

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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: Democratic Services
committee.services@tmbc.gov.uk

2 November 2020

To: MEMBERS OF THE COMMUNITIES AND HOUSING ADVISORY BOARD
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Communities and Housing Advisory Board to be held online via Microsoft Teams on Tuesday, 10th November, 2020 commencing at 7.30 pm. Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies 5 - 6
2. Declarations of Interest 7 - 8

Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

3. Minutes 9 - 14

To confirm as a correct record the Notes of the meeting of the Communities and Housing Advisory Board held on 21 July 2020

Matters for recommendation to the Cabinet

4. Review of Charges and Fees 2021/22 15 - 18

This report updates members of the existing fees charged to licence a house in multiple occupation (HMO) or caravan site and the recommended charge following a review of the costs to process the respective applications. The proposals if adopted would result in fee increases for both HMO and Caravan site licencing, which have been benchmarked against neighbouring authorities.

5. Review of Cemetery Charges 2021/22 19 - 28

This report outlines charging proposals for 2021/22 in regard to Tonbridge Cemetery. It is anticipated that these proposals will generate additional net income of approximately £700.

6. Temporary Accommodation Policy 29 - 42

This report presents a Temporary Accommodation Policy to Members for adoption. The policy sets out the Council's approach to Temporary Accommodation in meeting Statutory Housing Duties, including demand, supply, prioritisation and suitability. There are no expected budget implications beyond those already identified in the Council's budget.

7. Update on Disabled Facilities Grant Budget and Spend 43 - 50

This report gives an update on spend against the 2020/21 Disabled Facilities Grants (DFG) budget and advises how changes on distribution of this money are being built into the Estimates process.

8. Rent Guarantee Pilot for Private Landlords 51 - 66

This report outlines a proposal to pilot rent guarantee and incentive payments for tenancies in the private rented sector. Rent will be guaranteed through a financial commitment to pay any rent arrears during a tenancy, giving financial reassurance to private landlords. Incentives will be through one off payments to private landlords.

9. Revised Safeguarding Policy 67 - 100

To seek endorsement of an updated Safeguarding Policy

10. Leybourne Lakes Country Park- Future Management and Facility Development 101 - 128

This report updates Members on both the proposed transfer of the site management of Leybourne Lakes Country Park [LLCP] to the Tonbridge and Malling Leisure Trust [Leisure Trust], and the Capital Plan scheme for the provision of additional lakeside facilities. The proposed transfer is identified in the Council's First Year Addendum to the Corporate Strategy.

Matters submitted for Information

11. Community Safety Partnership Update 129 - 132

This report will provide an update of some of the recent work of the Community Safety Partnership.

12. Urgent Items 133 - 134

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

Matters for consideration in Private

13. Exclusion of Press and Public 135 - 136

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.

PART 2 - PRIVATE

14. Leisure Trust Update 137 - 144

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

This report, prepared in close liaison with the Chief Financial Services Officer, updates on the reopening and operation of the Council's leisure facilities operated by the Leisure Trust, potential changes to the Management Agreement and the Service Management Fee as a result of the Covid 19 virus. The report also highlights the Trust's potential involvement in the future management of Kings Hill Sports Park.

15. Urgent Items 145 - 146

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

MEMBERSHIP

Cllr J L Botten (Chairman)
Cllr S M Hammond (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr Mrs S Bell
Cllr R W Dalton
Cllr N Foyle
Cllr P M Hickmott
Cllr F A Hoskins
Cllr S A Hudson

Cllr K King
Cllr Mrs R F Lettington
Cllr L J O'Toole
Cllr W E Palmer
Cllr Mrs M Tatton
Cllr Miss G E Thomas
Cllr D Thornewell

Apologies for absence

This page is intentionally left blank

Declarations of interest

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND HOUSING ADVISORY BOARD

Tuesday, 21st July, 2020

Present: Cllr J L Botten (Chairman), Cllr Mrs J A Anderson, Cllr Mrs S Bell, Cllr R W Dalton, Cllr N Foyle, Cllr S A Hudson, Cllr K King, Cllr Mrs R F Lettington, Cllr L J O'Toole, Cllr W E Palmer, Cllr Mrs M Tatton, Cllr Miss G E Thomas and Cllr D Thornewell

Councillors Mrs P A Bates, R P Betts, M D Boughton, V M C Branson, A E Clark, N J Heslop, M A J Hood, A Kennedy, D Lettington, P J Montague, Mrs A S Oakley, M R Rhodes, H S Rogers, J L Sergison and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

Mr A Nicholl (Tonbridge Sports Association) was also present.

An apology for absence was received from Councillor S M Hammond (Vice-Chairman)

PART 1 - PUBLIC

CH 20/12 DECLARATIONS OF INTEREST

Councillor J Botten (Chairman) and Councillor W Palmer each declared Other Significant Interests (OSIs) in the item on the Minimum Energy Efficiency Standard Charging Policy and on The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 on the grounds of being landlords of properties within the Borough. They withdrew from the meeting during consideration of these matters.

As a consequence of the above declaration by the Chairman and in accordance with Committee Procedure Rule 14.7 (as set out in Part 4 of the Constitution) it was proposed by Councillor R Dalton, seconded by Councillor G Thomas and

RESOLVED: That, following the withdrawal of the Chairman, Councillor Mrs J Anderson chair the meeting of the Board during consideration of the items relating to the Minimum Energy Efficiency Standard Charging Policy and The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

CH 20/13 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Housing Advisory Board held on 25 February 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET**CH 20/14 DISCHARGE OF DUTY INTO THE PRIVATE RENTED SECTOR**

Decision Notice D200042MEM

The report of the Director of Planning, Housing and Environmental Health summarised the implications of the introduction of Homelessness Reduction Act and the new duties placed on Councils to prevent and relieve homelessness which, combined with the increase in demand on temporary accommodation and growing pressure on social housing, had necessitated a review of all housing options for those approaching the Council as homeless or threatened with homelessness. It was noted that Legislation allowed the Council to discharge its homeless duties into the private sector and that work had been progressed in respect of the Council's offer to landlords to encourage them to work with the Authority. It was anticipated that this would increase the supply of affordable and decent housing in which to place homeless households. To ensure compliance with legislation the Council was required to have in place a Discharge of Duty into the Private Rented Sector Policy. The report advised that there were no immediate financial implications of adopting the Policy. It was hoped that having more private rented homes into which the duty could be discharged together with a wider pool of housing options would increase opportunities to prevent homelessness, which would be a more cost effective approach.

RECOMMENDED: That the Discharge into the Private Rented Sector Policy be approved.

CH 20/15 MINIMUM ENERGY EFFICIENCY STANDARD CHARGING POLICY

Decision Notice D200043MEM

Consideration was given to the adoption of a policy for determining the level of financial penalty for non-compliance by landlords with the Domestic Minimum Energy Efficiency Standards (MEES) Regulations in the Tonbridge & Malling Borough Council area.

RECOMMENDED: That

- (1) the policy for determining the level of financial penalty for non-compliance with the Domestic Minimum Energy Efficiency Standards (MEES) Regulations in the Tonbridge & Malling Borough Council area set out at Annex 1 to the report be endorsed; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Housing, to increase the length of time limit above the

minimum 12 months a publication penalty is publicised on the PRS Exemptions Register if determined appropriate.

CH 20/16 THE ELECTRICAL SAFETY STANDARDS IN THE PRIVATE RENTED SECTOR (ENGLAND) REGULATIONS 2020

Decision Notice D200044MEM

Consideration was given to the level of financial penalties to be applied to private rented sector landlords for breaches of the new Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

RECOMMENDED: That the use of the Council adopted Private Sector Housing Financial Civil Penalties Policy to determine the level of fine to be imposed on private rented sector landlords for breaches of the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 be endorsed.

CH 20/17 PARKS AND LEISURE - RESPONSE TO COVID 19

Decision Notice D200045MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on progress with the themes/activities identified within the Parks and Leisure section of the recently approved First Year Addendum to the Council's Corporate Strategy. This included updates on the reopening of the Council's Indoor and Outdoor Leisure Facilities, progress with Capital Plan Projects, potential outsourcing of Leybourne Lakes Country Park to the Leisure Trust and the 2020/21 Events Calendar.

RECOMMENDED: That

- (1) authority be delegated to the Director of Street Scene Leisure and Technical Services in liaison with the Cabinet Members for Communities and Finance, Innovation & Property to proceed with negotiations regarding the first short term adjustment to the Service Fee in advance of the next meeting of the Advisory Board;
- (2) subject to legal advice and the agreement of the Trust, the List C capital plan evaluation for Leybourne Lakes Country Park be presented to the Finance, Innovation & Property Advisory Board in September 2020 with a view to seeking approval at Full Council in October 2020.

CH 20/18 HAYSDEN COUNTRY PARK - MANAGEMENT PLAN 2020-24

Decision Notice D200046MEM

The report of the Director of Street Scene, Leisure and Technical Services brought forward comments received during the public consultation on the draft Haysden Country Park Management Plan and recommended final approval of the Plan. The report also recognised the current Covid 19 situation and the impact this may have on future management of the site.

RECOMMENDED: That the proposed amendments be made to the draft Management Plan as shown at Annex 3 to the report, and the Management Plan for Haysden Country Park 2020-2024 be approved.

CH 20/19 COMMUNITY SAFETY PARTNERSHIP PLAN 2020/21

Decision Notice D200047MEM

Consideration was given to the published Community Safety Partnership (CSP) annual plan of work which provided details of the initiatives carried out during the previous year and of the priorities for the forthcoming year.

RECOMMENDED: That the Community Safety Partnership Plan 2020/21, as set out at Annex 1 to the report, be supported and endorsed.

MATTERS SUBMITTED FOR INFORMATION**CH 20/20 HOUSING SERVICE ACTIVITY REPORT**

The report of the Director of Planning, Housing and Environmental Health provided an update on the activity of the Housing Service during the financial year 2019/20.

CH 20/21 COMMUNITY SAFETY PARTNERSHIP UPDATE

The report of the Director of Central Services and Deputy Chief Executive provided an update on recent work undertaken by the Community Safety Partnership. Particular reference was made to the impact of COVID-19, the county-wide campaign around 'cuckooing' and a Police Closure Order placed on a property in Snodland.

CH 20/22 TONBRIDGE SPORTS ASSOCIATION

The 2019/20 Annual Report of the Tonbridge Sports Association was presented to the Board by its Chairman, Mr A Nicholl. The report focussed on the history and development of the Association which was celebrating its 100th Anniversary.

MATTERS FOR CONSIDERATION IN PRIVATE

CH 20/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.52 pm

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

10 November 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 CHARGES & FEES 2021/22

Summary

This report updates members of the existing fees charged to licence a house in multiple occupation (HMO) or caravan site and the recommended charge following a review of the costs to process the respective applications. The proposals if adopted would result in fee increases for both HMO and Caravan site licencing, which have been benchmarked against neighbouring authorities.

1.1 Review of HMO licencing fees

- 1.1.1 Under the Housing Act 2004 Part 2 houses in multiple occupation (HMOs) occupied by five or more persons living in two or more households are required to be licensed. HMOs in self-contained flats in purpose built blocks where the block comprises three or more self-contained flats are excluded from this licencing requirement.
- 1.1.2 There are currently 22 licensed HMOs in the Tonbridge & Malling area.
- 1.1.3 The aim of licencing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.
- 1.1.4 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the Council. The licence is held on a public register maintained by the Council.
- 1.1.5 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used, the proposed revised charges are detailed in the table below:

Service	Current Charge	Recommended Charge	Predicted Income Full Year 2021/22
New HMO licence application fee	£537	£545	£2,725 for five new licence applications
Renewal of an HMO Licence application	£495	£500	£2,500 for five licence renewal due in this period

- 1.1.6 The charge for a new HMO licence application fee is comparable to our neighbouring Kent authorities of Tunbridge Wells at £575 (for 5 persons) and Sevenoaks at £654 (for 5 persons). Over the five year period the fee of £545 equates to approximately a cost of £109 per annum and £9 per month.
- 1.1.7 The charge for the renewal of a HMO licence application is comparable to our neighbouring authorities of Tunbridge Wells of £460 (for 5 persons) and £412 for Sevenoaks. This lower cost for renewal is attributed to the reduced inspection time.

1.2 Caravan Site Licensing

- 1.2.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.
- 1.2.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.
- 1.2.3 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges are shown in the table below:

Service	Current Charge	Recommended Charge	Predicted Income Full Year 2020/21
New caravan site licence application fee	£390	£395	£395 for one new licence
Transfer of a caravan site licence	£185	£190	£380 based on the transfer of two caravan site licences

- 1.2.4 The charge to process a licence application for a new caravan site is comparable to Tunbridge Wells where the cost is £300. The charge in Sevenoaks is based on an incremental cost from £542 dependent on the number of pitches above one. The charge to transfer a caravan site licence at Sevenoaks is £84.

1.3 Legal Implications

- 1.3.1 The Council is legally required to licence certain HMOs and caravan sites under the Housing Act 2004 Part 2 and the Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) respectively. For this licensing function they may charge a fee to fund the costs to process an application.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost to process the HMO and caravan site licence applications is reflected in the fee charged to the applicant. Therefore, there should be no additional financial and value for money considerations.

1.5 Risk Assessment

- 1.5.1 There are no risks associated with this report.

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, with no perceived impact to end users.

1.7 Recommendations

- 1.7.1 Members are **RECOMMENDED** to **AGREE** charges from the 1 April 2021 for the following:
- £545 for processing a new mandatory HMO licence application;
 - £500 for the processing of a renewal application for a mandatory HMO licence;
 - £395 for processing a new caravan site licence application where the use of the site is for permanent residential use; and
 - £190 for the transfer of a caravan site licence for a permanent residential use site.

Background papers:

contact: Hazel Skinner

Nil

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

10 November 2020

Joint Report of the Directors of Street Scene, Leisure & Technical Services and
Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 **REVIEW OF CEMETERY CHARGES 2021/22**

Summary

This report outlines charging proposals for 2021/22 in regard to Tonbridge Cemetery. It is anticipated that these proposals will generate additional net income of approximately £700.

1.1 **Introduction**

1.1.1 In bringing forward the charging proposals for Tonbridge Cemetery consideration has been given to the set of guiding principles for the setting of fees and charges approved by Members.

1.2 **Tonbridge Cemetery – Proposed Charges 2021/22**

1.2.1 In bringing forward the proposed charges for Tonbridge Cemetery a number of specific key principles have been taken into consideration:

- The Council's overall financial position.
- The need to move towards a position of covering more of the costs associated with the management of the Cemetery.
- The need to compare costs with other local authority cemeteries in Kent **Annex 1**. It should, however, be noted that direct comparison with other cemeteries is difficult as pricing brackets, services and available grave space differ.
- The need for the charging strategy to support the management of the remaining capacity in the Cemetery.

1.2.2 The principles referred to above have been applied to the existing charges and are reflected in the proposed charges shown at **Annex 2**.

1.2.3 For the majority of the charges a general 1% (CPI) increase is proposed in-line with predicted increases in Grounds Maintenance contract and other external

contractor costs. The exception are the rates for internments which have been increased by 3% to make the charges more comparable to those levied by other local authorities. There is also no proposed increase in the nominal £1 charge for a 60 year burial right for those under 18 and it is proposed that the internment/burial costs for those under 18 remains at £0.

- 1.2.4 It is anticipated that these proposals will generate additional net income, against revised budgets for 2020/21 of approximately £700 which will be reflected in the draft 21/22 revenue estimates.

1.3 Legal Implications

- 1.3.1 The Council's Financial Rules require that all fees and charges must be reviewed at least once a year, and be reported to the appropriate Advisory Board.

1.4 Financial and Value for Money Considerations

- 1.4.1 The 2020/21 revenue budget for the management and maintenance of Tonbridge Cemetery is £151,300 (initial estimate) with income totalling £68,200 (revised estimate)

- 1.4.2 Charges for the Cemetery are exempt of VAT.

1.5 Risk Assessment

- 1.5.1 As highlighted in paragraph 1.2.1 to this report, the proposed charges take into account a range of factors.

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 Policy Considerations

- 1.7.1 Asset Management and Business Continuity/Resilience.

1.8 Recommendation

- 1.8.1 It is, therefore, **RECOMMENDED TO CABINET** that the proposed charges for Tonbridge Cemetery as detailed at **Annex 2** be **AGREED** and **IMPLEMENTED** with effect from 1 April 2021.

