

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

25 November 2020

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held online via Microsoft Teams on Thursday, 3rd December, 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 for absence 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 - 12

To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 8 October 2020

4. Any Executive Decisions which have been 'called in' 13 - 14

Matters for Recommendation to the Cabinet

5. Recovery of Voluntary and Community Sector 15 - 24

This report provides an update to the previous scoping report with updates to be provided by a number of speakers who will be attending the meeting.

6. Review of CCTV 25 - 46

Members are requested to give further consideration to the provision & operation of CCTV within the Borough, in light of recent discussions with Kent Police

The following annexes are Private and are attached under Part 2 of the agenda:

- Annex 1 – Report of 29 September 2019
- Annex 2 – Report of 10 October 2019

Decisions to be taken by the Committee

7. Virtual Meetings and Homeworking - Scoping Report 47 - 52

This report sets out the basis for a review of virtual meetings and homeworking

Matters for Information

8. Local Government and Social Care Ombudsman - Annual Review Letter 53 - 62

To set out the annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2019 to 31 March 2020.

9. Urgent Items 63 - 64

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

10. Exclusion of Press and Public 65 - 66

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

Matters for Recommendation to Cabinet

11. Review of CCTV 67 - 96

(Reasons: LGA 1972 - Sch 12A Paragraph 7 – Prevention, investigation or prosecution of criminal offences)

Annexes 1 and 2 to the report of the Director of Central Services and the Director of Street Scene, Leisure and Technical Services are attached for information.

12. Urgent Items 97 - 98

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 Sergison (Chairman)

Cllr Mrs A S Oakley (Vice-Chairman) and Cllr F G Tombolis (Vice-Chairman)

Cllr Mrs J A Anderson

Cllr M C Base

Cllr T Bishop

Cllr J L Botten

Cllr M D Boughton

Cllr C Brown

Cllr R W Dalton

Cllr M O Davis

Cllr M A J Hood

Cllr A P J Keeley

Cllr D Keers

Cllr H S Rogers

Cllr M Taylor

Cllr Miss G E Thomas

Cllr D Thornewell

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 8th October, 2020

Present: Cllr J L Sergison (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr R W Dalton, Cllr M O Davis, Cllr M A J Hood, Cllr A P J Keeley, Cllr D Keers, Cllr H S Rogers, Cllr M Taylor and Cllr Miss G E Thomas.

Councillors N J Heslop, D W King, D Lettington, P J Montague, M R Rhodes, R P Betts and M A Coffin were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors C Brown and D Thornevell

PART 1 - PUBLIC

OS 20/19 DECLARATIONS OF INTEREST

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

OS 20/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 27 August 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 20/21 REVIEW OF DOMESTIC ABUSE SERVICES

The report of the Director of Central Services provided an update to the scoping report considered at a previous meeting of the Overview and Scrutiny Committee; reviewed best practice nationally that could be implemented within Tonbridge and Malling and identified additional sources of funding that could be available to support these projects.

Representatives from Domestic Abuse Volunteer Support Services (DAVSS), Kent Police and Clarion Housing provided information about the services available and how victims of domestic abuse were supported.

A written report from Lookahead, who were commissioned by Kent County Council to provide services to high risk victims of domestic abuse in the borough, was attached for information at Annex 1.

Particular reference was made to the development of new initiatives, such as a Cyber Stalking Clinic run by Protection Against Stalking and Lookahead; the Dragonfly programme to identify victims isolated within communities and the Everyone's Business Advice Line, run by the charity Hestia, that worked with employers to provide information, resources and practical guidance to employees.

It was reported that funding to tackle domestic abuse was limited and additional funding remained difficult to source. However, Government had announced a significant emergency fund to help support victims of domestic abuse and other issues during the coronavirus pandemic. Tonbridge and Malling Borough Council would continue to liaise with the services working within the Borough to ensure a cooperative approach in applying for funding.

Members listened to the information provided by the invited speakers with interest and expressed appreciation for the good work undertaken by these organisations. A number of points were discussed including charging decisions, financial pressures, definitions of domestic abuse, reciprocal transfers for housing tenants, societal barriers, removing stigma and victimology, cultural differences and the impact of enforced lockdown in the home due to the coronavirus pandemic. These points were addressed by the speakers and Members noted the responses.

