for that purpose; to challenge partner agencies' arrangements to safeguard children and to accept challenges to their own agency.

Prevent Strategy

Prevent is a national Government counter-terrorist strategy led by the Home Office. It aims to stop people becoming involved in terrorist activity or supporting terrorism by working with individuals and communities. Supporting vulnerable individuals and reducing the threat from violent extremism in local communities is priority for statutory bodies and their partners.

The Counter Terrorism and Security Act became law on 16 February 2015; The Act places a statutory duty on local authorities to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent Duty. Local Authorities are also required to establish panels to identify and support those felt to be vulnerable to being drawn into terrorist activity.

Part 5, Chapter 1, Section 26 places a statutory duty on 'specified bodies' including local authorities, schools, including academies and independent schools, further and higher education colleges, health, penal bodies and the police to pay due regard to the need to prevent people from being drawn into terrorism. This is becoming known as the 'Prevent Duty'. Specified bodies are listed in Schedule 6 of the Act. Local authorities will be required to establish panels to assess the extent to which identified people are vulnerable to being drawn into terrorism. A Chief Police Officer may refer a person to the panel if s/he has reasonable grounds. The panel will establish a plan of support to reduce that person's vulnerability. If necessary the panel can consider referring a person to a health or social care provider even if it does not think that a plan of support is necessary. Panels will be chaired by local authorities and must include the local Chief of Police.

The Community Safety Unit at Tonbridge and Malling Borough Council is responsible for delivering the objectives and monitoring progress within the Tonbridge and Malling Borough Council Prevent Action Plan (*link to be added*).

Section 2: Responsibilities of Tonbridge and Malling Borough Council

Responsibilities of Tonbridge and Malling Borough Council (TMBC)

Children and Young People

In relation to children and young people, the Children Act 2004, places the following duties on District/Borough Councils:

- Section 11 places a statutory duty on key people and bodies, including district councils, to make arrangements to ensure that in discharging their functions they have regard to safeguard and promote the welfare of children
- Section 10 outlines the duty to promote inter-agency cooperation between named agencies- including district councils
- There is a reciprocal duty on those agencies, including district councils, to cooperate with the Children's Service Authorities (CSA) in budget pooling – a key provision that underpins children's trust arrangements
- Section 13 gives district councils representation on, and participation in, local safeguarding children's boards (LSGBs)
- Section 17 entitles district councils to be consulted on the CSA's children and young people plans (CYPPs)

Voice of the Child

Government guidance states, at an organisational or strategic level, partners are responsible for ensuring that children and young people are listened to appropriately and concerns expressed about their or any other child's welfare are taken seriously and responded to in an appropriate manner. As much as possible, the Council will actively seek feedback and listen to the views of children and young people, promoting their welfare and listening to the voice of the child.

Adults

In relation to adult safeguarding there is a wide range of legislation, applicable to adults at risk, that has been developed over a number of years. It includes laws about adult care services, where upper-tier councils have the statutory lead, and laws about crime, contracts and property, human rights and mental health capacity.

It is the responsibility of all employees and Council Members to adhere to best practice and participate in relevant training, report any concerns, incidents or allegations to a designated person in accordance with the relevant procedure set out within this policy. Safeguarding reports cannot be anonymous and should be made in the knowledge that, during the course of enquiries, they may be required as a prosecution witness. Basic Safeguarding training will be provided for all employees,

with further additional training provided for some staff depending on job role and need.

Our Key Front-line Services

There are a number of Council services where the safeguarding of children, young people and adults at risk will be of particular relevance and where staff could be in direct contact with those at risk. These include our responsibilities in relation to the licensing of taxi services and public houses, the support services we provide for children and young people, and our role as a housing authority including those presenting as homeless, our customer services functions, and our council tax and welfare advice services. The Borough Council will therefore ensure that all staff who have face to face contact with customers as part of their normal responsibilities will receive regular training and assistance to ensure any safeguarding concerns are properly dealt with and that any issues which arise are reported to the Safeguarding Task Group for further review.

Use of Contractors, External Agencies and Service Level Agreements

It is the responsibility of TMBC employees and Members to consider safeguarding implications in their decision making processes, including the procurement of services and the issuing of licences in order to deliver services. Any contractor or sub-contractor engaged by the Council in areas where workers are likely to come into regular contact with children, young people or adults at risk, should have its own safeguarding policy, or failing this, must comply with the terms of this policy. Where contact with children, young people and adults at risk is a necessary part of the contracted service, the contractor must ensure that satisfactory DBS checks have been completed. Where relevant they should have their own Safeguarding Policy and procedures in place.

Recruitment at TMBC

It is important that the Council takes all reasonable steps to prevent unsuitable people working with vulnerable groups. For all new employees, confirmation of employment will be dependent on satisfactory checks.

Managers and Personnel Services are responsible for risk assessing all job descriptions to identify which are likely to involve regular and/or substantial unsupervised contact with children, young people and adults at risk. A question is included on all application forms about unspent criminal convictions. Disclosure and Barring Service checks (DBS) have replaced the Criminal Records Bureau checks (CRB) since 1st December 2012 as a result of the Protection of Freedoms Act (2012). This service will soon allow the Council to check whether there have been any updates since the date of an existing DBS check, as a DBS check has no official

expiry date. Such a process should only be used in those few instances where employees and volunteers have substantial or regular and unsupervised contact with children, young people and vulnerable adults.