Background papers:

contact: Darren Lanes

Nil

Robert Styles
Director of Street Scene, Leisure and
Technical Services

Sharon Shelton
Director of Finance & Transformation

This page is intentionally left blank

**TONBRIDGE CEMETERY PROPOSED CHARGES 2021/2022
COMPARISON WITH OTHER KENT DISTRICTS**

		Maidstone ¹	Medway ¹	Dover ¹	Gravesham ¹	TMBC ¹ Current	TMBC ² Proposed
Purchase (£)	Baby	0.00	0.00	0.00	To 1 yr 0.00	To 1 yr 1.00	To 1 yr 1.00
	Child	To 18 yrs 0.00	To 18 yrs 687.00	To 12 yrs 0.00	1 – 17 Yrs 0.00	2 -18 yrs 1.00	2 - 18 yrs 1.00
	Adult	1,690.00	1,569.00	720.00	1,030.00	1030.00	1040.00
Single grave	Adult	1,690.00	Not listed	720.00	515.00	540.00	545.00
Interment (£)	Baby	0.00	0.00	To 6mth 61.00	To 1 yr 0.00	To 1 yr 0.00	To 1 yr 0.00
	Child	To 18 yrs 260.00	To 18 yrs 0.00	6mth - 12 yrs 265.00	1 – 17 Yrs 425.00	2 - 18 yrs 0.00	2 - 18 yrs 0.00
	Adult	710.00	775.00	1025.00	1,010.00	685.00	705.00
Single grave	Adult	595.00	775.00	887.00	850.00	685.00	705.00
Combined Interment and Purchase (£)	Baby	0.00	0.00	61.00	0.00	1.00	1.00
	Child	260.00	687.00	265.00	425.00	1.00	1.00
	Adult	2,400.00	2,344.00	1,745.00	2,040.00	1,715.00	1745.00
Single grave	Adult	2,285.00	775.00	1,607.00	1,365.00	1,225.00	1250.00
Period of Lease (years)		60 years	50 years	50 years	60 years	60 years	60 years
Memorial Permit (£)	Small	150.00	209.00	188.00	250.00	150.00	152.00
	Large	300.00	500.00	410.00	395.00	300.00	303.00
Chapel (£)		275.00	90.00	165.00	170.00	155.00	157.00
Search Fees (£)		£0 - 10	£20 (per name)	61.00 (over 1hr)	20.00 (per name)	55.00 (per 5 names)	56.00 (per 5 names)
Interment of Ashes (£)		245.00	163.00	204.00	350.00	165.00	170.00
Memorial Wall Plaque (£)		N/A	N/A	Not listed	N/A	165.00	167.00

¹ 2020/21 charges² 2021/22 proposed charges

* Price includes memorial permit

NOTE: Costs are based on comparable services where available. **All charges shown are exempt of VAT**

This page is intentionally left blank

TONBRIDGE CEMETERY CHARGES
PROPOSED CHARGES 2021/22

- Please Note:**
1. For burials in graves at Tonbridge Cemetery the fee payable will normally be both Section 1 and Section 2 charges.
 2. All charges apply where the person to be buried or the person leasing the grave, etc., are residents of the Borough. Residents of the Borough who have moved into a home or hospital outside the Borough prior to death are charged as residents.
 3. All charges are doubled for non-residents.

Section 1:	Exclusive right of burial in a grave for 60 years	Current (£)	Proposed (£)
	(a) Stillborn – 1 year (inclusive) Children's Plot only	1.00	1.00
	(b) 2 – 18 years (inclusive) – Children's Plot / Adult only	1.00	1.00
	(c) Over 18 years	1030.00	1040.00
	(d) Plot 15 – single graves	540.00	545.00
Section 2:	Interment (including digging of grave)		
	(a) Stillborn – 18 year (inclusive)	NIL	NIL
	(b) Over 18 years	685.00	705.00
	(c) Ashes (Memorial Wall or Grave, where exclusive right has been granted)	165.00	170.00

Please note: These charges apply to interments taking place between 0900 hours – 1500 hours (Monday – Thursday) and 0900 hours – 1300 hours (Friday). In other cases, the Council's additional costs may be payable. A fee of £50 per hour may be charged for late arrivals.

Section 3:	Permits for Monuments, Memorials & Inscriptions	Current (£)	Proposed (£)
	(i) Memorial not exceeding 1 metre in height and occupying an area not exceeding 2' x 4'	150.00	152.00
	(ii) Memorial larger than specifications in (i)	300.00	303.00
	(iii) For each additional inscription after the first	100.00	101.00

Please note: Permits will only be approved in accordance with the Cemetery Regulations.

		Current (£)	Proposed (£)
Section 4:	Memorial Garden		
	(i) Memorial tablet and vase block (to include plaque, inscription, 20 year lease and scattering of ashes if required)	570.00	576.00
	(ii) Double Underground Vault, Memorial Tablet and Vase Block. (To include plaque, inscription, 20 year lease and interment of up to 2 urns)	1100.00	1110.00
	(iii) Double Overground Vault, Memorial Tablet and Vase Block (To include plaque, inscription up to 80 letters, 20 year lease and interment of up to 2 urns)	1070.00	1080.00
	(iv) Additional Inscriptions	200.00	202.00
	(v) Sanctum Panorama Vault and Memorial Tablet (To include plaque, inscription up to 80 letters, 20 year lease and interment of up to 3 urns) Optional bronze vase container	1070.00 37.00	1080.00 38.00
	(vi) Photo plaque or design on plaque for Sanctum 2000 Overground Vault or Sanctum Panorama	Individually priced	
	(vii) Additional cost for inscriptions for Sanctum 2000 and Panorama over 80 letters	1.50 per gilded letter	1.60 per* gilded letter
Section 5:	Chapel Area – Memorial Wall		
	(i) Memorial Plaque. (Includes supply and installation of plaque, 20 year lease and scattering of ashes if required)	165.00	167.00
	(ii) Additional Inscription. (Includes new plaque, installation and scattering of ashes, if required)	165.00	167.00
Section 6:	Miscellaneous		
	(i) Use of Chapel	155.00	157.00
	(ii) Transfer of Burial Rights/admin fee	90.00	91.00
	(iii) Entry in Book of Remembrance	At Cost + Admin Fee	
	(iv) For up to and including five searches for names by one applicant	55.00	56.00
Notes:	(i) Other services/options may be available and charged on an “at cost” basis plus an administration fee. Please discuss any items with the Cemetery Registrar (ii) A copy of the Cemetery Regulations is available free of charge from the Cemetery Registrar		

* Price set by external contractor

- (iii) For the repurchase of burial rights for unused graves by T&MBC the Council will pay:
The current purchase price times the remaining duration of the exclusive right less the Council's administration fee ruling at the time

All charges shown are exempt of VAT

This page is intentionally left blank

**TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD**

10 November 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 TEMPORARY ACCOMMODATION POLICY

Summary:

This report presents a Temporary Accommodation Policy to Members for adoption. The policy sets out the Council's approach to Temporary Accommodation in meeting Statutory Housing Duties, including demand, supply, prioritisation and suitability. There are no expected budget implications beyond those already identified in the Council's budget.

1.1 Background

1.1.1 Current Temporary Accommodation provision includes nightly paid units with private providers, homes with Clarion Housing and Council owned accommodation.

1.1.2 As reported to Members in a Temporary Accommodation paper in November 2019 the number of households in TA has increased over recent years, as shown by the data in Appendix B of the Policy [**Annex 1**].

1.1.3 The increase in the number of households in TA is due to a number of factors including changes in legislative requirements following the introduction of the Homelessness Reduction Act. TA households are in two main categories: relief and main duty. The Council also routinely places rough sleepers during severe weather conditions under our Severe Weather Emergency Protocol (SWEP) and had funding from MHCLG's Cold Weather Fund in 2019/20 to support this work along with recent Next Steps Accommodation Programme funding as part of the COVID-19 pandemic response.

1.1.4 With the use of Temporary Accommodation across types of provision both continuing and increasing it is important to establish the Council's approach to all aspects of the process, from sourcing properties to prioritising and placing households. A Temporary Accommodation Policy will help ensure a clear and consistent approach.

1.2 Temporary Accommodation Policy

- 1.2.1 The Temporary Accommodation Policy in **Annex 1** sets out the principles for making placements/offers of TA, including suitability, along with the options TMBC is pursuing to meet the anticipated need for TA supply.
- 1.2.2 The Policy applies to TA provision for interim placements made under section 188 of the Housing Act 1996 (as amended), and longer term placements for households accepted as homeless under section 193 of the same Act.
- 1.2.3 The Policy outlines TMBC's approach to TA provision, including:
- Placements and prioritising households
 - Accommodation costs and charging households
 - TA procurement to secure provision.
- 1.2.4 The requirements of households in TA properties are governed by the licence agreement they sign with the Council when taking temporary accommodation.

1.3 Legal Implications

- 1.3.1 Case law has highlighted the need for Local Authorities to have clear policies relating to the provision of Temporary Accommodation. The Supreme Court judgement for the case of *Nzolameso v Westminster City Council* on 2 April 2015 recommended Local Authorities produce and keep up to date policies approved by elected members of the Council detailing:
- a) how the Council will secure sufficient units of temporary accommodation to meet the anticipated demand during the coming twelve months
- and
- b) how the Council will allocate units of temporary accommodation as are available to individual homeless households, which would be used to explain the individual factors that have been taken into account when offering such accommodation to households.

1.4 Financial and Value for Money Considerations

- 1.4.1 The budget framework for temporary accommodation is set annually as part of the Council's budget setting process. This is reviewed in light of previous year's spend, need profile and forthcoming projects to manage temporary accommodation. This policy will ensure that those financial considerations have a framework against which to be assessed.
- 1.4.2 The Housing Options and Support Team have recently secured £125,086 funding through the Next Steps Accommodation Programme to help meet the

accommodation needs of rough sleepers as part of the response to the COVID-19 pandemic. This funding is for the following services:

- Extended emergency accommodation costs for 27 people for 30 weeks - £58,006. This will cover the difference in cost between the supplier charge and benefits subsidy the Council is able to claim, therefore reducing the net cost of temporary accommodation
- Winter accommodation for 10 people (Sept-Mar) - £22,080. This is for any additional rough sleepers we accommodate, with the funding covering the difference between supplier cost and benefit subsidy
- PRS Access - £45,000 (to facilitate move on from temporary accommodation to the Private Rented Sector (PRS) where this has been identified as an option for the individual/household).

This funding will help reduce the net cost of temporary accommodation provision.

1.5 Risk Assessment

- 1.5.1 Not having an up to date policy could lead to challenges being made to the Council's approach to temporary accommodation where the Council cannot provide evidence of the framework for decisions made.

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 Policy Considerations

- 1.7.1 Customer Contact: having a Policy sets out the Council's approach to Temporary Accommodation provision for customers.
- 1.7.2 Asset Management: the Policy gives a framework for the use of Temporary Accommodation, including Council owned provision. This will help make best use of the Council resources.
- 1.7.3 Officers are reviewing policies and procedures within the Housing Service, forming a policy review programme for the next year. The Temporary Accommodation Policy is one of these policies to outline the approach to provision, bringing clarity and consistency.

1.8 Recommendations

- 1.8.1 That the Temporary Accommodation Policy is **AGREED** for adoption.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Gillian Aylett

Nil

Eleanor Hoyle

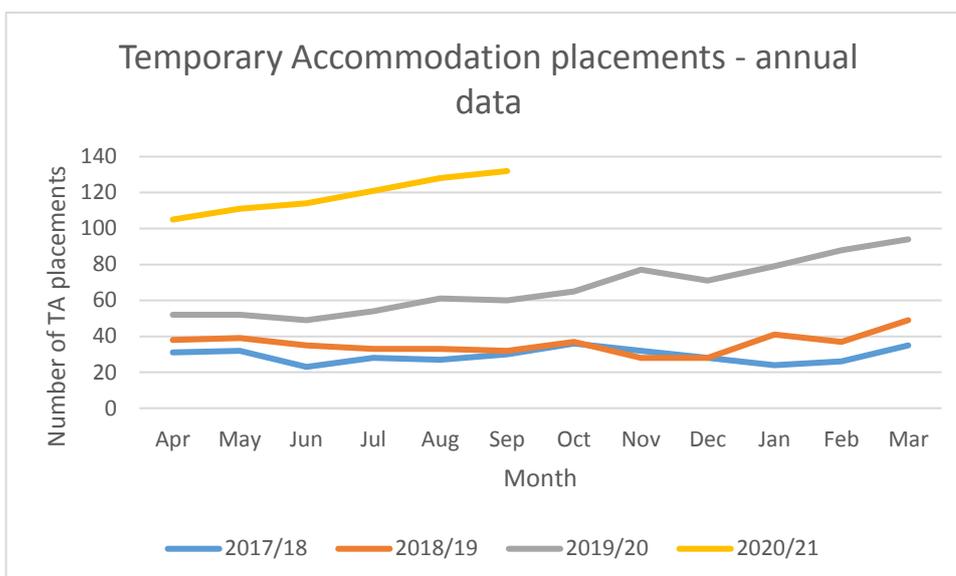
Director of Planning, Housing & Environmental Health.

Temporary Accommodation Policy

Version 1
[date approved]

1.0 Background

- 1.1 Tonbridge and Malling Borough Council (TMBC) has a duty to provide interim accommodation (under s188 of the Housing Act 1996) or temporary accommodation (under s193 of the Housing Act 1996) (hereafter referred to as TA) for households who approach the Council as homeless and meet the criteria set out in the Housing Act 1996 Part VII as amended by the Homelessness Act 2002.
- 1.2 There is a national trend in terms of increasing use of TA. Shelter have reported that local authorities in England spent £1.1 billion on TA in 2018/19 and this figure has increased by 78% over the last five years. Over the same period, the number of households accommodated in TA increased by 45%. The burden on councils and their budgets continues to increase.
- 1.3 The West Kent Housing and Homelessness Strategy states high demand for affordable rented accommodation from homeless households has led to increased use of temporary accommodation, with use increasing by a third since 2011 across the three authorities and costs more than doubling to £354,000 in 2014/15. The Strategy acknowledges the challenge to source an adequate supply of appropriate TA for the increasing numbers of homeless households.
- 1.4 The reasons for increased homelessness and consequent increase use of TA are complex. Limited supply of affordable housing options, welfare reform and high value area of TMBC combine to mean it is increasingly challenging for households to find affordable housing solutions.
- 1.5 The number of households in TA has increased over the last few years, from an average of 29 in 2017/18 to 67 in 2019/20 and 119 for the first half of 2020/21. The table below shows this increase from 2017/18 to the current financial year.



See [Appendix B](#) for supporting dataset on numbers of TA placements over time.

- 1.6 The average length of stay by current placement is 145 nights¹.

2.0 Introduction

- 2.1 This Policy applies to TA provision for interim placements made under section 188 of the Housing Act 1996 (as amended), and longer term placements for households accepted as homeless under section 193 of the same Act.
- 2.2 This Policy outlines TMBC's approach to TA provision, including:
- Placements and prioritising households
 - Accommodation costs and charging households
 - TA procurement to secure provision.
- 2.3 This Policy has taken into account the public sector Equality Duty (Section 149 of the Equality Act 2010). The need to safeguard and promote the welfare of vulnerable adults and children as required by the 2014 Care Act and section 11 of the Children's Act 2004 has also been taken into consideration.

3.0 Temporary Accommodation placements: key principles

- 3.1 The Council will seek placements within the Tonbridge and Malling Borough as far as reasonably practicable in line with legislation and statutory guidance (section 208 of the Housing Act 1996 (as amended)). However, as there is limited supply of accommodation within the Tonbridge and Malling Borough to meet housing need it will be necessary to secure accommodation outside of the Borough. In such cases, accommodation will be sought in nearby areas, but availability could lead to placements there are further afield. The process of determining if a provision is reasonably practicable will balance consideration of costs as well as suitability in terms of property size and type.

¹ As at October 2020.

- 3.2 Whenever an applicant is accommodated out of the Borough, officers will look for alternative TA within borough as soon as possible.
- 3.3 Due to the limited supply of accommodation in Borough and immediate neighbouring areas allocation of this accommodation will be prioritised for homeless households with the greatest need to be in, or close to, a particular location in line with the Bands set out in 4.0. In some circumstances, it may be more appropriate for a placement outside of the area to be arranged, for example where an applicant may be at risk within borough.
- 3.4 The suitability of accommodation is assessed for all offers of accommodation, with consideration given to Chapter 17 of the Homelessness Code of Guidance for Local Authorities. Suitability will be considered on a case by case basis to ensure any TA offered is reasonable and suitable for each household. Assessments are made in the context of the availability of accommodation and resources available.