RECOMMENDED: That the Safer and Stronger Communities Manager

- (1) work with the domestic abuse organisations operating within Tonbridge and Malling to explore and develop options around the new initiatives proposed within the report (detailed at 1.3 and summarised above); and
- (2) review the financial support offered to the Domestic Abuse Volunteer Support Services and recommend, if appropriate, a level of funding that could be provided by the Borough Council, subject to the views of Cabinet.

***Referred to Cabinet**

DECISIONS TO BE TAKEN BY THE COMMITTEE

OS 20/22 SCOPING REPORT: RECOVERY OF THE VOLUNTARY AND COMMUNITY SECTOR

The report of the Chief Executive advised that the voluntary sector had been significantly impacted by the coronavirus pandemic, outlined the work of the Voluntary Sector Recovery 'cell' and identified some options for the next stage of the Review.

RESOLVED: That the next stage of the Review should be to invite:

- (1) the Chairman of the Voluntary and Community Sector Recovery Cell to the next meeting of the Overview and Scrutiny Committee to discuss the work of the cell and outline the key issues faced by the sector; and
- (2) Representatives from West Kent Mind and Citizens Advice North and West Kent to the next meeting of the Overview and Scrutiny Committee to highlight particular issues being faced locally.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 20/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 pm

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Agenda Item 4

Any Executive Decisions which have been “called in”

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

03 December 2020

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 RECOVERY FOR THE VOLUNTARY AND COMMUNITY SECTOR

This report provides an update to the previous scoping report with updates to be provided by a number of speakers who will be attending the meeting.

1.1 Background

1.1.1 The scoping report which was discussed at the previous Overview and Scrutiny Committee in October 2020, recognised the huge impact of the pandemic and the fact that the voluntary and community sector had been particularly hard hit. Unfortunately as we go through a second set of national restrictions, difficulties are likely to be compounded and we know that there will be challenging times ahead as the sector continues to offer services to support residents.

1.1.2 It was agreed at the previous meeting that the Committee would hear presentations from three speakers to provide a greater insight into the issues they are facing. Most organisations have had to adapt their core offer to continue to deliver services and support the people who need them. It will be useful to hear how this has been achieved, the likelihood that new ways of working will continue post pandemic and if there are any significant issues.

1.2 Presentations from Voluntary and Community Sector Organisations

1.2.1 We have invited three organisations to attend the meeting; Kent Community Foundation, West Kent Mind and Citizens Advice North and West Kent (CANWK). The presentations will identify the services being provided, highlight how they have been affected by the pandemic and how they have adapted their service accordingly.

1.2.2 Josephine McCartney is the Chief Executive of Kent Community Foundation (KCF) and also chairs the "Voluntary and Community Sector Recovery Cell". An updated Action Plan from the Voluntary Sector Recovery Group is included as Annex 1 to this report. KCF have recently undertaken a survey of voluntary sector organisations and the findings include details of a potential overall shortfall in

income by March 2021 of 27% or £135m. Significant challenges face the sector and KCF will be leading a new Voluntary Sector Steering Group for Kent.

- 1.2.3 Stevie Rice is Chief Executive of West Kent Mind and is also a member of the Recovery Cell. The increase in stress, anxiety and mental health issues have been well documented over the past few months. West Kent Mind transferred all of their face to face services to online and telephone support and since April attendances in the support groups has increased by 142%. The presentation that Stevie will be giving at this meeting will outline how WK Mind have navigated their way through Covid-19 to date, the impact on mental health and how they are planning for the future.
- 1.2.4 Angela Newey is the Chief Executive of CANWK which is one of the key voluntary sector bodies supported by the Council. Annex 2 provides an update from the CAB which illustrates the challenges of adapting the service to offer support via telephone and email. It is noted that in some respects the changes have been beneficial and some residents have found the new ways of working more accessible. This is particularly relevant for those in the north of the borough who previously would have had more difficulty accessing a face to face service. The changes to the service do not seem to have prevented people accessing support and it is noted that the organisation feels the new approach is more efficient.