Guidelines on use of photography and filming of children, young people and adults at risk (including mobile phone technology)

It is an unfortunate fact that some people have used children and young people's events as opportunities to take inappropriate photographs or footage of children and young people. Councillors, employees, volunteers and contracted service providers should be vigilant at all times to ensure that misuse of photography does not occur. All photography by Council employees or on behalf of the Council must be made in accordance with the Council's Photographic policy (available internally on request). In particular, written parental/carer consent must be obtained before anyone working for or on behalf of the Council takes a photograph of or films a child, young person or vulnerable adult. Usually this will be in the form of the Council's image consent form (available internally).

When commissioning professional photographers or inviting the press to cover Council services, events and activities you must ensure that you make your expectations clear in relation to child protection. The following steps should be taken when professional photographers or the press are invited to events:

1. Check the credentials of any photographers and organisations commissioned,
2. Ensure identification is worn at all times,
3. Do not allow unsupervised access to children, young people or adults at risk
4. Do not allow photographic sessions outside of the activities or services,
5. Ensure that the names of children, young people, or vulnerable adults are not used in photographs or footage, unless the express permission of the parent/carer of the child, young person or vulnerable adult has been given as detailed on the Council's Photograph Consent Form. (link to be included)

Social Media

The open nature of the internet means that social networking sites can leave Council staff vulnerable if they fail to observe a few simple precautions. The Council's [Social Media Policy](#) sets out general advice on how to avoid social media putting you in a position where your actions may be misconstrued or give rise to a safeguarding concern.

Information Sharing

In order to keep children and vulnerable people safe from harm, professionals will share relevant information across geographical and professional boundaries as required.

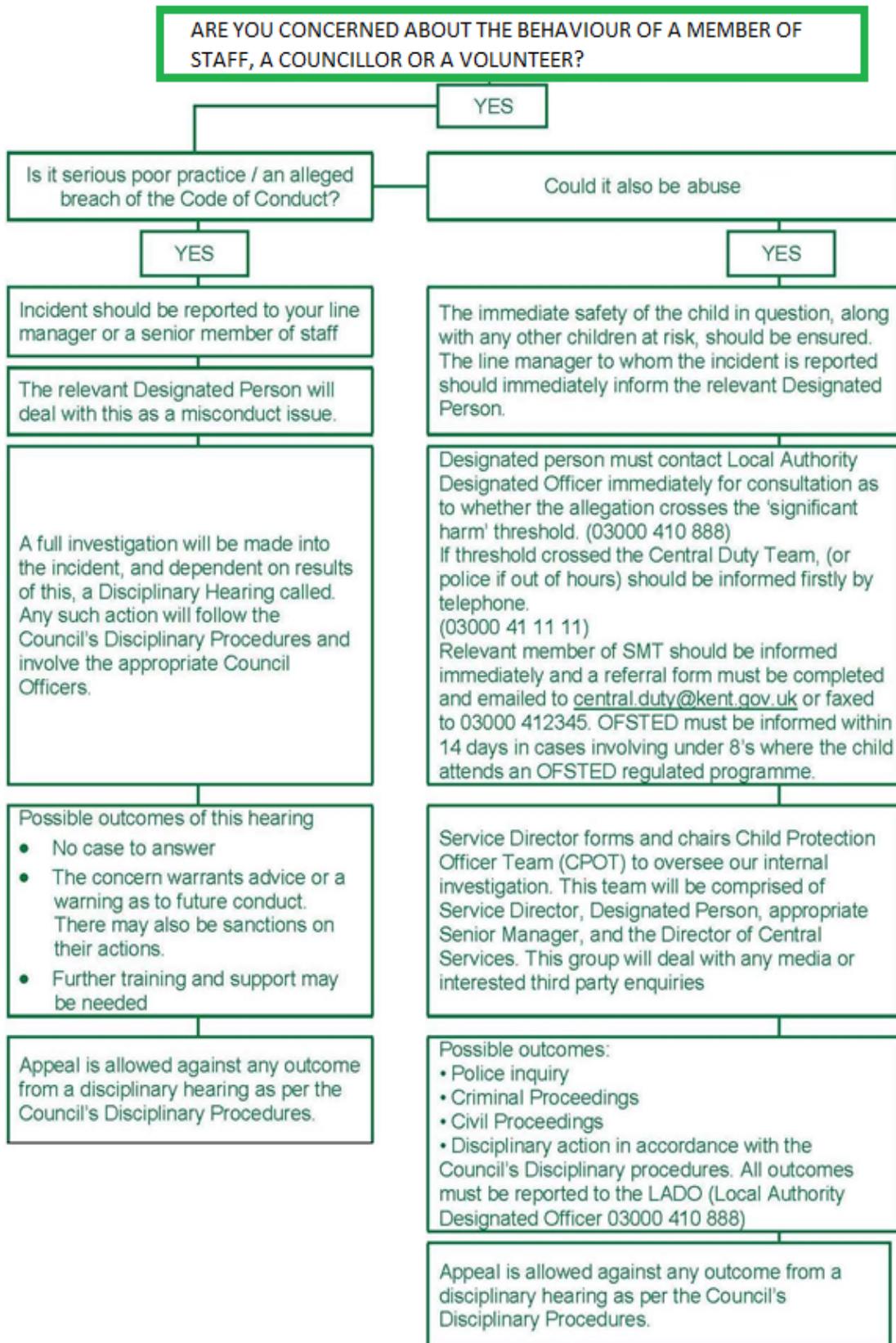
When there is a reasonable cause to believe that a child, young person or adult at risk, may be suffering or may be at risk of suffering significant harm, consideration will always be given to referring these concerns to Children's or Adults Social Care (as appropriate) and/or the Police. Information about children, young people, families and adults at risk will be shared appropriately, and always in accordance with the [Council's Data Protection Policy](#).