4.0 **Prioritisation, suitability and availability**

- 4.1 The TA offered to a household will be informed by three key factors:
- households priority (in relation to the bands and guidance in Appendix A)
 - suitability
 - availability.
- 4.2 TA will be banded into areas as follows:
Band 1: Tonbridge and Malling Borough
Band 2: Neighbouring local authority areas
Band 3: Other areas, beyond those in Band 2.
- 4.3 Households will be prioritised for TA provision as outlined in the guidance notes in [Appendix A](#). TA placements and offers will also be informed by availability of accommodation and suitability considerations.
- 4.4 Banding in a priority category does not guarantee a placement in the relevant area and is subject to suitable accommodation being available. Households will need to provide documentary evidence that they fall within a priority category.
- 4.5 In cases where Officers are looking to move a household in to borough from a placement outside Tonbridge and Malling, if there are several households with equal prioritisation under the banding guidance length of time in the out of borough placement will be used to finalise priority, i.e. a household who has been placed out of borough longest will be prioritised for a suitable property. There may be exceptions to this, for example, if a household is at risk in their TA, or the Police or other agency such as probation request an applicant is moved.
- 4.6 A suitability assessment is carried out for each household to consider their individual needs, requirements and potential risks to decide if a potential placement/offer

would be suitable using the Vulnerability and suitability of accommodation assessment Form. The assessment includes consideration of:

- Any identified health or mobility issues, care or support provided by agencies or the need to access specialist medical services
 - Any specific requirement for welfare or personal safety reasons, such as households fleeing domestic violence or victims of harassment
 - Any potential risks an applicant or member of their household may pose to existing residents or members of the public. This may include taking account of any arrangements or restrictions they are subject to, such as MAPPA (Multi-agency public protection arrangements), ViSOR (Violent and sex offender register), exclusion zones and bail or licence conditions. Officers will seek guidance from relevant agencies such as probation services and the police in these cases.
- 4.7 A financial assessment will be used to consider the financial circumstances of households and their ability to pay the relevant charges for the accommodation. Officers will review the financial assessment when they are informed of any material changes in a household's finances.
- 4.8 TMBC acknowledge the importance of pets to some applicants, and they will be taken into consideration when assessing suitability of a placement. It may not always be possible to make provision for pets. Households may need to find alternative accommodation for pets while they are in TA.
- 4.9 Suitability will be kept under review all the time a accommodation duty is owed; officers will assess and respond to any relevant changes in a household's circumstances they are made aware of.
- 4.10 Households will often be placed into accommodation that has fewer bedrooms than a household would be entitled to on a permanent basis.
- 4.11 Wherever possible households will be placed in accommodation that does not create conditions where they would be considered statutorily overcrowded. If this is not possible TMBC will move the household to more suitable alternative accommodation as soon as possible in agreement with the household.
- 4.12 TMBC are not responsible for providing parking in cases where households have a motor vehicle/s.
- 4.13 Accommodation provided may be furnished or unfurnished. Officers will liaise with households on a case by case basis about their requirements. However TMBC are not required to provide furnished accommodation.

5.0 Non self-contained placements (bed & breakfast and hotels)

- 5.1 Non self-contained accommodation, such as a hotel or bed and breakfast, may be used if there is no self-contained accommodation available. Officers will look to move a household to more suitable accommodation as soon as possible, and the time in non-self-contained accommodation would be less than six weeks in total for households with family commitments in line with the homelessness code of guidance. Any time the household has been in non-self-contained accommodation provided by another Local Authority will not be included in the total time.
- 5.2 Households with family commitments, i.e. dependent children or which include a pregnancy, will be provided with self-contained accommodation wherever possible.

6.0 Offers and refusals

- 6.1 Applicants provided with TA will be made one offer of suitable accommodation. There is no obligation to allow applicants to view accommodation before they accept it.
- 6.2 For interim placements made under Section 188 of the Housing Act 1996 applicants do not have the right to request a review of the Council's decision about the suitability of an offer.
- 6.3 Applicants accepted as homeless under Section 193 of the same Act have a right of review of TA placements. Reviews will be carried out by the Councils Independent Reviewer.
- 6.4 It is extremely unlikely that the following would be considered acceptable reasons for refusing an offer of TA (this is not an exhaustive list):
- condition of decoration or furniture (where applicable)
 - layout or type of accommodation (e.g. room, flat, house)
 - parking provision
 - lack of access to a garden.

7.0 Temporary accommodation charges

- 7.1 TMBC will agree the cost for provision directly with the TA provider. The Council will pay the provider and will require the customer to pay the Council for their accommodation (referred to as customer cost).
- 7.2 TMBC will work out the customer cost by using whichever is lowest of either relevant benefit amount or the cost to the Council in line with the Recharge Policy.

8.0 Temporary Accommodation procurement

8.1 Increasing need

- 8.1.1 It is anticipated there will be a continued and growing need for TA, as indicated by increased demand over recent years. The annual average number of placements in 2019/20 increased by 86% from the average in 2018/19, and over the four years

since 2017/18 there has been an increase of 310%. This is reflective of an increase in the number of homeless applications. Other influences such as the wider housing market and affordable housing supply will affect the need for TA, and predicting or forecasting need is difficult as it's informed and shaped by multiple socio and economic factors.

While levels may be fluctuating partly due to the COVID-19 response, annual increases indicate it is reasonable to anticipate a continued need at higher levels, reflective of an increase in homelessness applications. Based on monthly averages over the last 18 months² there is a need for 84 good quality TA units.

8.1.2 Rising homelessness levels across the South East and the increased demand for TA provision has led to an increasingly competitive TA market. Exploring all options to procure and secure good quality and reasonably priced TA is therefore a priority for the Council.

8.1.3 TMBC will seek to secure accommodation within borough and in areas close to the borough wherever it's reasonably practicable. In borough supply is currently limited and out of borough accommodation options will therefore need to be used. For out of Borough provision, local amenities and factors such as parking and public transport will be taken into consideration.

8.2 Procurement options

8.2.1 TMBC will use the following options to secure sufficient TA provision, in a mix of sizes and types, to meet anticipated need:

- a) Private provision
 - nightly paid provision of self-contained properties and those with shared facilities
 - block booking arrangements (short term and longer term). A procurement project is being carried out by Officers to agree a set amount of good quality accommodation with providers to increase certainty of availability and cost.
- b) Council owned provision
 - option to purchase additional properties on the open market for use as TA
 - explore opportunities on a case by case basis subject to funding options.
- c) Working with Registered Provider partners to access existing social housing stock for TA use.
- d) Private sector leasing or agreements to exclusive use of properties (including Service Level Agreements).

² April 2019 – September 2020.

- 8.2.2 Nightly paid accommodation with private providers meets over half of the current TA demand. A procurement exercise for nightly paid private providers is intended to secure a set amount of units for use by TMBC at an agreed price.
- 8.2.3 Existing housing stock is currently used as TA in partnership with Clarion Housing (a Registered Provider). Officers will continue to work with Registered Providers to ensure best use of social housing stock including using it for TA provision where appropriate.
- 8.2.4 TMBC currently own and manage six flats for TA. The purchase of additional properties completed in April 2020, with a conversion project planned for 2020-21 to provide an additional 12 self-contained units.

8.3 Standards and requirements

All TA units need to comply with minimum property standards and, where appropriate, management standards, in line with statutory legislative requirements. There may also be local adopted property standards that need to be met. Accommodation and compliance will be checked by TMBC's Accommodation Officers including carrying out property inspections and checking relevant records.

9.0 Monitoring and review

- 9.1 This Policy will be reviewed annually, or sooner if required by changes in legislation or relevant case law.
- 9.2 Minor changes, which make no significant difference to service provision, will be made to the document under delegated authority by the Director of Planning, Environmental Health and Housing in consultation with the Cabinet Member for Housing.

TA accommodation band	Prioritisation guidance
<p>Band 1 Tonbridge and Malling Borough</p>	<p>Accommodation in this band will be prioritised for households:</p> <ul style="list-style-type: none"> • where at least one member has a severe long-term health condition or impairment that requires specialist intensive medical treatment/ aftercare which is either a) only available in Tonbridge & Malling Borough or b) where a transfer of care would cause harm or create risk to their safety or the sustainability of the treatment/care • where at least one member is receiving support through a commissioned care package or package of health care options provided in Tonbridge & Malling where a transfer of care would create serious risk to their safety or sustainability of the care • where a child has an Education, Health and Care Plan, is receiving education or educational support in Tonbridge & Malling and a placement elsewhere would be seriously detrimental to their wellbeing • with a child where Social Services has demonstrated serious concerns about the child and is working with them intensively • where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, it is likely to be longstanding) to provide high levels of care and support to another person in Tonbridge & Malling who is not part of the household and the cared for person would be likely to require statutory health and social support if the care ceased <i>and</i> (b) they would be unable to commute to fulfil their caring duties • where at least one person can demonstrate that (a) they have a longstanding arrangement (or if the arrangement has started more recently, it is likely to be longstanding) to receive high levels of long term care from another person in Tonbridge and Malling who is not part of the household and would be likely to require statutory health and social support if the care ceased <i>and</i> (b) the carer would be unable to commute to fulfil their caring duties. • 16/17 year olds where the housing authority accept the housing interim or TA under Part VII of the Housing Act duty.

Appendix A – TA bands and prioritisation criteria guidance

Band 2 Neighbouring local authorities: Maidstone, Medway, Tunbridge Wells and Sevenoaks	Accommodation in this band will be prioritised for households: <ul style="list-style-type: none">• with at least one child in their final year of Key Stage 4 (generally Year 11) or in Key Stage 5 (A-levels or equivalent Level 3 vocational courses, such as BTECs, or GCSE re-sits in English and Maths) at a school or further education college in the Tonbridge & Malling Borough• where the applicant or their partner is accepted by the council as being in employment and has been working continuously for a period of six months or more in Tonbridge & Malling, with a written contract of employment (permanent or temporary) which requires at least 16 hours a week.
Band 3 All other areas, outside Band 2	All other households not captured in the priority considerations for Band 1 or 2.

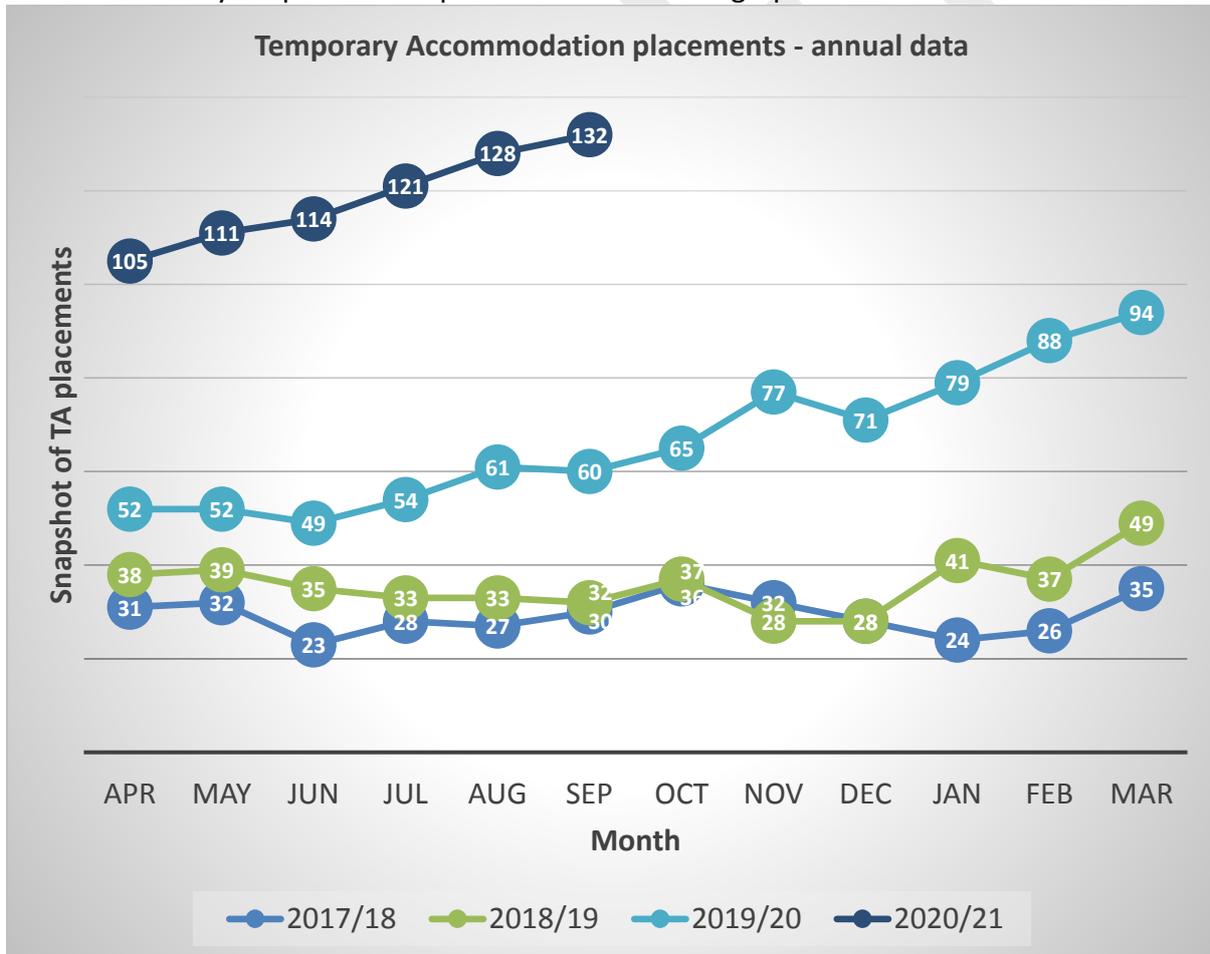
NB: Banding in a priority category does not guarantee a placement in the relevant area. Placements and offers will also be subject to availability of accommodation on the day of placement and suitability considerations.

Appendix B – Temporary Accommodation placements data

Table A: Monthly snapshot of TA placements over time

TA placements, monthly and by financial year				
	2017/18	2018/19	2019/20	2020/21
Apr	31	38	52	105
May	32	39	52	111
Jun	23	35	49	114
Jul	28	33	54	121
Aug	27	33	61	128
Sep	30	32	60	132
Oct	36	37	65	
Nov	32	28	77	
Dec	28	28	71	
Jan	24	41	79	
Feb	26	37	88	
Mar	35	49	94	
Annual average	29	36	67	119

Table B: Monthly snapshot of TA placements over time graph



**TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD**

10 November 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 UPDATE ON DISABLED FACILITIES GRANT BUDGET AND SPEND

Summary

This report gives an update on spend against the 2020/21 Disabled Facilities Grants (DFG) budget and advises how changes on distribution of this money are being built into the Estimates process.

The proposed changes to the distribution of funding, which are being reflected in the forthcoming Estimates process, provide a degree of certainty regarding funding for the approved social care capital projects in the current financial year, as well as an option to fund hospital discharge/handypersons costs in 2021/22.

The proposals within this report aim to deliver a saving of £125,000 against the original 2020/21 budget for Disabled Facilities Grants (DFG's).

Members should note that the proposed changes to the budget will be incorporated in the budget setting process covering revised Estimates for 2020/21 and the Estimates for 2021/22.

1.1 Background

- 1.1.1 DFGs are a mandatory grant awarded by the local housing authority to provide adaptations in the home (such as stair lifts, level access showers and ramping) to enable people to remain independent in their own home. They are available for both children and adults and across all tenure types, such as owner occupied, housing association or private rented homes.
- 1.1.2 The mandatory element is a means tested grant with a maximum award of £30,000.
- 1.1.3 The funding for DFGs is awarded through the Better Care Fund, which requires the NHS and local government to create a local single pooled budget to incentivise closer working around people, placing their wellbeing as the focus of

health and care services and shifting resources into social care and community services for the benefit of the people, communities and health and care systems.

- 1.1.4 The Better Care Fund grant goes to Kent County Council (KCC) who in turn are required to pass onto districts the DFG funding element. This money must only be used by the Council for the specific purpose of providing adaptations for disabled people who qualify under the DFG scheme or to fund the approved social care capital projects, such as the hospital discharge scheme, handyperson scheme and the One You Your Home scheme.
- 1.1.5 For 2020/21, TMBC's Better Care Fund allocation was £1,025,691 after KCC top-sliced £159,020 for funding of equipment and minor adaptations, which is done county wide to benefit from economies of scale.
- 1.1.6 The Council originally set a total DFG budget of £1,298,000 for 2020/21, which includes funds carried forward (£137,000) from 2019/20's budget and a further £125,000 funded by the Council.
- 1.1.7 The Covid-19 pandemic has brought with it unprecedented challenges for the various agencies and contractors involved with delivering adaptations to people in need of these.
- 1.1.8 The various measures taken and restrictions imposed, such as the shielding of vulnerable persons and restrictions on non-essential travel and human interaction, coupled with additional health and safety precautions designed to reduce the risk of infection and spreading of coronavirus, have inevitably reduced the number of new DFG applications being received in the first half of this year compared to what was anticipated. Staff from the Home Improvement Agency have been furloughed during the pandemic as a response to the drop off in business. In addition Occupational Therapy staff will have been responding to the pandemic in a different way as part of the KCC response.
- 1.1.9 The Council received 45 new valid applications for DFGs between 1 April 2019 and 30 September 2019, compared to just 16 for the same period this financial year.
- 1.1.10 As at 31 August 2020, the Council had spent £142,000 funding adaptations, with a further commitment of £417,000. The sum of these figures is £559,000, equating to 43% of the total budget allocation for the year.
- 1.1.11 In consultation with our finance colleagues, it is recommended that the capital plan for 2020/21 is amended on mandatory DFGs to £900,000. This will be incorporated into the Estimate papers that will be considered initially by the Finance, Innovation and Property Advisory Board in January 2021.
- 1.1.12 It is suggested that the remaining £398,000 should be distributed as follows.