Legal Implications

- 1.2.5 None

1.3 Financial and Value for Money Considerations

- 1.3.1 Emergency Assistance Grants – as mentioned in the previous report, the Council received Government financial support in the form of a “Local Emergency Assistance Grant”. For Tonbridge and Malling the allocation was £47,355.61. This (aside from a reserve balance of £3,748.61) has now been allocated to local voluntary and community sector organisations who are offering ongoing support to assist vulnerable households.
- 1.3.2 At the time of writing it is unclear if the Government will be providing funding to specifically support the voluntary sector. We continue to receive updates and clarification of funding streams and will provide an update at the meeting should the scenario change.

1.4 Risk Assessment

- 1.4.1 N/A

1.5 Equality Impact Assessment

- 1.5.1 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.

1.6 Policy Considerations

1.6.1 Business Continuity/Resilience

1.6.2 Community

1.7 Recommendations

1.7.1 That the Council continues to work with voluntary and community Sector organisations, developing opportunities to support the sector and explore new opportunities to provide assistance where appropriate.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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Voluntary Sector - Recovery Action Plan

Action No.	Action to be taken	Action to mitigate or action for opportunity? (Mitigate or Opportunity)	Lead organisation or partnership	Named Lead (if appropriate)	Timescale Short: 0-6 months, Medium: 6-12months Longer: 12months+	Resources / capacity required	Priority - Essential, Important or Desirable
1	Funding: Funders, including public sector partners, to prioritise core funding when setting any new grant programmes, particularly as heading into 2021/22. This will help to support organisations who have seen a decrease in fundraised income and will enable organisations to continue operating	Mitigate	All funders	Josephine McCartney, Kent Community Foundation (KCF), Lydia Jackson Kent County Council (KCC)	Short Term	Initial action to commit to core funding will be from existing resources. However mitigating the risk will require additional funding.	Essential
2	Commissioning: where public sector partners have contracts in place with the voluntary sector, which are due to end in the next 12 months, to look at flexibilities or extending existing arrangements to create some financial certainty for organisations. The sector is predicted to see a 42% reduction in voluntary income nationally and commissioners should be mindful of the destabilising effect of the cumulative financial impacts.	Mitigate	Strategic partnership board (to be established) to consider cumulative impact	Lydia Jackson, KCC and David Whittle, KCC to liaise with relevant officers	Short Term	Existing resources	Essential
3	Mental Health of Workforce: KCC to establish an online forum for mentoring and wellbeing, which Voluntary Community Social Enterprise (VCSE) organisations will be able to access. This is in recognition of the pressures that have been on workforces during the crisis and the change to employees working environment.	Opportunity	KCC	Lydia Jackson, Serena Cunningham, KCC	Short Term	Existing resources	Important
4	Training and networking: Establish peer to peer networks, to facilitate mentoring and support between VCSE organisations to overcome challenges and adapt to 'new normal' way of working. Including access to e-learning and webinars. Opportunities for collaboration and innovative sharing of resources to adapt in recovery.	Opportunity	Social Enterprise Kent (SEK) Sponsored initially by KCC	Claudia Sykes (SEK)	Short Term	Existing resources	Important
5	Increased service demand: reflect on the collaboration and partnership working between KCC, district/borough councils and VCSE to support those who are vulnerable and shielding through the Community hubs and Kent Together. Consider how partnership working and sharing of data can inform predicting future demand particularly around financial hardship but also in other service areas to ensure that services and organisations do not become overwhelmed through spikes or persistently increased demand. Likely that additional investment will be needed to support increased debt advice and support.	Mitigate	Strategic partnership board (to be established)	Lydia Jackson (KCC) working with Debra Exall and Tim Woolmer (KCC)	Short Term	Initial action will be from existing resources. However mitigating the risk will require additional funding.	Important
6	Kent Homeless Population: Lobby central government on the issues surrounding the homeless population in Kent especially as temporary accommodation comes to an end on 4th July.	Mitigate	KCC, VCSE, Districts and Medway	Debra Exall, Tim Woolmer (KCC)	Short Term	Initial action will be from existing resources. However mitigating the risk will require additional funding.	Essential
7	Supported Employment: Lobby central government to recognise the impact of supported employment funding being cut on the lives of disabled people across the County. This should also include supported internship programmes.	Mitigate	Strategic partnership board (to be established)		Short Term	Initial action will be from existing resources. However mitigating the risk will require additional funding	Essential