At TMBC there are designated officers within each service who should be contacted if you have any concerns relating to safeguarding (Annex 4).

Allegations against an employee/member of the Council staff or elected Member

It is important that any concerns for welfare of a child or adult at risk are reported immediately to a designated officer and an incident reporting form completed (Annex 5).

The following flow chart should be used to report protection concerns in relation to any allegations against staff; the Council also has a [Whistleblowing Policy](#) with further guidance and advice.



Section 3: Response and Reporting Procedure

Responding to Initial Disclosure of Abuse

Although staff are encouraged to be alert to the signs and signals which may indicate that someone is being abused, many incidents will only come to light because the person discloses this themselves. Bear in mind that a disclosure may take place many years after a traumatic event or when someone is afraid and this should not cast doubt on the person's truthfulness. The person to whom a disclosure is made may not necessarily be the person to take an investigation forward. So if you are told about abuse, you must respond sensitively and professionally and pass the information on to your line manager/senior manager within 24 hours -unless you suspect that they themselves may be implicated. If this is the case or you are concerned about their response, you should report your concerns directly to the social services agency, or to the police or to The Care Quality Commission if it is a regulated service.

If someone discloses abuse to you, you should:

- stay calm and try not to show shock or disbelief
- listen carefully to what they are saying
- be sympathetic ('I am sorry that this has happened to you')
- be aware of the possibility that medical evidence might be needed

Tell the person that:

- they did the right thing to tell you
- you are treating the information seriously
- the alleged abuse was not their fault
- you have to inform the appropriate person

REPORTING PROCEDURE

Recognising and Reporting Abuse

Recognising abuse is not easy, and it is not the responsibility of council staff, elected members or volunteers to decide whether or not abuse has taken place or if there is significant risk. We do however have a responsibility to act if we think it may be happening.

If abuse or a safeguarding issue has arisen, it is the responsibility of all staff, Members and contractors to:

- Report concerns to line manager or designated officer as soon as possible
- Consider immediate safety issues of the person e.g. are emergency services needed

- Preserve evidence (there may be a crime)
- Record
 - Nature of concern
 - Date and time
 - Name of victim
 - Victims view and description in own words
 - Name of person causing harm if known
 - Appearance of victim
 - Any injuries observed
 - Any third party allegation
 - Any questions that have been asked
 - Whether you have spoken to anyone else
 - Your name, date and who record given to

Child and Adult at Risk – Safeguarding Incident Report Form

Once the above facts have been gathered and recorded, the Safeguarding Incident Report Form (*link –to be on Intranet*) needs to be completed by the person responding to the incident and actioned accordingly. An example of the Safeguarding Incident Report Form is included in Annex 5.

Keep all initial recordings/notes. It is very important that confidentiality should be maintained and other staff told if they have a need to know. When you have recorded the information, please sign and date and pass it on to your designated officer (Annex 4).

Recording of incidents and the role of the Designated Officer

Designated officers are responsible for dealing with reports or concerns about the protection of children, young people and adults at risk. Each new designated officer will be DBS checked and have appropriate training.

Designated officers / safeguarding leads, should establish

- The level of seriousness of the concern (significant harm)
- Any immediate safety needs
- Clarifying the facts
- The views of the person concerned and their capacity to consent to action, if known
- Alert/Referral to [KCC Social Care Team](#) or Kent Police – Call 101 (if a crime is suspected)

The Designated Officer may decide that a referral to KCC is necessary. If responding to a safeguarding issue that relates to a child, the designated officer will need to complete an [Inter-agency Referral Form](#) and if responding to an adult safeguarding issue, complete a [Kent Adult Safeguarding Alert Form](#).