- 1.1.13 It is proposed that £89,000 is used to fund the hospital discharge/ handypersons costs in for the current financial year. The funding for this scheme was originally planned to come from the Housing Assistance reserve however it seems appropriate to now fund from the BCF allocation.
- 1.1.14 It should be noted by Members that the cost apportioned to each of the three local authorities regarding the hospital discharge scheme are reviewed on an annual basis based on actual usage by residents, therefore the costs of these schemes will fluctuate from year to year.
- 1.1.15 It is proposed that £16,600 is used to fund the One You Your Home scheme for the current financial year. A commitment to this scheme was given for the first six months and this has now ended. Again the funding for this scheme was originally planned to come from the Housing Assistance reserve however it seems appropriate to now fund from the BCF allocation.
- 1.1.16 It is proposed that we use £90,000 of underspend this year to enable the funding of the hospital discharge and handypersons schemes in 2021/22. At a time when there is significant need to ensure early liaison between hospitals and housing over discharges to prevent the need for temporary accommodation wherever possible along with the ongoing need to work with health on ensuring timely and safe hospital discharges Officers consider that there are significant prevention benefits involved in this scheme continuing. Discussions regarding a contribution from health towards the scheme (as recommended in the Overview & Scrutiny Committee Committee) did commence however the pandemic clearly diverted attention. Officers will be picking up these discussions again and will report back to Members with any progress.
- 1.1.17 It is further proposed that we allocate £77,400 from this year's underspend into 2021/22 mandatory DFG budget to provide a buffer for currently unknown negative impacts regarding the level of funding allocation from central Government, potentially coupled with increased numbers of new DFG applications.
- 1.1.18 It is recommended that the £125,000 which is the Council's contribution towards DFGs is offered up for this year (2020/21) as part of the in-year savings requirement.
- 1.1.19 A summary of the above is provided at **Annex 1**.
- 1.1.20 It is difficult to predict what our funding allocation from central Government will be for 2021/22. Furthermore, we will receive an increased level of new DFG applications in 2021/22 as services return to normal. Currently the capital plan estimates are being prepared having regard to the wider financial picture, and these will be considered by Management Team before being presented to the Finance, Innovation & Property Advisory Board.

1.2 Legal Implications

- 1.2.1 DFGs are a mandatory grant scheme which local authorities are required to administer.

1.3 Financial and Value for Money Considerations

- 1.3.1 The proposals within this report switch the funding of the social care capital projects in the current financial year from the Housing Assistance reserve to the Better Care Fund allocation, as well as providing an option to fund hospital discharge/ handypersons costs in 2021/22. These proposals are being incorporated into the estimates which will be presented to Members in the New Year.
- 1.3.2 Members should note that proposals within this report will deliver a saving of £125,000 against the original 2020/21 budget for Disabled Facilities Grants (DFG's).

1.4 Risk Assessment

- 1.4.1 The level of funding each year through the BCF is uncertain. Any shortfall on BCF allocation is likely to represent budget growth, impacting the corporate funding gap and the savings and transformation target.
- 1.4.2 Prior to the pandemic the Council was experiencing increasing demand on the mandatory DFG budget. It is expected that the current low level of demand on this budget will only last for the short term.
- 1.4.3 Reducing or withdrawing funding for the approved social care capital projects will likely have an impact on other statutory services provided by the Council and their associated budgets. For example, The West Kent Hospital Discharge scheme and handyperson services enable better planning and management of patient's leaving hospital. This joined up approach increases patient safety and wellbeing as well as preventing future demand for more extensive works funded from the mandatory DFG budget. Planning and managing hospital discharge this way prevents patients needing to be provided with temporary accommodation by the Council, which as Members are aware is a growing pressure on the Council's budget.

1.5 Recommendations

- 1.5.1 Members are **RECOMMENDED** to **NOTE** the following revisions that are being incorporated into the 2020/21 Revised Estimates and 2021/22 Estimates which are due to be presented during the forthcoming budget cycle:
- 1) Amend the 2020/21 capital plan provision for mandatory DFGs to £900,000;

- 2) Use £89,000 to fund the hospital discharge/ handypersons costs for the current financial year 2020/21;
- 3) Use £16,600 to fund the One You Your Home scheme for the current financial year 2020/21;
- 4) Use £90,000 of underspend this year to enable the funding of hospital discharge/ handypersons costs in 2021/22; and
- 5) Allocate £77,400 from this year into 2021/22 mandatory DFG budget to provide a buffer for an unknown allocation from central Government moving forwards.

1.5.2 Members should further **NOTE** that £125,000 of Council's own funding for DFGs in 2020/21 will be removed during the update of the Capital Plan, and this can be viewed as in in-year saving.

The Director of Planning Houing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Jason Wheble

Nil

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

This page is intentionally left blank

DFG funding - 2020/21

	Amount	Notes
Budget	£ 1,298,000.00	includes £137k carry forward and £125k Council funding
Proposals		
Spend - mandatory DFGs (end August 2020)	£ 142,000.00	
Commitment - mandatory DFGs	£ 417,000.00	cases approved not yet paid out
Further expected spend - mandatory DFGs	£ 341,000.00	
Hospital discharge/Handypersons scheme 2020/21	£ 89,000.00	Removes need for use of Housing Assistance reserve
One You Your Home post 2020/21	£ 16,600.00	Removes need for use of Housing Assistance reserve
Hospital discharge/Handypersons scheme 2021/22	£ 90,000.00	
Allocate into 2021/22 mandatory DFG budget	£ 77,400.00	
In year saving of Council allocation	£ 125,000.00	
	£ 1,298,000.00	

This page is intentionally left blank

**TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD**

10 November 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 RENT GUARANTEE PILOT FOR PRIVATE LANDLORDS

Summary:

This report outlines a proposal to pilot rent guarantee and incentive payments for tenancies in the private rented sector. Rent will be guaranteed through a financial commitment to pay any rent arrears during a tenancy, giving financial reassurance to private landlords. Incentives will be through one off payments to private landlords.

Offering rent guarantee and incentives will help prevent homelessness and enable move on from TA into the private rented sector bringing savings on nightly paid temporary accommodation (TA).

The pilot will look for properties with rents in line with the applicable Local Housing Allowance amounts (plus 10% maximum). Where an incentive payment is made, tenancies need to be for a minimum of 12 or 24 months depending on level of incentive.

1.1 Background

- 1.1.1 There is a continued need for good quality private rented accommodation to help meet local housing need. A paper outlining options for a revised private landlord offer went to the Communities and Housing Advisory Board in November 2019, rent guarantee and incentives were two of the options agreed for further research and exploration.
- 1.1.2 TMBC's current private landlord offer consists of a deposit guarantee (in the form of a bond or cash) and Discretionary Housing Payments are often used to pay rent in advance. This existing offer is outdated and needs to be more competitive with the private market and neighbouring boroughs. There is a need for a more effective private rented sector offer to help households access and sustain tenancies in the private rented sector.
- 1.1.3 Private Landlords are often concerned about the risk of letting to households who may be in receipt of benefits to help them pay their rent. It's hoped that offering

an incentive payment along with a rent guarantee will mean landlords are more open to working with us and the households we assist.

1.2 Rent guarantee and incentive payments – how the pilot will work

1.2.1 Tenancies will be between the landlord and occupier as normal. The Council will offer:

- a rent guarantee effectively underwriting the rent due for six months and/or
- an incentive payment.

1.2.2 Properties will be actively sought until 31 March to be included in this pilot. Tenancies issued in connection with the pilot will run for the agreed period of the tenancy, beyond March 2021. Depending on the level of interest from landlords and the number of tenancies secured by this date, and the associated staff resources needed to administer and support them, officers may continue to seek properties beyond 31 March.

1.2.3 To be considered for the pilot landlords will need to issue tenancies with a fixed term of 12 or 24 months and rents at Local Housing Allowance amounts or up to a maximum of 10% above, as set out in the table below. Tenancies with an initial fixed term of 6 months may be considered for rent guarantee only.

Table A

LHA rent levels (monthly) & maximum levels	Room (LHA)	Maximum rent	1bed (LHA)	Maximum rent	2bed (LHA)	Maximum rent	3bed (LHA)	Maximum rent	4+bed (LHA)	Maximum rent
High Weald	433.81	477.19	693.12	762.43	897.52	987.27	1126.88	1239.57	1495.91	1645.50
Maidstone	385.02	423.52	648.22	713.04	812.76	894.04	972.31	1069.54	1246.57	1371.23
Medway & Swale	315.64	347.20	593.36	652.70	747.93	822.72	847.69	932.46	1196.69	1316.36

1.2.4 Officers will prioritise properties best matched to the needs of households being assisted by the Council for involvement in the pilot. TMBC will have the final decision about the properties that are included for use in the pilot; this will be informed by a process of matching properties, rents and households in housing need and subject to suitability considerations.

1.2.5 The pilot will be used for Housing Options and Support cases where the Private Rented Sector has been identified as a housing option for a household in line with the Private Rented Sector Offer (discharge) Policy. This may include households currently placed in temporary accommodation or those with prevention cases.

1.2.6 The rent guarantee will be offered for six months initially. This will provide additional financial support while the tenancy is settling down, with any benefits claims being made or updated and processed.

1.2.7 Landlords can make a claim against the guarantee for rent arrears during this time. The Council will need to pay the amount of any arrears and recharge the occupier as appropriate. Landlords will need to provide full information to evidence any request for payment including a copy of the rent statement.

- 1.2.8 The rent guarantee may be continued for up to 6 months, officers will consider each tenancy on a case by case basis where it's felt a continuation of the rent guarantee may be appropriate. After this extended period it's intended that the tenancy will continue, with the tenant paying their rent, and TMBC's rent guarantee will end (at the end of 12 months in total).
- 1.2.9 Incentives will be one off payments in line with the amounts below relating to the fixed term of the tenancy. Payments will be made to a Landlord once a valid tenancy agreement is evidenced, relating to an agreed property and rent for a specified household.

Incentive amounts by property size

Incentive amounts	1bed	2bed	3+bed
12 month fixed term	£1,500	£2,000	£2,350
24 month fixed term	£2,300	£3,000	£3,500

- 1.2.10 It is expected that only one incentive payment will be made per property. A landlord may receive more than one incentive payment in cases where they work with TMBC with multiple properties, but payments are not tenancy based, i.e. a landlord will not normally qualify for an incentive payment for a changeover of tenant at the same property they've already received an incentive for.
- 1.2.11 These incentive amounts equate to approximately 20% and 30% of LHA amounts over a 12 month period giving additional financial assurance to landlords.
- 1.2.12 Officers will signpost and make referrals for tenancy sustainment and support where appropriate, using the Kent Homeless Connect tenancy sustainment service and supported lettings project.
- 1.2.13 If the pilot is successful TMBC may choose to extend the offer of incentives and rent guarantee as part of the landlord offer and ongoing use in conjunction with the Private Rented Sector Offer (discharge) Policy.

1.3 Addressing rent arrears

- 1.3.1 While the rent is guaranteed to the Landlord, TMBC will need an agreed approach to handling any rent arrears that may form during the tenancy and setting up repayment plans. Alongside liaising with the landlord, proposed core principles for handling rent arrears for the pilot are outlined in **Annex 1**.
- 1.3.2 The landlord will need to contact the tenant about any rent arrears and follow their usual process to try to address them and seek payment. The landlord may claim against the rent guarantee providing the required evidence. TMBC officers will liaise with both the landlord and tenant to seek to address the arrears and remedy the situation, enabling the tenancy to be sustained.
- 1.3.3 To help prevent arrears forming officers will liaise with the tenant and landlord to put an Alternative Payment Arrangement in place for any housing related benefits

they're eligible for in cases where there's history of rent arrears, consistent late payment of rent or failure to keep to repayment plans.

1.4 Legal Implications

- 1.4.1 **Annex 2** outlines information about DHP funding and how it can be used for the proposed purpose. A DHP may cover all or part of a shortfall between rent and benefit or assist with the cost of taking up a tenancy. A DHP can be awarded for a rent deposit or rent in advance for a property that the claimant is yet to move into only if they are already entitled to Housing Benefit (HB) or Universal Credit (UC) at their present home or at the point payment is made.
- 1.4.2 There is a limit on the DHP award so that it does not exceed the weekly or monthly eligible rent on the claimant's home. However, the limit only applies where the award is calculated as a weekly housing benefit or monthly Universal Credit sum, for example, to meet an ongoing rent shortfall. In a case where the award is for rent in advance or a deposit, the weekly or monthly limit does not apply because a lump sum is being awarded to meet an immediate housing need. As a lump sum payment for a deposit or rent in advance is not made in respect of a period, it is only necessary that the claimant is entitled to HB or UC at the point the award is made.
- 1.4.3 If the deposit or rent in advance is for a property outside of the local authority area this does not prevent a payment being made if the claimant is currently in receipt of HB or UC within the area. Claimants placed by the local authority in temporary accommodation are treated as within area regardless of the physical situation of the property.

1.5 Financial and Value for Money Considerations

- 1.5.1 The pilot will provide the same offer to landlords and households TMBC are working with but how the incentive payments and claims against the rent guarantee are funded will vary to make best use of available budgets. The pilot will be funded by using Discretionary Housing Payments (DHP) wherever possible, informed by a households entitlement to benefits assistance. In cases where DHP cannot be used, relevant housing budgets will be used.
- 1.5.2 It's proposed to fund any claims made against the rent guarantee using Discretionary Housing Payments (DHP) funding until March 2021 and from that point claims could be paid using either the revised DHP budget for 2021-22 or through the Homelessness Reduction Initiatives budget of £25,000, which has a current spend of £12,364 for 2020/21.
- 1.5.3 DHP grant for 2020/21 is £267,941 with a current spend of £82,846 year to date. There is sufficient DHP budget remaining to facilitate this pilot offer of incentive payments and rent guarantee for households in receipt of benefits. Any unspent DHP funding is returned to the Department for Work and Pensions at the end of the financial year.

- 1.5.4 Spend and exposure to risk will be monitored throughout the pilot to ensure the pilot operates within the budgets available and DHP funds are available to meet other needs. **Annex 2** gives further information about the use of DHP for the pilot. **Annex 3** considers the potential financial risk exposure for rent guarantee.
- 1.5.5 The Housing Options and Support Team have recently secured funding through the Next Steps Accommodation Programme to help them in meet the accommodation needs of rough sleepers, as part of the response to the COVID-19 pandemic. An indicative amount of £45,000 of this funding is to facilitate move on from temporary accommodation to the Private Rented Sector (PRS) for cases where this has been identified as an option for the individual/household.
- 1.5.6 While some of this funding may be needed to provide deposits and other forms of assistance to secure private rented tenancies, it can be used for incentives and rent guarantee as part of the pilot.
- 1.5.7 The budget for the existing rent deposit scheme is £33,550, with a current spend of £11,013, giving scope to fund deposits where necessary for any tenancies within the pilot.
- 1.5.8 Any placements made through the incentive and rent guarantee pilot will reduce the potential number of households placed in temporary accommodation.
- Nightly paid temporary accommodation provision averages at a gross cost of £1,327.60 per month per unit, with a monthly net cost of £589.86 and £3539.17 six month net cost. As a comparison three households placed in nightly paid accommodation would have an average net cost £10,618 to TMBC, six households £21,235 and nine households £31,853 over a six month period. This would be an actual cost rather than a potential risk.
- 1.5.9 TMBC will recharge the tenants for any amounts paid under the rent guarantee. The debt will be recharged through a debtor account and repaid through an agreed payment instalment plan.

1.6 Operational and resource implications

- 1.6.1 The main resource implication will be staff time within the Housing Options and Support Team to administer the process for any trial tenancies and to manage relationships with the landlords, alongside support to the tenant.
- 1.6.2 Existing approaches and systems can be used for payments to landlords for claims against the guarantee, raise debts and manage repayments with customers. This will be similar to the approach and systems currently used for administering the rent deposit scheme.
- 1.6.3 The pilot will run based on the approach outlined in this paper. Depending on the outcomes and insight from the pilot, a policy and supporting procedural

documents would need to be developed to enable an incentive scheme and rent guarantee to become part of TMBC's landlord offer.

1.7 Risk Assessment

- 1.7.1 A communications strategy for the implementation will be needed, to enable appropriate and effective promotion of the pilot offer and limit any potential reputational risk.
- 1.7.2 Expenditure and potential financial risk against available budgets will be monitoring throughout the pilot to ensure the pilot remains in budget.
- 1.7.3 Procedures will be developed to implement the pilot and ensure a consistent approach to decision making and issuing of payments.