8	Diversity and Equality: Work with VCSE organisations who have expertise or work with Black, Asian & Minority Ethnic (BAME) communities to understand the impact of COVID, including exacerbating mental health issues. To also understand better the inequalities that exist within our communities and ensure that collectively partners work across the county to really address these issues- more effectively than before.	Mitigate	All partners		Short Term	Additional resources may be required	Essential
9	Partnership working: establish a strategic partnership board for statutory bodies to come together to deliver the actions from the voluntary sector cell and consider strategic issues involving the sector. This will include the district councils and KCC, NHS and a VCSE representative.	Opportunity	KCC to take the lead in convening	Josephine McCartney KCF and Lydia Jackson, KCC	Short Term	Additional resources required to support ongoing delivery and management of the Board	Essential
10	Partnership: building on the success of the recovery cell and the partnership working during the pandemic, establish a steering group of VCSE representatives. This would be to help inform the development of support to the sector during the recovery period and longer term and will link into the strategic partnership board	Opportunity	KCC with Kent Community Foundation (KCF)	Lydia Jackson, KCC Josephine McCartney, KCF	Short Term	Existing resources	Important
11	Volunteering: bring together shared learning and data on volunteering during the crisis, by convening working group of the volunteer centres. Linking in with NHS and districts for the GoodSam and community hubs work.	Opportunity	Ashford Volunteer Centre, with support from KCF, KCC and Medway	Beth Peal, CEO Ashford Volunteer Centre	Short Term	Existing resources	Important
12	Communication and networking: further develop the offer of peer to peer support and mentoring following the initial programme during COVID-19 led by Social Enterprise Kent. Develop options for ongoing engagement across the sector and with public sector partners. Learn from and build on use of digital platforms and develop face to face networks as allowed.	Opportunity	Social Enterprise Kent (SEK) working with KCC and partners	Claudia Sykes (SEK)	Medium Term	Additional resources may be required to deliver ongoing networking	Desirable
13	In Person Service Delivery: Make a commitment to utilise the voluntary sector to deliver the 'in-person' support for those that cannot be reached digitally, or where it is not appropriate. This could be in regards to mentors, therapy and outreach work that cannot and should not be delivered longer term, online or by video conference and risks isolating those that are already vulnerable.	Mitigate	Strategic partnership board (to be established) as a vehicle to discuss strategy	Josephine McCartney as VCSE representative	Medium Term	Will require additional funding	Important
14	Volunteering: establish a coordinated and properly resourced volunteering system across the county working with the volunteer centres/bureaus, building on good practice. To be informed by the lessons learnt from COVID-19 and the increased participation in volunteering seen during the crisis.	Opportunity	Ashford Volunteer Centre (acting as coordinator across VCs) working with public sector partners including NHS.	Beth Peal, CEO Ashford Volunteer Centre Lydia Jackson (KCC) as point of contact for public sector engagement-including NHS partners.	Medium Term	Existing resources but a coordinated and sustainable model will require investment across public sector partners (where they are not currently funding)	Desirable
15	Sustainability and resilience: Consider the development of a good governance checklist and financial planning template for the VCSE or access to a suite of resources to help build financial resilience.	Mitigate	KCF, KCC, Medway	Josephine McCartney KCF, Lydia Jackson, KCC	Medium Term	Additional resources may be required	Desirable