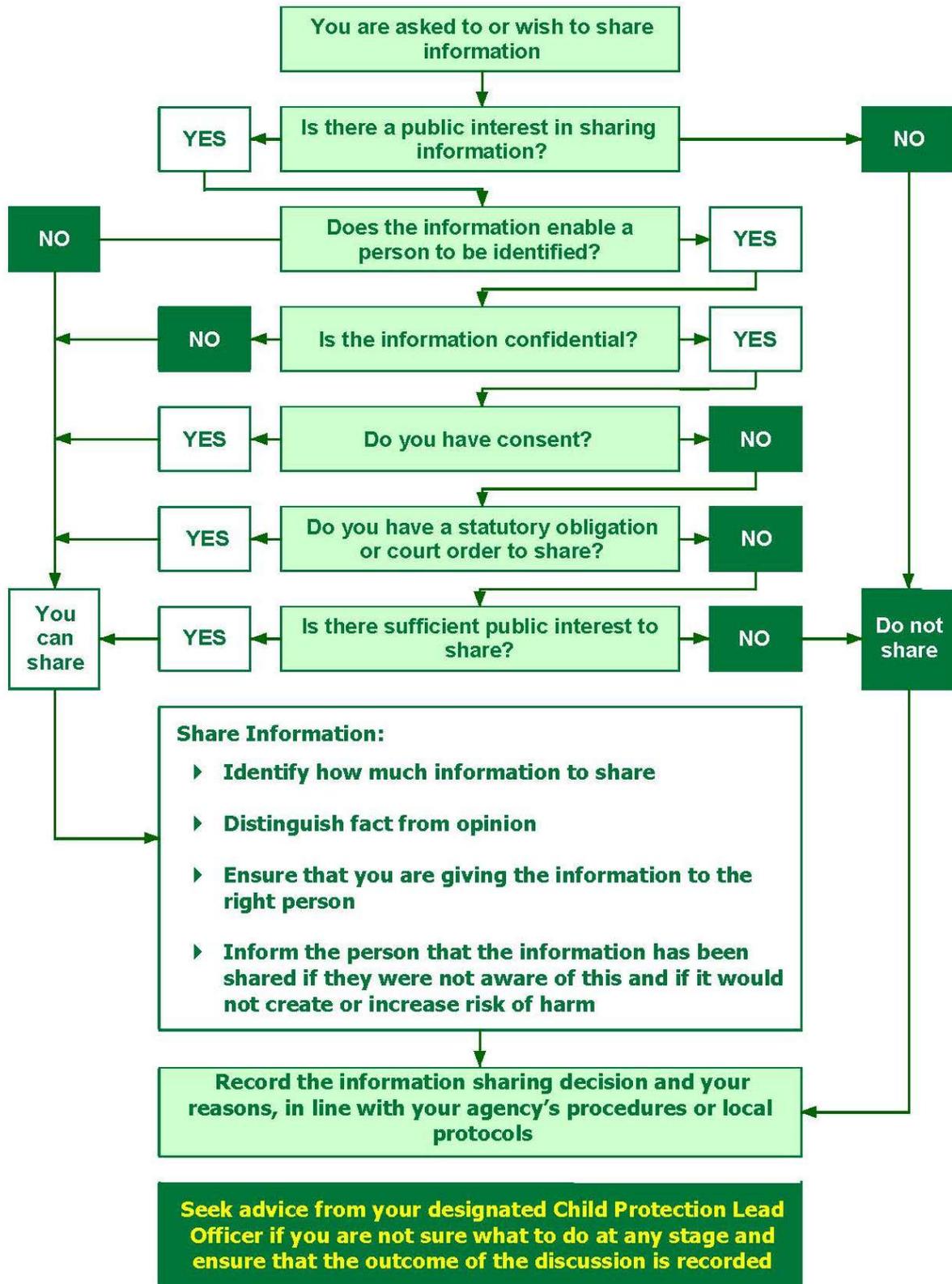
The line manager/ designated officer will need to consider any support required by staff involved. It is understood that recognising and responding to abuse can be distressing for staff.

Information Sharing

Information sharing is fundamental to safeguarding and promoting welfare. It enables intervention to tackle problems at an early stage. It is important to ask for consent to share confidential information unless: asking for consent may increase the risk of significant harm or a delay in sharing information may increase the risk of harm. If someone is at risk of suffering significant harm, the law supports you to share information without consent.

Further information in relation to information sharing regarding children can be found at: <https://www.gov.uk/information-sharing-advice-safeguarding-practitioners.pdf>

The following flowchart should be used by Designated Officers as a guide to determine when information needs to be shared.



Monitoring and Record Keeping

The designated officer needs to ensure that a record is kept of any concerns about a child, young person or adult at risk and of any conversation or referral to statutory agencies. It is important that the record is then kept safely and securely.

The outcomes of any referral need to be followed up and a record kept of the outcome or any next steps or follow up actions.

Safeguarding Task Group and Safeguarding Action Plan

The Council has formed an officer level Safeguarding Task Group to carry out the monitoring and review processes who will report to the Council's Management Team and to the relevant Council Advisory Board to ensure Councillors are fully informed of safeguarding issues.

The Safeguarding Task Group will ensure the completion of targets within the Safeguarding Action Plan (Annex 1) and ensure the Council stay up to date with Safeguarding knowledge and best practice. The meetings of the Task Group will be chaired by the Safeguarding Lead Officer who will report to the Chief Executive to ensure that the policy and action plan targets are implemented and any safeguarding trends are being monitored. A Member will also be appointed to act as a Champion for safeguarding.