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper may have an impact on end users. An equality impact assessment is currently being carried out and will be completed before implementation of the pilot.

1.9 Policy Considerations

- 1.9.1 There are no specific policy implications arising from this report.

1.10 Recommendations

- 1.10.1 It is **RECOMMENDED** that:

- 1) A pilot offer for incentive payments and rent guarantee, using both DHP and the homelessness reduction initiatives budget be approved to access tenancies in the private rented sector. This to continue until 31 March 2021 initially with scope to continue beyond this date, dependent on the number of tenancies secured and associated staff resources. Incentive payments will be one off payments to a landlord and rent guarantee will be in place for 6 – 12 months.
- 2) In view of the pressure on the Temporary Accommodation budget and the difficulty in finding good quality private rented accommodation that can be used to discharge the duties of the Borough Council, the decision is taken by the Cabinet Member for Housing, in liaison with the Cabinet Member for Finance, Innovation and Property, and not held over to the next meeting of Cabinet in order to expedite this opportunity as quickly as possible.
- 3) The pilot offer be monitored and a progress report provided to the Communities and Housing Advisory Board at regular intervals for review and consideration of extending the pilot offer. Monitoring of the pilot will include tenancy sustainment success, administration options, homelessness prevention and landlord and tenant feedback.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Gillian Aylett
Andrew Rosevear

Nil

Eleanor Hoyle
Director of Planning Housing and Environmental Health

This page is intentionally left blank

Approach to rent arrears for the rent guarantee and incentives pilot

Arrears	Level	Action
1-2 weeks	Low level	<p>Landlord contacts the tenant to inform of rent arrears and seek prompt payment.</p> <p>Landlord notifies TMBC of arrears, provides information on the actions they are taking to liaise with the tenant and get the rent due paid.</p>
2-4 weeks	Minor arrears	<p>Landlord contacts the tenant following their usual practice, asking for payment of arrears (inform may serve notice due to rent arrears).</p> <p>If this is unsuccessful and the tenant does not engage with the landlord, the landlord can claim against the guarantee at 4 weeks arrears.</p> <p>Landlord updates contact officer at TMBC and may request payment of arrears, providing a copy of the rent statement, and steps taken to remedy the situation and get the rent payments, to evidence the request.</p> <p>TMBC will contact the tenant to issue first warning and</p> <ul style="list-style-type: none"> • offer support & seek to resolve • agree a repayment plan with TMBC for the amount paid • advise may lead to ending guarantee & likely tenancy will be ended
4-8 weeks	Major arrears	Repeat steps outlined above. TMBC issue second warning.
8 + weeks	Major arrears	<p>TMBC - final warning at 8 weeks arrears level (arrears total equivalent of 8 weeks):</p> <ul style="list-style-type: none"> • contact tenant giving one week to engage with Housing Options Officer

		<ul style="list-style-type: none"> • outline consequences (where applicable, include likely intentionally homeless, as affordability assessment carried out pre- tenancy and no other change in circumstances) • liaise with landlord to set up an Alternative Payment Arrangement, in cases where the tenant is in receipt of UC • decide whether to continue the guarantee – this will be on case by case basis through assessing the sustainability of the tenancy. If officers decide to end the guarantee, notify landlord that TMBC intend to stop the guarantee at the end of the agreed current six month period.
Consistent late payment or failure to fulfil repayment plan	If total 4-6 weeks arrears at point of fixed term ending / guarantee renewal	TMBC - warnings in line with arrears levels and consider whether to extend the guarantee as set out above; inform both tenant and landlord.
Officer to liaise with Landlord about sustainability of the tenancy and any legal action they may be considering to end the tenancy.		

Discretionary Housing Payments (DHP) Scheme

Each financial year Government allocates a DHP grant to local Councils. The grant allows for payments to be made to households requiring further financial assistance. Payments are made to assist households with housing costs and can only be made to applicants receiving housing benefit or Universal Credit Housing Cost Benefit.

The Scheme stems from the Discretionary Financial Assistance Regulations 2001. It is administered in line with guidance and best practice from the Department for Work & Pensions, is influenced by court and tribunal case law and operates locally through our [DHP Policy](#). Since 2013, the Council has worked with a joint Housing and Benefits Policy for the application of DHPs, recognising and realising the synergies from the combined approach.

Applications, decisions for payments and monitoring the fund are handled by the Council's Benefits Service.

The table below shows the DHP grant we received and how much we spent.

	Grant £	Spend £
2013/14	129,610	127,827
2014/15	165,494	164,350
2015/16	140,671	139,924
2016/17	171,280	171,477
2017/18	284,178	284,087
2018/19	236,000	235,858
2019/20	208,883	208,137
2020/21	267,941	82,846 ytd

Profiling the spend of the DHP budget across a year is tricky. Spend is front loaded in the year due to weekly awards only being made for periods within the financial year, meaning at the beginning of the year help can be granted for a full 12 months if necessary but by the time March comes, a similar application can only be paid for the remaining weeks, budget permitting. As Members are aware, actors on financial vulnerability are endless, from personal crises to national policy to global pandemics. Ensuring there is an adequate budget available for the year while maintaining fair and consistent decisions is a challenging balance to strike.

By the halfway point of the year the target is usually to have spent around 70% budget. This year, with the extraordinary circumstances, the spend was under 30%.

A stay on evictions and relaxation of recovery for rent arrears since the pandemic struck has brought about a significant reduction of DHP applications. Even regular virtual meetings with landlords, Clarion in particular, Citizens Advice and Crosslight Debt Advice have only brought us to this level of spend. Interestingly, debt advice services report a similar position, with a significant downturn in customers due to the easing of financial recovery across the board and the support through measures such as the furlough scheme. Although the situation is constantly changing, it is highly unlikely the DHP fund will be spent by 31 March and will be returning a large

amount of the funding to Government, unless we take a different or additional approach.

The use of DHP funding to complement the landlord incentive scheme pilot is the proposed use of funding that meets the objectives of the DHP fund, our local policy, can provide essential financial assistance to households in temporary accommodation or prevent the need for temporary accommodation and foster future relationships with landlords.

The following information relevant to this report is taken from the Department for Work and Pensions DHP guidance manual and sets out how we are able to use DHP funding for the proposed purpose.

Although use of the payments is discretionary, some basic rules apply:

- The claimant must be entitled to Universal Credit that includes a housing cost element towards rental liability, or
- The claimant must be entitled to housing benefit, and
- The claimant requires further financial assistance.

Any unspent DHP funding is returned to the Department for Work and Pensions at the end of the financial year.

A DHP may cover all or part of a shortfall between rent and benefit or assist with the cost of taking up a tenancy.

A DHP can be awarded for a rent deposit or rent in advance for a property that the claimant is yet to move into only if they are already entitled to HB or UC at their present home or at the point payment is made.

When awarding a DHP for a rent deposit or rent in advance a local authority may wish to be satisfied that:

- the property is affordable for the tenant
- the tenant has a valid reason to move
- the deposit or rent in advance is reasonable.

Using DHPs to help with a rent deposit or rent advance may be particularly appropriate to help claimants move to alternative accommodation where their award of HB has been restricted following one of the welfare reforms. It may also be appropriate to consider using DHPs for this purpose if, for example, the local authority rent deposit scheme is limited or exhausted. The regulations are wide enough to permit this on the basis of a claimant's entitlement to HB or UC at their current home. A DHP can therefore be made towards housing costs for a property other than the one for which benefit has been awarded.

There is a limit on the DHP award so that it does not exceed the weekly or monthly eligible rent on the claimant's home. However, the limit only applies where the award is calculated as a weekly housing benefit or monthly Universal Credit sum, for example, to meet an ongoing rent shortfall. In a case where the award is for rent in

advance or a deposit, the weekly or monthly limit does not apply because a lump sum is being awarded to meet an immediate housing need. As a lump sum payment for a deposit or rent in advance is not made in respect of a period, it is only necessary that the claimant is entitled to HB or UC at the point the award is made.

If the deposit or rent in advance is for a property outside of the local authority area this does not prevent a payment being made if the claimant is currently in receipt of HB or UC within the area. Claimants placed by the local authority in temporary accommodation are treated as within area regardless of the physical situation of the property.

Once a DHP has been made to a landlord or claimant for a deposit or rent in advance, the regulations do not permit recovery of the DHP except under specific circumstances such as the application being found to be fraudulent. An informal agreement may be made at the time of the award for part or full repayment, however, this is not enforceable.

DHPs are not specifically linked to any rent deposit or rent in advance scheme and their discretionary nature allows them to be used for this purpose. Each local authority decides how they operate their local scheme.

This page is intentionally left blank

Rent guarantee, financial risk considerations

1.1.1 The following table shows average market rents and Local Housing Allowance (LHA) levels by property size across the Borough. It shows the shortfall between LHA and market rents which is most notable for Medway and Swale BRMA, with a shortfall of £402, 32% for a three bed property.

Table B: LHA rates and average market rents comparison by property size

	1bed	shortfall compared to market	shortfall as %	2bed	shortfall compared to market	shortfall as %	3bed	shortfall compared to market	shortfall as %	4+bed	shortfall compared to market	shortfall as %
Average market rents*	750			950			1,250			1,650		
High Weald LHA	693.12	56.88	7.58%	897.52	52.48	5.52%	1126.88	123	9.85%	1495.91	154	9.34%
Maidstone LHA	648.22	101.78	13.57%	812.76	137.24	14.45%	972.31	278	22.22%	1246.57	403	24.45%
Medway & Swale LHA	593.36	156.64	20.89%	747.93	202.07	21.27%	847.69	402	32.18%	1196.69	453	27.47%

*ONS data, summary of median monthly rents recorded between 1 October 2018 and 30 September 2019 for all bedroom categories by administrative area for England.

1.1.2 The potential financial risk of a rent guarantee offer can be seen through applying varying percentages of arrears to average rents across a mix of properties.

Table C shows 20%, 30%, 50% and 100% arrears levels for varying numbers of units over 6 months based on average rents (shown in Table B).

Table C: Potential risk exposure – costs of rent arrears over 6 month period

Risk exposure: potential cost of rent arrears over 6 months for varying percentage arrears based on average monthly market rents				
	20% arrears	30% arrears	50% arrears	100% arrears
3 properties (1x1bed, 1x2bed, 1x3bed)	3,540	5,310	8,850	17,700
6 properties (2x1bed, 2x2bed, 2x3bed)	7,080	10,620	17,700	35,400
9 properties (3x1bed, 3x2bed, 3x3bed)	10,620	15,930	26,550	53,100

1.1.3 Table D shows 20%, 50% and 100% arrears levels for 1bed properties over six months (using the average rents as shown in Table B), along with a month's rent as a deposit. This indicates that guaranteeing the rent and a deposit for ten 1bed properties would be possible within the Next Step budget allowing for 50% rent arrears. The data is based on 1bed properties as this is likely to meet the needs of the majority of this customer group.

Table D: Potential risk exposure – costs of rent arrears over six months period and deposit for 1bed properties (Next Step funding)

Risk exposure: potential cost of rent arrears over 6 months for varying percentage arrears based on 1bed average monthly market rents £'s						
	20% arrears	plus 1 month rent in advance	50% arrears	plus 1 month rent as deposit	100% arrears	plus 1 month rent as deposit
1 x 1bed property	900	1,650	2,250	3,000	4,500	5,250
5 x 1bed properties	4,500	8,250	11,250	15,000	22,500	26,250
10 x 1bed properties	9,000	16,500	22,500	30,000	45,000	52,500

This page is intentionally left blank

**TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD**

10 November 2020

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 REVISED SAFEGUARDING POLICY

To seek endorsement of the updated Safeguarding Policy

1.1 Background

1.1.1 Since 2016 the Council has had a combined Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk. The Policy needs to be updated and endorsed by the Council on an annual basis.

1.1.2 The Council has a Safeguarding Task Group which oversees safeguarding work and is responsible for updating and maintaining the Policy. A revised version of the Safeguarding Policy is attached as Annex 1 of this report.

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 Updates to the Policy

- 1.3.1 There have been some changes since the Safeguarding Policy was last brought to the attention of the Board. The Kent Safeguarding Children Board has changed to become the Kent and Medway Safeguarding Children Multi-Agency Partnership (KSCMP), with slightly different reporting arrangements and responsibilities. These revisions have been included in the updated version.
- 1.3.2 With regard to adult safeguarding, Kent County Council no longer accept “Adult LADO” referrals (LADO- Local Authority Designated Officer). These referrals were specifically for people wishing to report concerns against any person who works with adults in a position of trust. It is now important that the Council has its own policy and procedures in place to respond to these concerns. This is reflected in the revised policy with clear pathways for raising these concerns, including links to the Councils Whistleblowing Procedure.
- 1.3.3 As with previous versions of the policy, there is advice and guidance provided to encourage everyone to respond to safeguarding issues and concerns. This has become particularly relevant in the current climate, as we know the effects of the Covid restrictions have increased difficulties for many, leaving some people more vulnerable, more susceptible to abuse and also increasing anxiety and mental health issues.
- 1.3.4 To ensure the profile of safeguarding remains high and is a focus for everyone at the Council, we have appointed a Member Champion for Safeguarding. Councillor Rhodes has agreed to undertake this role and can act as another point of contact in addition to any of the Council Safeguarding Designated Officers.

1.4 Legal Implications

- 1.4.1 The Children Act 2004
- 1.4.2 The Care Act 2014

1.5 Financial and Value for Money Considerations

- 1.5.1 The Council contributes £1500 per year towards the running of the KSCMP. This funding enables KSCMP to provide free training on a variety of child safeguarding issues.

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 Policy Considerations

1.8.1 Community

1.8.2 Equalities/Diversity

1.8.3 Health and Safety

1.8.4 Safeguarding Children Framework

1.8.5 Young People

1.9 Recommendations

1.9.1 That the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk be endorsed.

1.9.2 That Councillor Rhodes be the Member Champion for Safeguarding.

The Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

Safeguarding Policy & Reporting Procedure

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



Contents

Section 1: Safeguarding Context / Policy Aims and Objectives

Introduction, Aims and Objectives	2
Child and Adult Safeguarding	3
What constitutes abuse and neglect	4
Partnership Roles and Responsibilities	6
Prevent Strategy	7

Section 2: Responsibilities of Tonbridge and Malling Borough Council

Responsibilities of TMBC/Children & Adults	8
Front-line Services, Contractors, External Agencies and SLA's	9
Recruitment	10
Guidelines on use of photography/filming	10
Social media	11
Information Sharing	11
Allegations against employee/staff or Member	11
Whistleblowing Policy	11

Section 3: Response and Reporting Procedure

Responding to initial Disclosure of Abuse	12
Recognising and Reporting Abuse	12
Child and Adult at Risk – Safeguarding Incident Report Form	13
Recording of incidents and the role of the Designated Officer	13
Information Sharing	14
Information Sharing Flowchart	15
Monitoring and Record Keeping	16
Safeguarding Task Group	16
Monitoring and Review of this policy	16
Annex 1: Contractor Advice Note	17
Annex 2: Summary of legislation and Government Guidance	19
Annex 3: Recognising Potential Indicators of Abuse	23
Annex 4: Designated Officers	26
Annex 5: Children/Adults at Risk–Safeguarding Incident Reporting Form	27
Annex 6: Useful Contacts/Links	29

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 (EHCP) 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, disability 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.

When visiting people in their homes, it is important to be aware of the additional vulnerability of disabled children, young people and adults, especially if they have limited communication, for instance:

- Neglect of medical or emotional needs as well as more obvious physical needs
- Inappropriate restriction or restraint
- Lack of privacy when meeting care needs

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 Kent 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 (KMSAB)

[The Kent and Medway Safeguarding Adults Board \(KMSAB\)](#) 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 has an

Independent Chair and meets three times per 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. The KMSAB produces the [Multi-Agency Safeguarding Adults Policy, Procedures and Practitioner Guidance Kent and Medway](#) which includes responsibilities, new legislation and lessons learnt from Safeguarding Adult Reviews and Complex Case Audits.

Kent Safeguarding Children Multi Agency Partnership

The [Kent Safeguarding Children Multi-Agency Partnership](#) is overseen by an Independent Chair and sets the performance, policy and strategic priorities for KSCMP. 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 agencies responsible for child protection arrangements in Kent. Details from the KSCMP 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 it 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. Specified bodies are listed in Schedule 6 of the Act. Local authorities have established 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](#). All staff need to be alert to the issues around terrorism and the local threat level. Training is undertaken for relevant frontline staff and safeguarding leads, to ensure that they are aware of Prevent and know how to respond if they think there is an issue.