16	Workforce and training: look to develop a business case on potential for VCSE organisations to have access to KCC training particularly around mental health and wellbeing. There will be a particular focus on smaller organisations who do not have the resources to access training for staff, particularly when funding is reducing. <i>(This will follow the lessons learnt and workforce training in the short term actions).</i>	Opportunity	KCC and with potential for other partners to support	Lydia Jackson, KCC	Medium Term	Additional funding likely to be required to deliver training.	Desirable
17	Intelligence: Run routine surveys of the sector, to look at changing needs to inform future planning and understand pressures or risks.	Opportunity	KCF	Josephine McCartney, KCF	Medium Term	Existing resources	Important
18	Funding and leadership: continue to champion and advocate for local sector with national funders and Department of Digital, Culture, Media & Sport, to ensure future funding (particularly 2021-22) opportunities meet the needs of the wider voluntary sector. This should include the sector advocating through their membership bodies and lobbying for local needs using the power of their affiliated national brands.	Mitigate	Partnership between KCC, Medway and Kent Community Foundation (KCF) and all VCSE organisations, that have a relationship with national bodies	Josephine McCartney KCF, Lydia Jackson KCC	Medium Term	Existing resources	Essential
19	Partnership and collaboration: Look for opportunities for VCSE organisations to co-locate, where appropriate or of more innovative use of spaces. Explore potential opportunities for public sector buildings and estates to be offered as spaces for the VCSE, as part of building reviews and future infrastructure strategies.	Opportunity	All partners and the VCSE to consider opportunities	Josephine McCartney, KCF, Kent Finance Officers Group, Kent Estates Partnership	Medium Term	Would require additional resource commitments in terms of assets.	Desirable
20	Commissioning: review and reflect on service delivery models and the culture of commissioning - lessons learnt from COVID-19 to inform future strategy. Particularly consider the impact of a reduction in voluntary income during COVID-19 and the fragilities that has exposed e.g. issues around full cost recovery. Look at opportunities for more innovative, sustainable and flexible commissioning and service delivery. Treating the VCSE as an equal partner and involving the sector in discussions to improve and reform service delivery.	Mitigate future risks	Strategic partnerships board (to be established) as the vehicle to discuss strategy	David Whittle and Lydia Jackson as KCC leads	Longer Term	Existing resources	Important
21	Support offer: Explore potential options for a sustainable model of support to the VCSE similar to that delivered by Small Charities Coalition but as a local model.	Opportunity	Strategic partnerships board (to be established)	Lydia Jackson, KCC	Longer Term	Existing resources with potential for additional funding	Desirable
22	Partnership: Ensure VCSE is represented in future recovery structures and governance (Kent Resilience Forum), in order to be better prepared for a second wave or future emergency planning.	Mitigate	KCF, KCC	Josephine McCartney KCF, Lisa Guthrie, KCC	Longer Term	Existing resources	Desirable
23	Mental Health: Review of early intervention provision for mental health in Kent and Medway. Recognise the role of the voluntary sector in early intervention. Commit to a strategic funding plan for voluntary sector organisations operating in this space.	Opportunity	Strategic partnerships board (to be established) as the vehicle to discuss strategy		Longer Term	Additional resources would be required	Important

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The Covid-19 crisis has created unprecedented challenges for us all. At Citizens Advice in North and West Kent we have attempted to meet the challenges of the pandemic head-on; focussing on embedding our remote services, expanding capacity to meet demand and ensuring that our advice and support remains of the highest quality and accessible to the most vulnerable in our community. As a result, we have been able to provide advice for similar numbers of Tonbridge and Malling residents as in usual times, just delivered in different ways.

Key elements of our approach to the pandemic so far include:

- Expanding our services:
We have **expanded the capacity of our telephone and email advice services to help meet increased demand by local people** through many developments including:
 - Enabling Advisers to deliver advice remotely from their own homes, still supported by Supervisors.
 - **Introducing a more process-led approach to increase efficiency in the initial telephone advice** and ensuring that all clients receive high quality advice at the level of support needed for their case.
 - Using short-term funding (all of which must be spent by 31st March 2021) to **trial new ways of delivering advice**. It is hoped that these short-term initiatives can not only help us meet unprecedentedly high demand now, but also support us in developing our services in the future.
 - **Joining national Citizens Advice initiatives to expand telephone advice capacity**; from mid-November our local telephone Adviceline will become free to call, and will be available 9am-5pm, Monday-Friday (an additional 15 hours/week).
- Promoting our services:
Using social media, local community website and partner agencies, we have focused on increasing awareness of our advice services across Tonbridge and Malling. With the support of local foodbanks and community volunteer schemes, vulnerable residents have received CANWK leaflets (with contact information and key advice messages) with their food parcels.
- Using our facilities:
Following the first lockdown, **Tonbridge Castle** has been an ideal office in the circumstances, with enough space for social distancing to allow some volunteers who could not give advice from home to return to support our efforts on the telephone and email advice services.

Learning so far:

- **Increased capacity of telephone and email advice services enables residents across the borough to access our services more easily, with residents in the north of the borough finding our new ways of working more accessible than face-to-face support services.** Since the start of lockdown, we have seen an increase in the proportion of clients from the north end of the borough, particularly from East Malling, Kings Hill, Larkfield and Snodland.
- There is no doubt that our **integrated approach to advice giving is more efficient for us as an organisation.** By developing our use of Teams and other online communication and information sharing tools, we have been able to provide supervision and specialist advice support more efficiently.