Monitoring and Review of this policy

The Borough Council is committed to monitoring the effectiveness of this policy on an annual basis. Where necessary, we will bring forward reviews and updates, for example, to reflect changes in legislation and advice and feedback from staff who have been involved in dealing with any safeguarding issues which have arisen over the previous year.

Annex 1 – TMBC Safeguarding Action Plan 2016 - 2019

No.	Action	Outcome	Timescale
1.	Ensure that all staff working with children, young people and adults at risk receive appropriate safeguarding training.	All staff working with children, young people and adults at risk are aware of the importance of safeguarding, are aware of the Safeguarding Policy, the procedures to follow and how to ask for consent to share information when a safeguarding concern arises.	2016
2.	Identify Designated Officers within each service and provide enhanced training.	All designated officers will be confident of their role and responsibilities in relation to safeguarding and will be able to follow the correct procedures with regard to referrals.	2016
3.	Ensure all TMBC staff complete the online e-learning modules on safeguarding.	All staff have a basic awareness of safeguarding and the procedure to follow with regard to safeguarding concerns.	2016
4.	Deliver safeguarding training for all elected Members	Members are aware of safeguarding responsibilities and have received basic training regarding protection.	2016
5.	Appoint a Member Champion for Safeguarding.	The accountability and profile of safeguarding is strengthened within the Council	2016
6.	Safeguarding Task Group report any decisions, actions and minutes arising from the group to the Council's Management Team	Management Team are informed and up to date with regard to safeguarding issues and recommendations and are able to challenge existing arrangements and decisions made.	Ongoing
7.	Annual Safeguarding report to the relevant advisory board	Members are kept up to date with regard to safeguarding issues and recommendations and are able to scrutinise existing arrangements and provide political oversight of safeguarding trends and activities of the Safeguarding Task Group.	Annually

8.	Develop mechanisms to ensure that the Voice of the Child is heard in relation to any safeguarding and decision making processes.	An approach to safeguarding where children are listened to and helped to understand processes and outcomes reached.	Ongoing
9.	Work with the Local Children's Partnership Group and TMBC Health Action Team and other partners to promote safeguarding.	Safeguarding is everyone's business and is a priority for all agencies.	Ongoing
10.	Develop an internal filing/reporting procedure to allow all referrals/safeguarding incidents to be securely logged.	All services are using the same procedure to record and monitor safeguarding incidents and log details within a central and secure system.	2016
11.	Review any forms completed by members of the public to ensure consent to share information is included on the form.	All information can be shared to allow safeguarding concerns to be addressed appropriately.	2016
12.	Review contract monitoring process for all externally commissioned and grant funded services to ensure safeguarding policies are in place.	A central list held of all external contractors with assurance that commissioned services use adequate safeguarding controls.	2017
13.	Audit DBS checking for all staff working with children, young people and adults at risk to identify any further refinements required.	DBS checking processes are robust.	2016

Annex 2 – Summary of relevant legislation and Government guidance

2014 Care Act

The 2014 Care Act extended the definition of a vulnerable adult for safeguarding purposes, placing Adult Safeguarding boards on a statutory footing, to spearhead safeguarding activity in a local area. Under the Act local authorities must: Investigate, if it believes and adult is experiencing, or is at risk of, abuse or neglect and if so, by whom; set up safeguarding adults boards, arrange where appropriate, for an independent advocate to represent and support the adult if s/he has “substantial difficulty” in being involved in the process and where there is no other suitable person to represent and support them; co-operate with each of its relevant partners to protect the adult. In their return each relevant partner must also co-operate with the local authority.

Working Together to Safeguard Children 2015

The Working Together to Safeguard Children guidance sets out the legislative requirements and expectations on individual services to safeguard and promote the welfare of children; and provides a clear framework for Local Safeguarding Children Boards (LSCBs) to monitor the effectiveness of local services. The guidance is issued under section 11 (4) of the Children Act 2004 and section 16 of the Children Act 2004.

Kent & Medway Safeguarding Children Procedures 2015

The Children Act 2004 obliges named statutory agencies to co-operate so as to improve the 'well-being' of children in their area with respect to their, physical and mental health; protection from harm and neglect; education, training and recreation; contribution to society; and emotional, social and economic well-being. Specified agencies are also obliged to make arrangements to 'safeguard and promote the welfare of children' by means of direct or indirect service provision. The Kent & Medway Safeguarding Children Procedures contains comprehensive multi-agency policies and procedures that are fully compliant with law and best practice.

Information Sharing: Guidance for practitioners and managers 2015

Information sharing is key to the Government's goal of delivering better, more efficient public services that are coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection.

The aim of the guidance, and associated materials, therefore is to support good practice in information sharing by offering clarity on when and how information can be shared legally and professionally, in order to achieve improved outcomes.