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 safeguarding officer or to their line manager 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, our community safety role, 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. A Contractor Advice Note incorporating the safeguarding of children and vulnerable adults into contracts and community grant awards is attached as Annex 1. Depending on the level of risk, the Council can include safeguarding clauses relevant to the service being provided. The conditions placed within the contract should provide meaningful controls proportionate to the level of risk. Where relevant contractors should have their own Safeguarding Policy and training procedures in place. Responsibility for ensuring that contractors comply with TMBC safeguarding policies lies with the contract manager.

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. The Council has a [Disclosure and Barring Service \(DBS\) Policy](#) which is overseen by Human Resources.

Managers and Human Resources 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 allows 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. Basic DBS checks can be undertaken where appropriate and Human Resources will assess this need.

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. (Available from the Media Team).

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

General Data Protection Regulation

The General Data Protection Regulation (GDPR) came into force 25 May 2018. GDPR strengthens individuals and organisations rights and duties relating to information management. In response to GDPR, a Safeguarding Privacy Notice is in place which outlines how safeguarding information is used. If you would like further information about this Privacy Notice, please contact the Council's Data Protection Officer.

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 safeguarding officer or your line manager and an incident reporting form completed (Annex 5).

The Council also has a [Whistleblowing Policy](#) with further guidance and advice, which should be used if you have concerns.

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 a designated safeguarding officer or a Director. The decision may then be taken to report 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 safeguarding 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, you must pass them on immediately to a Safeguarding Designated Officer, who will action and record appropriately on the secure safeguarding database. You may find it helpful to complete an Incident Report Form. 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 pass it on to your designated safeguarding officer (Annex 4).

Recording of incidents and the role of the Designated Safeguarding Officer

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

Designated safeguarding officers, 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 safeguarding 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 refer to the [Kent Support Levels Guidance Sheet](#) to establish the level of need. If you are responding to an adult safeguarding issue, complete a [Kent Adult Safeguarding Alert Form](#).

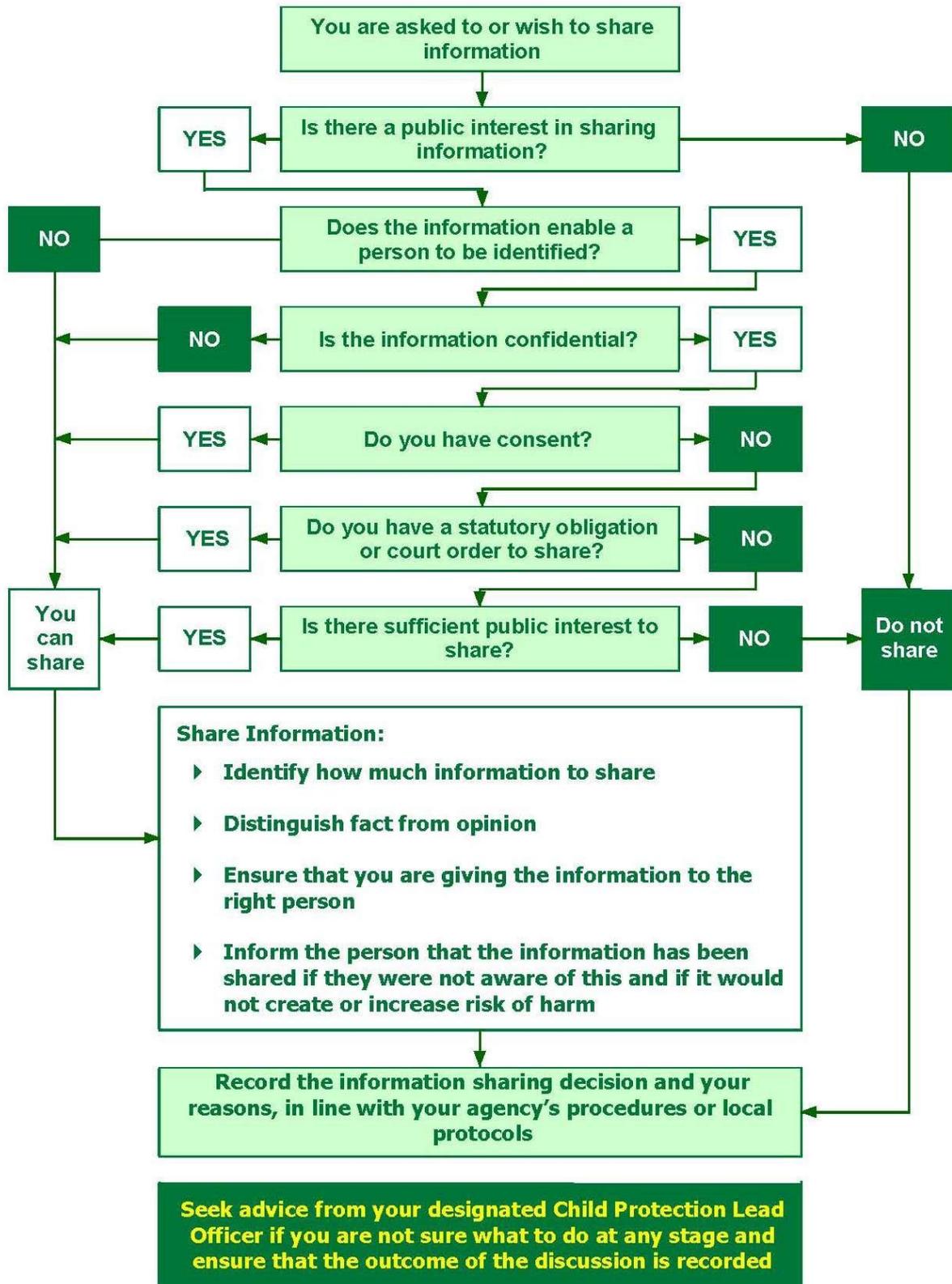
The line manager/ designated safeguarding officer will need to consider any support required by staff involved. It is understood that recognising and responding to abuse can be distressing for staff.

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 Government Advice is available: [Advice for practitioners providing safeguarding services to children, young people, parents and carers](#).

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



Monitoring and Record Keeping

The designated safeguarding 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. These details must be saved onto the Secure Safeguarding System. Designated safeguarding officers across all services have access to this system.

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

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 Council stay up to date with Safeguarding knowledge and best practice, remain in touch with relevant external safeguarding groups and pass on information accordingly. 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 any safeguarding trends are being monitored. A Council 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 – Contractor Advice Note

Incorporating Safeguarding Children and Vulnerable Adults into Contracts and Community Grant Awards

Risk Assessed Approach

TMBC has a duty to safeguard children and vulnerable adults. This extends to parties that carry out services on the council's behalf. Contracts and grant award agreements give the council the opportunity to state their expectations and place obligations on the contractor about how we expect them to act.

Rather than applying a 'catch all' clause to all agreements, which in many cases would not be relevant to service being provided, it is instead recommended that the council adopts a risk assessed approach. Depending on the level of risk, the council can then include safeguarding clauses relevant to the service.

Level 1 – Services where the council directly contracts a third party to deliver services directly to children, young people and/or vulnerable adult.

Level 2 – Services where the council contracts a third party to deliver services to the public generally, but in the process is likely to come into regular contact with children, young people and vulnerable adults.

Level 3 – Services where there is no contact with children, young people or vulnerable adults or where there is contact it is indirect, peripheral and in a public space or environment.

Requirements

The conditions placed within the contract should provide meaningful controls proportionate to the level of risk. Where controls need to be applied they should require the contractor to take a positive action (e.g. provide safeguarding training to their staff) rather than a passive action (e.g. provide a copy of their safeguarding policy). The contract manager is responsible for ensuring these requirements are adhered to.

Level 1 –

Clauses should require the contractor to have DBS checks for staff, staff to be risk assessed according to access and appropriate training given.

The council should ask for confirmation of training is completed and details of scheduled refresh training. Regular contract monitoring meetings with the contractor should incorporate information exchange about safeguarding concerns or incidents.

Level 2 –

Inclusion of the following clauses: -

1. The contractor will risk assess their operation in term of the requirement to safeguard children and vulnerable adults. The contractor will put in place appropriate training for their staff.
2. The TMBC client officer for the agreement will act as a confidential point of contact in order for the contactor to notify incidents and safeguarding concerns to the council.

Level 3 –

No clauses needed.

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 an 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.

What to do if you're worried a child is being abused - March 2015

This [HM Government Guidance](#) was produced to help practitioners identify child abuse and neglect and take appropriate action in response.

[Working Together to Safeguard Children July 2018](#)

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.

Kent Safeguarding Children Multi Agency Partnership – Guidance

This [Guidance Page](#) provides information and advice on handling specific safeguarding topics.

Information Sharing: 2018

[Advice for practitioners providing safeguarding services to children, young people, parents and carers](#)

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](#)

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](#)

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.

[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 DBS process is managed by Human Resources who will assist with determining eligibility, the level of check required and the frequency it needs to be renewed. This will be overseen by the Council's Management Team.

[The Data Protection Act](#)

- Provides a comprehensive and modern framework for data protection in the UK, with stronger sanctions for malpractice.
- Sets new standards for protecting general data, in accordance with the GDPR, giving people more control over use of their data, and providing them with new rights to move or delete personal data.
- Preserves existing tailored exemptions that have worked well in the Data Protection Act 1998, ensuring that UK businesses and organisations can continue to support world leading research, financial services, journalism and legal services.
- Provides a bespoke framework tailored to the needs of our criminal justice agencies and the intelligence services, to protect the rights of victims, witnesses and suspects while ensuring we can tackle the changing nature of the global threats the UK faces.

[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 • Sore or extreme nappy rash • Skin infections

<p>Physical – the non-accidental infliction of physical force that results (or could result) in bodily injury, pain or impairment</p>	<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. catherisation • Inappropriate restraint or inappropriate actions or in actions • Multiple bruising that is inconsistent with the explanation given • Covering 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
<p>Sexual</p>	<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
<p>Bullying</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Hitting, kicking and theft • Name calling, teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures • Tormenting, ridiculing, humiliating and ignoring • Unwanted physical contact or abusive comments • Behavioural changes such as reduced concentration and/or becoming withdrawn,

		<p>clingy, depressed, tearful, erratic mood swings, reluctance to go to school, training or clubs, a drop in performance.</p> <ul style="list-style-type: none"> • 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 Safeguarding Officers

Name	Phone	Email
Gill Fox	6077	gill.fox@tmbc.gov.uk
Stephen Gregg	6165	stephen.gregg@tmbc.gov.uk
Alison Finch	6247	alison.finch@tmbc.gov.uk
Anthony Garnett	6151	anthony.garnett@tmbc.gov.uk
Mathew Brooks	6105	Mathew.brooks@tmbc.gov.uk
Andrew Rosevear	6143	andrew.rosevear@tmbc.gov.uk
Jason Wheble	6259	jason.wheble@tmbc.gov.uk
Claire Potter	6321	Claire.Potter@tmbc.gov.uk
Claire Keeling	6223	Claire.Keeling@tmbc.gov.uk

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



This form may be 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:	
<i>For Designated Safeguarding Officer use only</i>	
<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: 0800 1111 or report directly onto the [website](#)

Hourglass – (Safer Ageing) 0808 808 8141 or helpline@wearehourglass.org

Kent Safeguarding Children Multi-Agency Partnership – 03000 42 11 26 or kscmp@kent.gov.uk

Kent and Medway Safeguarding Adults Board

Victim Support – 0808 1689 111

Age UK - 0800 055 6112

**TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD**

10 November 2020

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 LEYBOURNE LAKES COUNTRY PARK: FUTURE MANAGEMENT AND FACILITY DEVELOPMENT

Summary

This report updates Members on both the proposed transfer of the site management of Leybourne Lakes Country Park [LLCP] to the Tonbridge and Malling Leisure Trust [Leisure Trust], and the Capital Plan scheme for the provision of additional lakeside facilities. The proposed transfer is identified in the Council's First Year Addendum to the Corporate Strategy.

1.1 Introduction

1.1.1 As reported to Members of this Board on the 21 July 2020 and subsequently approved by Cabinet, it is proposed that the site management of LLCP be transferred to the Leisure Trust from the 1 April 2021. Further to this a report was also taken to the meeting of the Finance, Innovation and Property Advisory Board on the 16 September 2020 and subsequently recommended by Cabinet for Council approval, in regard to the proposed facility improvements. In taking forward both projects the following aims are to be achieved:

- to achieve a financial saving to the Borough Council;
- to improve the financial position and sustainability of the Leisure Trust; and
- to improve the quality of onsite facilities and services to the visiting public.

1.2 Site Management

1.2.1 It is proposed that the management of LLCP be transferred to the Leisure Trust in line with the arrangements already in place in the Management Agreement for the Council's indoor leisure facilities, i.e. Larkfield Leisure Centre, Tonbridge Angel Centre, Tonbridge Swimming Pool and Poult Wood Golf Centre. The current Management Agreement with the Trust allows for the transfer of additional facilities and it is in accordance with Section 10 of the Agreement that the transfer is proposed. The current Agreement allows the Trust to develop public service provision whilst still aligning to the Council's aspirations and objectives. The current partnership between the Council and the Leisure Trust has been

extremely successful and productive resulting in the increased development of, and investment in, the Council's facilities. It is felt that this success can be replicated for LLCP.

1.2.2 As highlighted above the transfer will see the addition of LLCP to the Trust's management portfolio and the same guiding principles and obligations in the current Management Agreement will be applied to the management of the Country Park. These will include the following:

- The Trust shall have full discretion to establish fees and charges for the facilities and/or services (including the Car Park).
- The programming of services at LLCP will be included in the Trusts' Annual Service Delivery Plan that is revised on an annual basis and subject to Member approval through this Board.
- The transfer of the two on site staff to the Leisure Trust in accordance TUPE legislation.
- Repair and maintenance of the facility shall be shared between the parties in accordance with an agreed Repair and Maintenance Matrix. In general, day to day repair and maintenance obligations will be transferred to the Trust and the Council will retain responsibility for Capital Renewals and Building Repairs.
- The site ownership is retained by the Council
- The Trust shall establish a customer satisfaction and complaints procedure.
- The Trust shall retain the Green Flag accreditation in relation to the facility for the duration of the Agreement.
- The Trust shall regularly monitor customer satisfaction and present the results to the Council.
- The development of key Outputs and Performance Indicators relevant to LLCP that will be monitored through the Trust's Business Plan and Annual Service Delivery Plan.

1.2.3 The approach is supported by the Leisure Trust and I have attached at **Annex 1** correspondence from its Chief Executive following consideration of the potential transfer at its Trust's Board meeting on the 21 September.

1.2.4 In addition to developing a formal variation to the Management Agreement regarding the transfer the next task will be negotiated with the Leisure Trust to agree, amongst other things, the financial arrangements relating to the transfer. Paragraph 1.5 sets out the initial indicative costings. Should Members decide to proceed subject to the caveats set out in this report, more detailed work will be undertaken in liaison with the proposed operator. The ensuing financial proposals will be reported to a future meeting of this Board and will need to meet the aims outlined in sub section 1.1.1 earlier in these papers.

1.3 Facility Development

- 1.3.1 As reported to the Finance, Innovation and Property Advisory Board on the 16 September 2020, the Council has had a long held aspiration to provide a purpose built lakeside facility at the site to primarily provide year round catering and a centre for water sports. Subject to final approval by Council on 27 October, the project will be included in the Council's Capital Plan. A copy of the evaluation is attached at **Annex 2** for information.
- 1.3.2 In addition to the above, Cabinet also agreed to further investigation into the use of the Denbighshire County Council UK Leisure Framework for the procurement and delivery of the project. This work has progressed through liaison with Alliance Leisure Services Ltd (ALS) who are a leading leisure development consultant and the selected company within the aforementioned Framework. The Council are aware of the work undertaken by ALS due to its previous engagement with the Leisure Trust on the project management and delivery of the new fitness studios at Larkfield Leisure Centre.
- 1.3.3 Liaison has been undertaken with ALS on the provision of new facilities at Leybourne Lakes and its' initial Development Proposal can be found at **Annex 3**. The proposal outlines the project brief, initial concept design ideas, illustrative project costs and ALS's Gateway Approach in relation to the next steps of developing Cost Confidence and Cost Certainty.
- 1.3.4 Members will be aware that the Council has a finite budget of £741,000 for the project that is being funded in full by external funding secured through Section 106 contributions. It will, therefore, be essential that the Council has confidence in the budget before committing further expenditure. It will then be essential that the contract is only let with cost certainty to reduce the risk of overspend.
- 1.3.5 Members comments on the Development Proposal attached at **Annex 3** are sought, and subject to comments received it is proposed that the Council progresses the development and delivery of the new facility in accordance with ALS' Development Proposal.
- 1.3.6 The design of the building is being undertaken in full consultation with the Leisure Trust as the intended operator of the facility and the project is being delivered through an inter departmental Project Group. The building will be subject to planning approval.

1.4 Legal Implications

- 1.4.1 The proposals outlined in this report are the subject of ongoing legal advice with the Council's legal service and external legal advisors to ensure that the Council is acting lawfully. Further external advice is currently being sought and any recommendations within this report are to be subject to the Monitoring Officer confirming that the action to be taken is lawful once the advice has been finalised.

- 1.4.2 In relation to the use of the Denbighshire County Council UK Leisure Framework, it is possible for the Council to use this Framework Agreement provided that the Services are called off prior to the expiry of the Framework Contract on 31 January 2021. This will require the process set out in the Framework to be followed which includes a Development Agreement being entered into by this date.”
- 1.4.3 The two existing on site staff working at LLCP will transfer to the Leisure Trust and their employment rights will be protected under the Transfer of Undertakings [Protection of Employment] regulations [TUPE]. The staff have been advised of the potential transfer and consultation will continue as the transfer progresses in liaison with the Council’s HR department.

1.5 Financial and Value for Money Considerations

- 1.5.1 In bringing forward these proposals to Members, the initial assessment undertaken in liaison with Financial Services suggested that the transfer of responsibility for management of LLCP including the proposed purpose built lakeside facility could deliver a financial benefit to both parties. This would be by way of a cost saving to the Council and a net income stream to the Trust.
- 1.5.2 Further ‘high level’ costing has been undertaken and this indicates that, on transfer, there should be an immediate saving to the Council of circa £10k. Once the new lakeside facility is open, indicative ‘high level’ estimates suggest that there should be an increased net income stream of circa £30k to the proposed operator (i.e. the Leisure Trust). Members should note that this of course would be taken into account in any revisions to the overall Management fee, netting down any financial impact of Covid to leisure facilities which has been referred to in reports elsewhere.
- 1.5.3 It is important to note that these figures are high level and detailed work has not been undertaken with the Leisure Trust at this point. If Members, having considered these proposals, decide to proceed as outlined into this report subject to all the caveats given, more detailed work in liaison with the Leisure Trust will begin and the resulting financial assessment will be reported to a future meeting of the Board.

1.6 Risk Assessment

- 1.6.1 With regard to the site management the transfer will only progress if the aims highlighted at 1.1.1 of this report are met including the financial benefits to both the Council and the Leisure Trust.
- 1.6.2 The facility development is being taken forward based on a phased approach including both Cost Confidence and Cost Certainty as highlighted within the report.

1.6.3 There is clearly a risk that if the projects do not proceed the opportunity to maximise income from the Park will not be achieved, quality of service on site will not improve and savings will not be generated. Taking into account the Council's overall financial position and the discretionary nature of the facilities there is clearly a need to deliver the site as cost effectively as possible.

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 Policy Considerations

1.8.1 Asset Management, Biodiversity & Sustainability, Community and Procurement.

1.9 Recommendations

1.9.1 It is **RECOMMENDED** to Cabinet that subject to the Monitoring Officer being satisfied about the legality of the actions in relation to the potential transfer that:

- 1) the potential transfer of the site management continues to be addressed in liaison with the Leisure Trust in accordance with the principles of the existing Management Agreement;
- 2) consultation continues with the relevant on site staff at LLCP in liaison with HR regarding their potential TUPE transfer to the Leisure Trust;
- 3) a report be presented to the next meeting of this Board on the financial implications /viability of a future transfer;
- 4) the transfer only be progressed if it achieves a saving to the Council and an income stream to the Leisure Trust.

1.9.2 It is **FURTHER RECOMMENDED** to Cabinet that in regard to the potential development of a new Lakeside Facility at LLCP:

- 1) Alliance Leisure Services Ltd be appointed through the UK Leisure Framework to progress the project up to the Cost Confidence stage outlined in its Development Proposal;
- 2) the project only be progressed to the Cost Certainty stage by Alliance Leisure Services Ltd if there is confidence that the project can be funded from within the available budget; and
- 3) approval be granted for a Planning Application to be submitted for the proposed facility development.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes
Neil Lawley

Nil

Robert Styles
Director of Street Scene, Leisure & Technical Services

From: Martin Guyton [REDACTED]
Sent: 23 September 2020 19:17
To: Robert Styles <Robert.Styles@tmbc.gov.uk>; Sharon Shelton <Sharon.Shelton@tmbc.gov.uk>
Cc: Darren Lanes <Darren.Lanes@tmbc.gov.uk>; Neil Lawley <Neil.Lawley@tmbc.gov.uk>; David Sayle [REDACTED]
Subject: Leybourne Lakes Country Park

Dear Robert & Sharon

Further to the Trust's Board meeting on 21 September I am writing to confirm the willingness and ability of the Trust to move forward with negotiations with the Council to manage and operate LLCP from 1 April 2021.

The following recommendations were approved;

- 1) Approval in principle to the transfer of LLCP to the Trust under the current Management Agreement;
- 2) Approval to the use of Winckworth Sherwood in respect of legal advice;
- 3) Award of delegated authority to the Chief Executive to progress a proposal including financial arrangements in negotiation with the Council; and
- 4) A further progress report be considered at the next meeting of the Board. (30 November 2020)

I think it is worth noting that in the twelve months prior to COVID the Trust assumed direct management control of the Golf Professional Service at Poulton Wood, the Catering service at LLC and Prima Stage School at LLC. In total these services represent turnover of around £750,000 and involved the TUPE transfer of over 40 staff. Each project was planned and executed seamlessly from the perspective of the TUPE'd staff and more pertinently the customers of each service. The objectives were broadly similar to those agreed provisionally for LLCP, that being improvements to the service, increased revenues and profitability to the Trust and, therefore, improved sustainability and resilience to help reduce any likely call on the Council for support. I appreciate COVID-19 has driven a hole through the financial objectives however once the business has recovered I am confident we will be stronger in service and financial terms by adopting these services. I am confident, as is the Board, that the same will be true of LLCP.

In conclusion the Trust is ready and has the necessary experience, expertise and resources to undertake an efficient and effective transfer of LLCP in the preferred timescale subject to the Council progressing the necessary documentation in a timely fashion.

If you require any further reassurance or information please do not hesitate to contact me directly.

Best Regards,
Martin.

Martin Guyton

Chief Executive
tmactive
1-5 Martin Square
Larkfield
Aylesford
Kent
ME20 6QL



CAPITAL PLAN LIST C – EVALUATIONS

Project		Street Scene, Leisure & Technical Services: Leybourne Lakes Country Park – Facility Improvements	
1	Specification:		
	(i)	Purpose of the scheme	To build a purpose built lakeside facility to provide year round catering, educational/flexible space and a centre for watersports. The facility would meet an identified customer need and would be income generating. The project will help support the long term sustainability of the Leisure Trust.
	(ii)	Relevance to National / Council's Objectives	(a) National: None (b) Council: Savings and Transformation Income Generation Asset Management
	(iii)	Targets for judging success	(a) Saving in cost of facility (b) Improvement to existing service (c) User feedback (d) Project delivered within budget
2	Description of Project / Design Issues: At the present time the site offers a limited mobile catering service in the summer months and the watersports are operated out of old shipping containers. Toilet provision is located in the car park away from the areas of most public use. The project would provide a purpose built facility to provide the quality of facility to meet customer expectations and to offer a year round service. Usage of the site continues to grow year on year and the opportunity exists to meet customer demand and generate additional income. The project will be designed in liaison with external architects and will need to be sympathetic to the location, meet requirements for planning and be in accordance with the Council's Climate change strategy. The operation of the new facility will be managed by the Leisure Trust which will be fully involved in the design to ensure future operational considerations are taken into account. The management of the project will involve a cross service project management group with draft design proposals reported to Members of the Communities and Housing Advisory Board.		
3	Milestones / Risks: A detailed project plan will outline key milestones relating to issues such as design, planning approval, procurement, construction and timescales. Each stage of the project plan represents its own risks together with the need to complete the construction within budget and the agreed timescale.		
4	Consultation: Early discussions will take place with Planning Services and Building Control. The provision of the facility was identified as the most requested improvement to the site in the last customer survey, and is supported by the customer panel. Local Members and Parish Councils have expressed their support for such a project in the past and will be consulted further over the design. Cabinet has recognized the project in the first year Addendum to the Council's Corporate Strategy. The Council's Management Team are supportive of the project.		

CAPITAL PLAN LIST C – EVALUATIONS

Page 20

5	Capital Cost: <ul style="list-style-type: none"> The capital cost of the project will need to be within the developer contributions currently held by the Council specifically for on site improvements at the Country Park which is £741,000. 					
6	Profiling of Expenditure					
	2019/20 (£'000)	2020/21 (£'000)	2021/22 (£'000)	2022/23 (£'000)	2023/24 (£'000)	2024/25 (£'000)
			741			
7	Capital Renewals Impact: Capital renewals will reflect the nature of the financial agreement reached with the Leisure Trust.					
8	Revenue Impact: The developer contributions that will be allocated to the project generate investment income (£6,550 in the 2020/21 estimates) that is used to contribute towards day to day maintenance costs associated with the Country Park. This and other revenue impacts will be reflected in the financial agreement reached with the Leisure Trust and aims to deliver a saving to the Council.					
9	Partnership Funding: None.					
10	Project Monitoring / Post Implementation Review: Project will be monitored by project management group and will be subject to a post implementation review 12 months after completion.					
11	Screening for equality impacts:					
	Question			Answer	Explanation of impacts	
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?			n/a		
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?			n/a		
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?			n/a			
12	Recommendation: Transfer from List C to List A.					



LEYBOURNE LAKES

Development Proposal



CONTENTS

1. Introduction
2. The Alliance Leisure Solution
3. Project Design Brief
4. New Development – Concept Drawing
5. Illustrative Total Project Costs
6. Cost Confidence / Cost Certainty – The Alliance Gateway Approach:
7. Design Inspiration
8. Bedgebury Pinetum – Site Visit Photos



Silver Award
2020
Setting the standard for
the environment.



1. Introduction

Tonbridge & Malling Borough Council (TMBC) have consulted with leading leisure development experts Alliance Leisure Services Ltd (ALS) to look at the development opportunities to improve the facilities at Leybourne Lakes Country Park. The vision from TMBC, is to create a new building overlooking the lakes, in keeping with the environment, to provide an attractive food and beverage offering for all users of the park and lake's facilities, with a view to also adding new activities on the water.

The objectives to be achieved from the development are to provide better facilities for those already using the park, attract new users and a wider market of people with new facilities, increasing participation in regular physical activity from the local community, and drive increased income from the park.

ALS was established 20 years ago, to respond to the changing development needs of the public sector, education and growing leisure trust market. The company's core business is the provision of facility development and support for local authorities, educational establishments and leisure trusts that want to improve or expand the leisure facilities and services provided to their local communities. The ALS team has unrivalled experience in delivering projects and understand the challenges of local government and leisure trust service provision. The ALS ethos is always to work with clients prior to building, in order to establish and agree a viable business case, with consumer demand and capital affordability fully taken into account. This then informs the build requirements.

During the past 20 years ALS is proud to have delivered over 150 schemes valued in excess of £150m, with projects ranging in value from £60,000 to £20,000,000. After a competitive tendering process, ALS were appointed in February 2017 as lead development partner of the UK Leisure Framework which allows for the direct appointment of ALS as a development partner for the scoping (including consultancy), design, refurbishment, construction and the development of sport, leisure and other cultural facilities across the UK public sector. In 2018, ALS won the UK Active award for 'New Concept Design and Build of the Year' for leisure, having previously won the UKactive award for 'Supplier of the Year' to the leisure industry. Alliance Leisure were also finalists at the 2018 APSE national awards for 'Best Public and Private Sector Partnership'.

Alliance Leisure have robust environmental practices in place having achieved the 'Investors in the Environment Silver Award 2020'. They are committed to ensuring that performance environmentally is considered as a key component of all projects and that the consideration of impacts, both carbon and financially, are paramount. Alliance Leisure also work with principle contracting and architectural partners who are accredited to ISO14001:2004 for Environmental Management Systems.

The ALS development team for this project includes **Etec Contract Services**, **Saunders Boston Architects** and **OBL**, from their *UK Leisure Framework* supply chain.

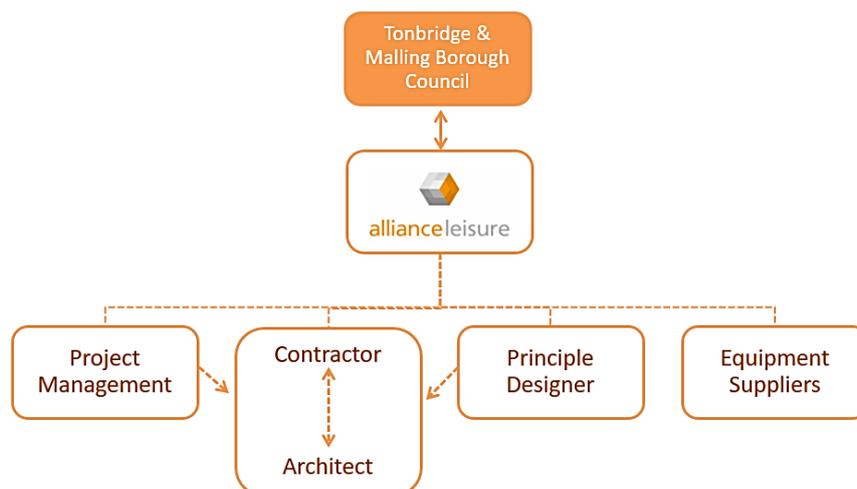


2. The Alliance Leisure Solution

ALS provides a unique complete leisure development solution, from initial feasibility and business planning through to design, build and funding if required. ALS also provides ongoing support and partnership through **TA6**, if required, to ensure facilities achieve their targets.

A key benefit to TMBC in using ALS to deliver this project is the mitigation of risk. ALS will enter into a contract (DMA) with TMBC to deliver the project at a fixed sum, with any variations only instructed in writing by TMBC during the process. ALS will also enter into the building contract and assume agreed project delivery risk, as identified and agreed with all parties in the project Risk Register. The build contract will be a JCT (Joint Contracts Tribunal) 2016 Design and Build Contract. This is a standard document used extensively in the industry and familiar to the public sector. The contract allows for contractor design, which affords considerable time and cost savings brought about by utilising design and build procurement.

Another principle advantage of the ALS service is in experience and resources, which enable the delivery of a quality new facility **on time** and **on budget**. To undertake a development usually involves finding and co-ordinating several companies but with ALS, TMBC will have **one agreement, one relationship**. ALS will absorb any project headaches, mentoring TMBC through the project delivery process, so that minimal time is spent away from other work. Contract structure:



The key benefits of the ALS development partner approach can be summarised as:

- | | |
|--|--|
| <ul style="list-style-type: none"> ➤ Track Record of successful delivery ➤ Leisure Sector Specific Turnkey Development Partner expertise ➤ Feasibility and Robust Business Planning ➤ Concept to Cost Certainty ➤ Low Framework Access Fees ➤ Speed to procurement and Development Process | <ul style="list-style-type: none"> ➤ Innovation ➤ The Right Team for the Right Job ➤ Choice of Build Contracts: JCT 2016/ NEC 4 ➤ Supply Chain Leverage ➤ Project Management: Concept, Design, Construction and Fit-Out ➤ Value for Money and Risk Transfer ➤ Funding if required ➤ Adding Value: Powered by TA6 |
|--|--|