Statutory Framework for the Early Years Foundation Stage Revised 2014

The Early Years Foundation Stage (EYFS) sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. The learning and development requirements (the seven areas of learning and development; the educational programmes; and the assessment requirements) and the legal requirements relating to welfare (child protection; suitable people; staff qualifications, training support and skills; key person, staff : child ratios; health; managing behaviour; safety and suitability of premises, environment & equipment, equal opportunities and information and records) apply to all children up until the 31 August after their fifth birthday.

Childcare Register Revised 2012

The Childcare Register has two parts, the compulsory register which relates to those who care for at least one child from 1 September following their fifth birthday up to the age of eight for a period or total periods of more than two hours in any one day and the voluntary register for providers, who care for children aged eight or over, until their eighteenth birthday. If providers choose to be included on either part of the register they must meet the requirements set out at all times when providing childcare. The law allows Ofsted to carry out inspections to check that providers comply with these requirements.

Sex Offenders Act 1997

The Sex Offenders Act 1997 requires sex offenders convicted or cautioned on or after 1 September 1997 to notify the police of their names and addresses and of any subsequent changes (known colloquially as the sex offenders register).

Sexual Offences Act 2003

The Sexual Offences Act 2003 was introduced to update the legislation relating to offences against children. It includes the offences of grooming, abuse of position of trust, trafficking, and covers offences committed by UK citizens whilst abroad. It also updates the Sex Offenders Act 1997 by strengthening the monitoring of sex offenders. The coalition government is currently consulting on further reform of the notification requirements for registered sex offenders (Home Office, 2011). Similar offences were introduced into other parts of the UK by the Sexual Offences (Scotland) Act 2009 and the Sexual Offences (NI) Order 2008.

Rehabilitation of Offenders Act (NI) Order 1974 (UK wide)

This Act/Order allows people not to declare convictions to employers which protects their privacy and counteracts prejudice against people with convictions seeking employment. However, people who are involved in situations where they have prolonged or sustained access to children are exempt from the Rehabilitation of Offenders legislation. This means that prospective employees,

self-employed workers and volunteers must declare all criminal convictions relating to children, however long ago. These will be taken into account when deciding on their suitability for working with children.

Protection of Freedom Acts 2012

Chapter 1 of Part 5 amends the Safeguarding Vulnerable Groups Act 2006 which provides the framework for the vetting and barring scheme operated by the Independent Safeguarding Authority (ISA). In particular it changed the definition of 'regulated activity' and abolished the concept of 'controlled activity' which related to persons working (paid or unpaid) in ancillary posts or who had access to sensitive information relating to children.

Disclosure and Barring Service (DBS)

The DBS searches police records and, in relevant cases, barred list information, and then issues a DBS certificate to the applicant to help them make an informed recruitment decision. The checking service currently offers two levels of DBS check; standard and enhanced. The order allows for applications to be submitted to a standard level. To qualify for the higher level of DBS check, the position must also meet one of the criteria set out in The Police Act 1997 (Criminal Records) Regulations.

The DBS is committed to ensuring that they make fair, consistent and thorough barring decisions that are an appropriate response to the harm that has occurred and to the risk of harm posed. There are two main ways barring can come to them including autobars or referrals from an organisation that has a legal duty or power to make referrals to DBS when they have dismissed or removed an employee from working in regulated activity, following harm to a child or vulnerable adult or where there is a risk of harm. Additionally, where a person is cautioned or convicted of a relevant (automatic barring) offence with the right to make representations, the DBS will ask the person to submit their representations and consider them before making a final barring decision.

At Tonbridge & Malling Borough Council the Senior Personnel Officer determines which employees will be required to undertake a DBS check, at which level and the frequency of which it needs to be renewed.

The Data Protection Act 1984 and 1998 (UK wide)

These regulate what information can be shared and with whom. If reports are made on children and families to any agency then they have to consider who will be told, who has access to the record, and by whom and how the information will be stored and passed on. The main effect on child protection is:

- records have to be kept securely

- only certain people should be able to access that information
- if the information relates to child protection it cannot be withheld, as this would not be in the child's best interests
- families, individuals and children can see most of what is recorded about them and have an opportunity to respond

Health and Safety at Work Act 1974

This is the same for Northern Ireland and Wales

This Act gives all organisations a legal responsibility to prevent injuries and ill-health to employees and others, including members of the public. Much of this responsibility is delegated to managers who have control of work activities but the legislation also provides all employees with an obligation to take reasonable care of themselves.

The Council also has a duty to consider the suitability of the Health & Safety arrangements for any organisation undertaking any work on our behalf.