3. Project Design Brief

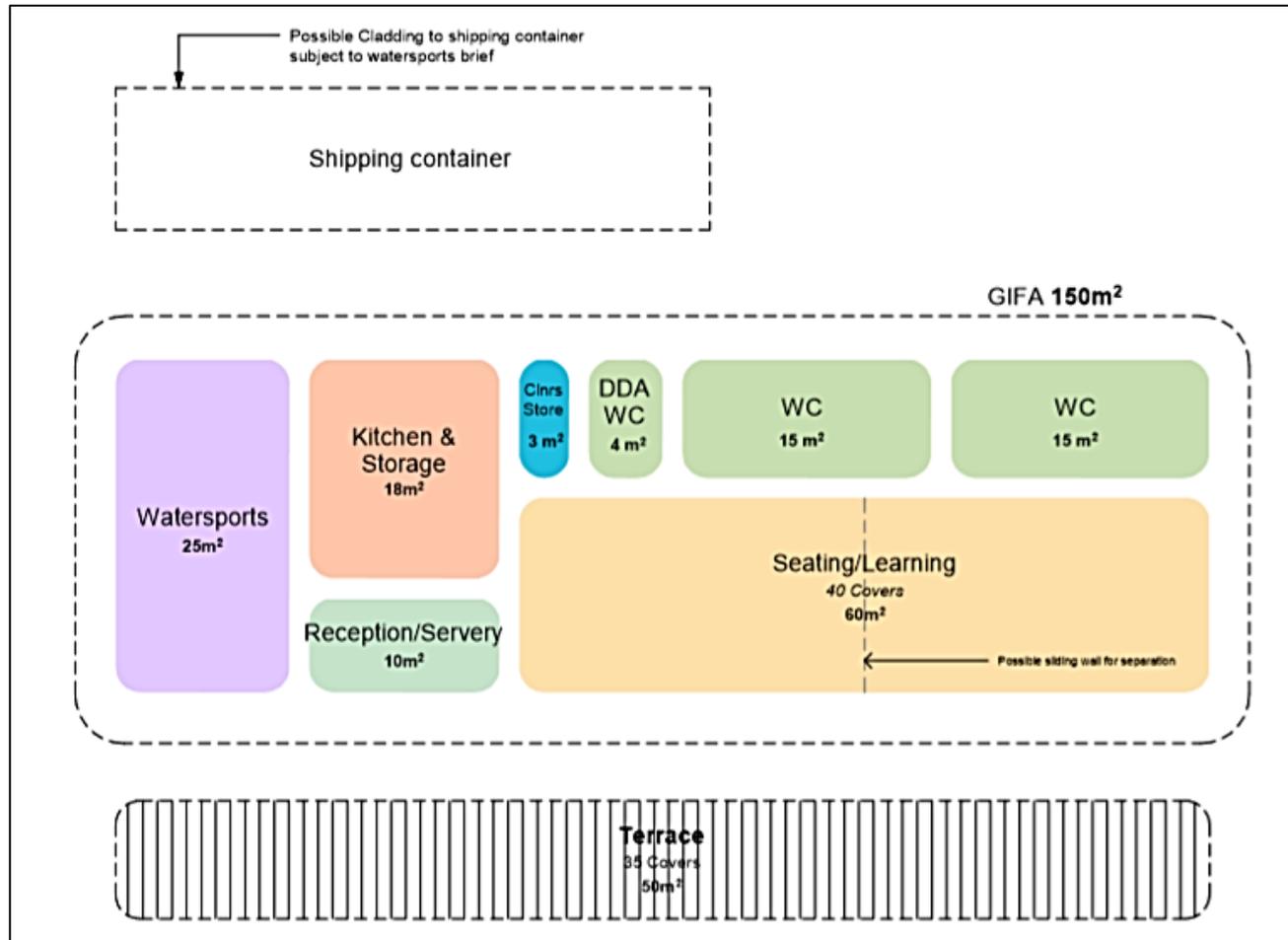
Based on discussions during the first site visit, the initial brief for this project is understood to broadly include the following, to be shaped collaboratively moving forwards through the next stages:

- + Kitchen – not a full service kitchen, as likely the hot food menu will just be paninis / jacket potatoes etc. and sandwiches, so it can be a fairly compact space.
- + Indoor Servery – coffee machine and countertop snacks space
- + Outdoor servery ‘window’ for outdoor events
- + Indoor Seating for 40 covers
- + Toilets
- + Multi-use room / parties / educational
- + Water Sports bookings – depending on how it is operate, the Servery counter could also to be a ‘Reception desk’
- + Outdoor seating area – possibly decking over water
- + Future proof to be able to easily expand the building, increase covers, in a potential next phase.
- + Consideration for use of existing toilets in existing building, and car parking
- + Screening for storage containers (if remaining) to alleviate the eyesore.



4. New Development - Concept Drawing

SBA have provided a very early 'Concept Drawing' to illustrate how the spatial requirements could fit in the new building:



5. Illustrative Total Project Costs

Based on the advised maximum budget of £741,000 (exc VAT), below is an illustration of how this budget could be apportioned to achieve the desired development:

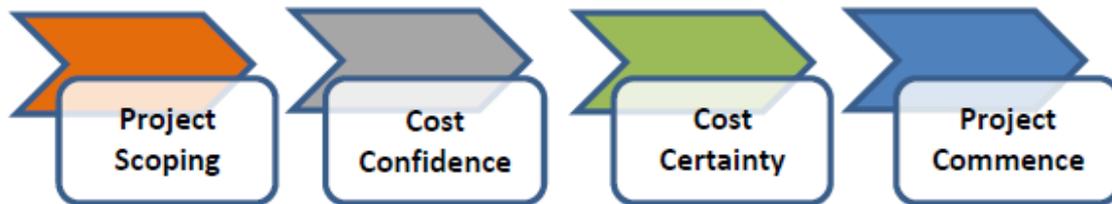
Element	Cost
Build works	£600,000
Principal Designer fee	£12,000
Café fit out	£75,000
Miscellaneous FFE	TBC
QS / PM fees	£26,750
ALS Delivery fee	£20,250
TMBC Project Contingency	TBC
Framework Access Fee	£7,000
Total (exc vat)	£741,000

The above is just a suggested guide as a starting point for discussion, to be refined during the next stages of detailed design and costing in collaboration with TMBC.



6. Cost Confidence / Cost Certainty – The Alliance Gateway Approach:

To progress the scheme forwards and give TMBC confidence in the capital budget required and affordability, ALS recommend their proven ‘gateway’ process, collaboratively working with the relevant parties to develop the project firstly to a stage of ‘Cost Confidence’ and then to ‘Cost Certainty’.



This is the usual route that ALS take when developing a scheme as it gives TMBC the following benefits:

Cost Confidence

- Requires a relatively low proportion of fees (compared to total project value) to be expended by TMBC.
- These fees are wrapped up within the total project cost if the scheme progresses with the ALS team (and if not, all findings from surveys will be owned by TMBC).
- Gives project costs with a very good level of confidence informed by initial surveys.
- Provides an interim step before committing to full ‘Cost Certainty’ which would then include detailed design / surveys / costs and a higher proportion of fees.

At the completion of this work, TMBC will receive:

- Indicative layouts / designs (informed by surveys carried out)
- Itemised build cost plan
- Total project costs
- Essential Survey reports (as listed in the fees table)
- Equipment design layout (eg. Kitchen / Servery)

This will give TMBC the level of information required to make an informed decision on whether to progress. Following the Cost Confidence work, and to progress to the final ‘gateway’, ALS recommend developing the proposals to a stage of ‘Cost Certainty’. Note, TMBC may wish to skip the ‘Cost Confidence’ stage and go straight into the ‘Cost Certainty’ work, saving time by avoiding repeat visits for surveys and no need for a TMBC review period to be factored in between the stages. This is the option that most ALS clients take. This work includes:

Cost Certainty

- A relatively low proportion of fees (compared to total project value) to be expended by TMBC.
- These fees are wrapped up within the total project cost if the scheme progresses with the ALS team (and if not, all findings from surveys will be owned by TMBC).
- Gives TMBC a confirmed project cost that will be documented as the contract sum.
- As part of this detailed design process, any further and more in-depth essential surveys are carried out (as listed in fees table) so any ‘showstoppers’ to progressing the development will be identified at this stage.

At the completion of this 'Cost Certainty' work, TMBC will receive:

- Detailed layouts / designs (informed by surveys)
- Itemised build cost plan (informed by surveys)
- Project Programme / Timeline Gantt Chart
- Risk Register
- Total Project Costs Summary, giving a fixed contract sum to take forwards
- Reports from Survey work carried out

This will give TMBC all the information required to make an informed decision to progress the development.

For clarity, fees for the Cost Certainty stage are in addition to the fees for the Cost Confidence stage. Note, **these are not additional costs to the project**, rather the first 'wave' of pre-construction costs drawn down (from the £741,000 budget) through this phased approach.

Next Stage Costs:

Element	Cost Confidence	Cost Certainty	Supplier / Comments
Architectural Design	£ 3,206	£ 6,441	Saunders Boston Architects (via Etec)
Structural Engineer	£ 4,800	£ 4,800	Etec
M&E Consultant	£ 3,500	£ 8,700	Etec
General Investigations	£ 1,500	£ 1,500	Etec
Asbestos Survey	n/a	n/a	n/a
Topographical	£ 1,200	£ -	Etec
Geotechnical and WAC Test	£ -	£ 7,500	Etec
Flood Risk Assessment	£ 2,000	£ -	Etec
Foul Sewerage and Utilities Assessment	£ 5,000	£ -	Etec
Ecology Desktop Study	£ 2,500	£ -	Etec
*Biodiversity Survey and report	£ -	£ 10,000	Etec
Open, play space and recreation assessment	£ -	£ 3,300	Etec
Landscaping details	£ -	£ 4,400	Etec
Tree Survey/Arboricultural Implications	£ -	£ 3,300	Etec
Noise Assessment	£ -	£ 2,500	Etec
Transport Assessment	£ -	£ 6,000	Etec
Archeological / Ecology surveys	£ 2,000	£ 2,000	Etec
Building Control	£ 1,200	£ 2,250	Etec
Management and Prelims	£ 5,100	£ 5,100	Etec
Principal Designer fee	£ 1,000	£ 3,800	Saunders Boston Architects (via ALS)
Costa 'Proud to Serve' - Café / Kitchen design	£ 2,450	£ 2,450	OBL
Project Management & Co-ordination	£ 7,500	£ 15,000	ALS + UK Leisure Framework consultant
Sub Total (exc vat)	£ 42,956	£ 89,041	
	6 weeks	8 weeks	
To complete Cost Certainty (both stages combined)	£131,997		

*Biodiversity Survey and Report - £10k Provisional Sum as unknown until Cost Confidence surveys completed. Additional surveys may be required following this.



7. Design Inspiration



Silver Award
2020
Setting the standard for
the environment.

Page 120
UK AWARDS
active WINNER
NEW CONCEPT, BUILD OR DESIGN





8. Bedgebury Pinetum – Site Visit Photos



Silver Award
2020
Setting the standard for
the environment

Page 121
UP AWARDS
active WINNER
NEW CONCEPT, BUILD OR DESIGN





Silver Award
2020
Setting the standard for
the environment.

Page 122
UK AWARDS
active WINNER
NEW CONCEPT, BUILD OR DESIGN











bedgebury

Adventure in a world of trees

- National Pinetum
- Walking trails
- Cycling trails
- Play area
- Cafe
- Go Ape
- Bike hire & shop

Bedgebury closes at 7pm
Our facilities close at 6pm

To protect our staff this information office is closed.

Have you tried the **Gruffalo orienteering course?**

Download the app and enjoy **with Glide**

Key

- Cafe
- Play area
- Bike hire
- Forest
- Horsetail
- Gruffalo



This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

10 November 2020

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Information

1 COMMUNITY SAFETY PARTNERSHIP UPDATE

This report will provide an update of some of the recent work of the Community Safety Partnership.

1.1 Impact of COVID-19 on the work of the Community Safety Partnership

- 1.1.1 The COVID-19 epidemic has obviously had a major impact on the lives of everyone in the UK and it has also had an impact on crime levels both nationally and within the Borough. Crime data to the end of August 2020 (the latest data available) shows that there was a reduction in victim based crime of 7.8% (655 offences). We continue to see reductions in violent crime (-5.2%), burglaries (-15.1%) and vehicle crime (-18.1%). There has been an increase in drug offences (112 offences) but this could be due to there being less people around making it easier for the police to spot/catch drug dealers.
- 1.1.2 In relation to domestic abuse, the organisations who work in the borough are starting to see an increase in reports to their services as more people are able to access the support they need. DAVSS (the Domestic Abuse Volunteer Support Service) has seen 1,618 calls to its helpline (536 from Tonbridge & Malling residents) between June to September 2020. This is compared to 1,095 calls during the same period last year (361 from Tonbridge & Malling residents). There has also been an increase of 140 reports to the Police compared to the same period last year.
- 1.1.3 The Borough Council's Anti-Social Behaviour Officer has also seen an increase in the reporting of anti-social behaviour and this appears to be linked to more people being at home and increased complaints of noise, neighbour disputes etc. He is now able to start visiting people (ensuring that he is complying with social distancing guidance) and since August has dealt with 81 complaints. These vary from complaints around noise, garden boundary disputes, parking and abusive behaviour. Actions taken can vary from speaking to the people involved, involving Mediation to help resolve the issues or as a last resort issuing Community

Protection Warning Notices. These state the behaviour that the people should or should not do and provide an effective tool to help resolve an issue.

1.2 White Ribbon campaign

1.2.1 White Ribbon UK is a charity that is aiming to end male violence against women by engaging with men and boys to make a stand against violence. Their mission is for all men to fulfil the White Ribbon Promise to never commit, excuse or remain silent about male violence against women.

1.2.2 Tonbridge & Malling Borough Council is signing up to become a White Ribbon Organisation and we are looking for men within our organisation (both staff and Members) who can become White Ribbon Ambassadors. These Ambassadors are male volunteers who engage with other men and boys to call out abusive and sexist behaviour among their friends, colleagues and communities to promote a culture of equality and respect.

1.2.3 As an Ambassador you would:

- act as a positive role model for other men and boys,
- actively reflect on your own behaviour and actions.
- promote the White Ribbon Campaign amongst your friends, colleagues and communities.
- work towards encouraging other people, especially men, to make the White Ribbon Promise.

1.2.4 Anyone interested in becoming an Ambassador would need to make the White Ribbon promise (available online) and there will also be some online training available which would also need to be completed once this is available.

1.2.5 Although the White Ribbon campaign aims to get men to sign up as Ambassadors, women can also be involved as White Ribbon Champions and their role is to encourage men and boys to take an active role in preventing male violence against women.

1.2.6 If any Members are interested in signing up as Ambassadors or Champions please let me know or alternatively I can provide further information if required. Further information is also available at

<https://www.whiteribbon.org.uk/ambassadors-and-champions>

1.3 Funding for ACE programme

1.3.1 The Tonbridge & Malling Community Safety Partnership was recently successful in receiving funding from the Violence Reduction Unit to run an ACE (Adverse Childhood Experience) Programme in Tonbridge & Malling.

- 1.3.2 Adverse Childhood Experiences is a term to describe some of the most intense and frequently experienced sources of stress, such as abuse, neglect and other household dysfunction that children may suffer. These alter the development and functioning of the infant brain and can have a long-lasting and injurious impact, leading to negative health and social outcomes throughout a person's life. Understanding such mental and emotional trauma is key to understanding the behaviour of the children and families who we work with.
- 1.3.3 We will be working with the Angel Lane Community Interest Company to run the programme which will involve 16 professionals from a variety of organisations who work across the Borough. The programme, which will start in November, will provide three half day sessions, coaching and consultation with the aim of developing a local, multi-skilled delivery team dedicated to cascading knowledge and an awareness of the interrelated nature of crisis-led and prevention-focused work such as that around ACEs and trauma.
- 1.3.4 We hope that once the programme has been completed those who have attended will have a greater knowledge of the impact of ACEs on the people they are working with and that they will also be able to cascade this throughout their organisations.

1.4 Funding for knife campaign

- 1.4.1 We also received some funding from the Violence Reduction Unit to run a knife campaign across August and into September. Although knife crime is low in Tonbridge & Malling this was a county wide project and all areas were given funding to tackle the issue.
- 1.4.2 We worked with the Police on our campaign and agreed to run two 'days of action' in Snodland and Tonbridge whereby the Police did some knife sweeps (nothing was found), high visibility patrolling and in Tonbridge the Police linked in with British Transport Police at Tonbridge Railway Station. We were able to use the fund to purchase two sturdy pavement signs which we were able to use to advertise the work that was being carried out. We were also able to purchase keyrings and leaflets which were distributed during the two days. Although no knives were found, the campaign was useful to raise awareness with the public around the issue and the police did carry out a number of stop and searches.
- 1.4.3 We will continue to work with the Violence Reduction Unit to tackle violent crime and hope to keep figures in Tonbridge & Malling low.

1.5 Friends Against Scams

- 1.5.1 Friends Against Scams (FAS) is a National Trading Standards Scams Team initiative, which aims to protect and prevent people from becoming victims of scams by empowering people to take a stand against scams. The initiative has been running for four years and over half a million people have already completed a free scams awareness session.

1.5.2 If communities become more aware about scams they can potentially save a family member, or member of the community, an average of £3,000. Just by stopping someone from falling for scams.

1.5.3 Nationally:

- 53% of people over 65 have been targeted by scams
- Only 5% of scams are reported
- Friends Against Scams statistics indicate that the average scam victim has lost over £3,000
- Home Office research states vulnerable older adults defrauded in their own home are 2 ½ times more likely to either die or go into residential care within two years.

1.5.4 Friends Against Scams run free online training which they are encouraging people to sign up to so that they can spread information about scams to other, more vulnerable people within their communities. The training, which take approximately 15 minutes, is available at www.friendsagainstscams.org.uk/elearning/kent

1.6 Legal Implications

1.6.1 None

1.7 Financial and Value for Money Considerations

1.7.1 Any funding requirements are provided through the Community Safety Partnership.

1.8 Risk Assessment

1.8.1 All risk assessments are under taken as appropriate.

1.9 Policy Considerations

1.9.1 Community Safety

Background papers:

Nil

contact: Alison Finch
Safer & Stronger Communities
Manager

Adrian Stanfield
Central Services Director and Deputy Chief Executive

Agenda Item 12

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

This page is intentionally left blank

Agenda Item 13

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**

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

Agenda Item 15

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

This page is intentionally left blank