Equality Act 2010

The Equality Act brings together nine separate pieces of legislation into one single Act providing a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Annex 3 – Recognising Potential Indicators of Abuse

Recognising Potential Indicators of abuse		
Type of Abuse	Who it affects	Signs of abuse /Behaviour Indicator
<p>Emotional – acts or behaviour which impinges on the emotional health of, or which causes distress or anguish to individuals. This may also be present in other forms of abuse</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Threats of harm or abandonment • Humiliation, shaming or ridicule • Harassment, bullying, intimidation • Control or coercion • Deprivation of choice or privacy • Deliberate social isolation • Infantilisation – treating an adult like a child • Disturbed sleep or tendency to withdraw to a room or to bed • Loss of appetite or over eating especially at inappropriate times • Anxiety confusion or general resignation • Extreme submissiveness or dependency in contrast to known capacity • Sharp changes in behaviour in the presence of certain persons • Excessive or inappropriate craving for attention • Self-abusive behaviour – self mutilation, head banging, hand biting • Loss of weight without apparent loss of appetite • Loss of confidence
<p>Neglect and acts of omission – ignoring or withholding physical or medical care needs which result in a situation or environment detrimental to individual(s)</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Withholding help or support necessary to carry out daily living tasks • Ignoring medical and physical care needs • Failing to provide access to health, social or educational support • The withholding of medication, nutrition and heating • Keeping someone in isolation. • Failure to intervene in situations that are dangerous to the vulnerable person. • Inadequate supervision and guidance – leaving the child to cope alone, abandoning them or leaving them with inappropriate carers and failing to provide appropriate boundaries about behaviours such as under age sex or alcohol • Poor hygiene and cleanliness of a person who has assistance with their personal care • Unkempt or unsuitable clothing for the weather conditions/environment • Untreated illness or condition • Dehydration, weight loss, malnutrition • Repeated infections • Repeated/unexplained falls or trips • Worsening of health conditions <ul style="list-style-type: none"> • Pressure sores • Mentioning their being left alone or

		unsupervised <ul style="list-style-type: none"> • Sore or extreme nappy rash • Skin infections
Physical – the non-accidental infliction of physical force that results (or could result) in bodily injury, pain or impairment	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • An inflicted physical injury, which is not satisfactorily explained • An injury where there is knowledge or suspicion that it was inflicted intentionally or through lack of care • Assaults on the body including hitting, slapping, pushing, kicking, resulting in injuries such as burns, abrasions, fractures, dislocation, welts, wounds or marks of physical restraint • Misuse of medication or medical processes, e.g. catheterisation • Inappropriate restraint or inappropriate actions or in actions • Multiple bruising that is inconsistent with the explanation given • Cowering and flinching • Bruises or marks resulting from a slap or kick • Abrasions, especially to neck, wrists and/or ankles • Unexplained burns • Scalds • Hair loss in one area, scalp sore to touch • Unusually sleepy or docile • Unexplained fractures • Frequent hopping from one GP to another or from one care agency to another • Untypical self-harm, emotional distress, low self esteem
Sexual	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Rape • Indecent assault • Indecent exposure • Exposure to inappropriate sexual behaviour or images/material • Sudden or unexplained changes in behaviour e.g. becoming aggressive or withdrawn • Fear of being left with a specific person or group of people • Having nightmares • Running away from home • Sexual knowledge which is beyond their age or development age • Sexual drawings or language • Bedwetting • Saying they have secrets they cannot tell anyone about • Self-harm or mutilation, sometimes leading to suicide attempts • Eating problems such as overeating or anorexia
Bullying	<ul style="list-style-type: none"> • Children • Young 	<ul style="list-style-type: none"> • Hitting, kicking and theft • Name calling, teasing, sarcasm, racist or

	<ul style="list-style-type: none"> • People Vulnerable Adults 	<p>homophobic taunts, threats, graffiti and gestures</p> <ul style="list-style-type: none"> • Tormenting, ridiculing, humiliating and ignoring • Unwanted physical contact or abusive comments • Behavioural changes such as reduced concentration and/or becoming withdrawn, clingy, depressed, tearful, erratic mood swings, reluctance to go to school, training or clubs, a drop in performance. • Physical signs such as stomach aches, difficulty sleeping, bed wetting, damaged clothes, bingeing on food, cigarettes or alcohol. • Shortage of money or frequent loss of possessions
<p>Financial – unauthorised, fraudulently obtaining and improper use of funds, property or any resources of a vulnerable person</p>	<ul style="list-style-type: none"> • Vulnerable Adults 	<ul style="list-style-type: none"> • Theft, fraud, exploitation • Pressure in connection with wills, property, inheritance or financial transactions • Extortion of money, property and possessions by threat, coercion or fraudulent means • Refusal to let the vulnerable person have access to their own money, property or possessions • The perpetrator befriending the victim and then using their position of trust to gain financially from the victim – moving into their house to ‘care’ for them, becoming their appointee/attorney. • Being over charged for services or tricked into receiving goods or services that they do not want or need.
<p>Discriminatory Abuse – exists when values, beliefs or culture result in a misuse of power that denies mainstream opportunities to some groups or individuals</p>	<ul style="list-style-type: none"> • Vulnerable Adults 	<ul style="list-style-type: none"> • Unequal treatment • Verbal abuse • Inappropriate use of language • Harassment • Exclusion • Discrimination on the basis of race, gender, age, sexuality, disability, religion
<p>Institutional Abuse – for example where the culture of a care home places emphasis on the running of the establishment and the needs of the staff above needs and care of the vulnerable person</p>	<ul style="list-style-type: none"> • Vulnerable Adults 	<ul style="list-style-type: none"> • Abuse by an organisation imposing rigid and insensitive routines; poor practices embedded in systems, unskilled, intrusive or invasive interventions; or an environment allowing inadequate privacy or physical comfort

Annex 4: Designated Officers

Name	Phone	Email
Robert Styles	6160	robert.styles@tmbc.gov.uk
Ruth Lowe	6169	ruth.lowe@tmbc.gov.uk
Gill Fox	6077	gill.fox@tmbc.gov.uk
Satnam Kaur	6207	satnam.kaur@tmbc.gov.uk
Anthony Garnett	6151	anthony.garnett@tmbc.gov.uk
Charlie Steel	6015	charlie.steel@tmbc.gov.uk
Gemma Gilley	6371	gemma.gilley@tmbc.gov.uk
Jason Wheble	6259	jason.wheble@tmbc.gov.uk
Jane Smither	6223	jane.smither@tmbc.gov.uk

**Annex 5
Children and Adults at Risk - Safeguarding Incident
Reporting Form**



This form is used for reporting both suspicions and disclosures of possible abuse; therefore not all sections may be appropriate. Please complete with as much information as possible, using verbatim reports from people involved where possible. This information will be treated in the strictest confidence.

About you, the reporter	
Your name:	
Your job role:	
Your telephone number and email address:	
Are you reporting the concern on behalf of someone else?	
If yes to above, what is their name and their position?	
What involvement have you had? (Have you had contact with family/ other professionals etc)	
About the child, young person or vulnerable adult	
Name:	
Age and date of birth:	
Gender:	
Address, telephone and email contact details:	
Housing tenure (Housing Association/Council private rented/ owner occupier):	
Ethnic and/or religious background:	
Disabilities or other special factors:	
About the person's family/ support network	
Who is the person's next of kin?	
Address, telephone and email contact details:	
Names of other people living at the address or significantly involved:	

About the concern	
What has happened/ what are your concerns? (Please give full details, using verbatim reporting where possible and include physical or behavioural indicators)	
Have you or anyone else involved spoken to the person or with their parents/ family/ others involved? If so, what was discussed (record this verbatim where possible)? <i>Remember, you are not expected to undertake investigations so don't worry if you don't know.</i>	
Dates and times of significant events:	
About the alleged abuser, if known	
Name:	
Job position/ role:	
Address, telephone and email contact details:	
About other agencies involved	
Are you aware of any other services or professionals who are involved with the person?	
Name of agency and professional:	
Address, telephone and email contact details:	
Details of involvement and any advice you have received with dates:	
For Designated Safeguarding Officer use only	
<i>DSO name:</i>	
<i>Date, time, venue/ method of initial staff report regarding suspicions, concerns or disclosure relating to safeguarding: Who was present:</i>	
<i>Date, time and venue of Incident Reporting Form handover: Who was present:</i>	
<i>Notes regarding DSO follow up actions:</i>	

Annex 6 – Useful Contacts / Links

KCC Social Services (available 24 hours a day, 7 days a week).

During the day and in office hours: Concern relating to Adults: 03000 41 61 61 or email social.services@kent.gov.uk . Concern relating to a Child: 03000 41 11 11 or email social.services@kent.gov.uk.

Out of hours and in an emergency: 03000 41 91 91

If you think someone is in immediate danger, call 999

Police – Call 101 for information and advice or 999 in an emergency

NSPCC Childline – if you are worried about a child call: 0808 800 5000 or help@nspcc.org.uk

Action on Elder Abuse – 0808 808 8141 or enquiries@elderabuse.org

Kent Safeguarding Children's Board – 03000 421126 or kscb@kent.gov.uk

Victim Support – 0808 1689 111

Age UK - 0800 169 6565

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

26 January 2016

Report of the Chief Executive

Part 1- Public

Matters for Information

1 FUTURE SCRUTINY REVIEW PROGRAMME

To set out proposals for future reviews.

1.1 The Review Programme

1.1.1 Reviews of the Holiday Activity Programmes and Tonbridge Forum/Parish Partnership Panel are now largely complete and it is now time to consider topics for future review.

1.1.2 A number of potential topics have been drawn up by the Management Team linked to ongoing work on the delivery of the Council's Savings and Transformation Strategy. Those suggested for early review are:

- Partnership Funding
- A review of current car parking concessions.

1.1.3 In the longer term, Management Team suggests that the following reviews also be undertaken:

- Customer Services
- The Council's Constitution and Delegations

1.1.4 Given the current pressures of work related to the annual budget cycle, it is suggested that the first two reviews be commenced from April 2016. The suggested review groups for each are as follows:

Partnership Funding

Sophie Shrubsole (Chairman)
Sarah Spence
Mike Taylor
Steve Hammond
Janet Sergison
Jean Atkinson
Simon Jessel
Allan Sullivan
Jon Botten
Paul Drury (Co-opted)

Car Parking Concessions

Anita Oakley (Chairman)
Roger Dalton
Michael Base
Ann Kemp
Piers Montague
Mark Rhodes
Peter Bolt
David Lettington
Trevor Walker
Derek Still (Co-opted)

Background papers:

contact: Mark Raymond

Nil

Julie Beilby
Chief Executive

Agenda Item 11

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 12

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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