Our experiences in recent months and learnings so far pose a number of questions for our future service:

- The model of telephone and email advice as the first point of contact seems to have worked well for both us and for clients. **Should we be continuing this model of remote advice for first contacts, bringing in virtual and face-to-face appointments further along the advice process, where it is needed?**
- We have constantly questioned and challenged ourselves to ensure everyone, including vulnerable people, can access our service during the pandemic. We believe we are succeeding in this – client feedback suggests that so long as they can get through to us, they are happy to receive advice via telephone and email. **Having made great progress in increasing efficiency and capacity in answering calls, how should we continue to maintain this when our short-term additional funding comes to an end in March 2021?**
- **Has the lack of a face-to-face drop-in service prevented very vulnerable people from accessing our advice?** We believe not, due primarily to our mitigating actions including making our Adviceline free to call and introducing telephone appointments for more complex issues as well as trialling video chat and kiosk services. We know that many of our past regular clients have been in touch.

These are questions we will explore further over the coming weeks and months as we continue to support local people with the challenges being created by the pandemic. We welcome your feedback and suggestions.

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

03 December 2020

Joint report of the Director of Central Services and Deputy Chief Executive together with the Director of Street Scene, Leisure & Technical Services

Part 1 - Public

Matters for Recommendation to Cabinet

1 REVIEW OF CCTV

Members are requested to give further consideration to the provision & operation of CCTV within the Borough, in light of recent discussions with Kent Police

Background

- 1.1.1 Members will recall that a review of community safety, including the provision of CCTV, was previously considered by this Committee on 28 August and 10 October 2019. The recommendations arising out of that review were subsequently considered by Cabinet on 16 October 2019 and thereafter by Council on 29 October 2019.
- 1.1.2 Copies of the previous reports to this Committee are attached at **Annexes 1 & 2**.
- 1.1.3 In respect of the Community Safety Partnership Members agreed that growth to the Borough Council's budget for 2019/20 and 2020/21 should be accepted and that the provision of the Community Safety Services should be retained at the current level of resource.
- 1.1.4 In relation to CCTV provision Members agreed that a decision regarding the level of operation be deferred in order for the Borough Council to write to the Police and Crime Commissioner (PCC) and Clarion Housing regarding their level of financial contribution towards both the operation of CCTV and the level of financial contribution to the Community Safety Unit. For clarity the recommendation made by the Overview and Scrutiny Committee to Cabinet was that the CCTV operation be maintained at its current level.
- 1.1.5 The Director of Central Services and Deputy Chief Executive wrote to the PCC and the Chief Executive of Clarion Housing Group.
- 1.1.6 The PCC replied as follows: "*The question of funding for CCTV is one that has been raised on a number of occasions by the Districts. If Council's wish to use the Crime Reduction Grant that I provide them to support their CCTV network then*

this is not an issue. This is already taking place in a number of areas with around £110,927 allocated from this grant to support CCTV during 2019/20. However, CCTV provision is not a core function for the Police and it is up to Local Authorities to decide what the CCTV service looks like going forward’.

- 1.1.7 Members will remember that the Community Safety Partnership currently receives (2020/21) a total of £30,771 from the PCC’s Crime Reduction Grant which is already allocated towards a number of community safety projects such as domestic abuse support, addressing neighbour disputes and providing outreach work for young people.
- 1.1.8 The response received from Clarion was that they are unable to contribute financially for CCTV provision unless the benefits to their residents can be evidenced. However, it is clear that none of the areas and/or estates where they have homes are covered by the static CCTV cameras provided by the borough. They state that they continue to support the positive work that the Community Safety Partnership continues to deliver and do work closely with the Borough Council and other statutory agencies to manage both anti-social behaviour and other related activities in the areas where they have homes.
- 1.1.9 The responses from the Police & Crime Commissioner and Clarion are shown at **Annexes 3 & 4 respectively.**
- 1.1.10 A further meeting subsequently took place attended by the Chief Executive, the Head of Service for Licensing, Community Safety and Customer Services, the deputy Chief Constable, and the Chief Inspector. Kent Police reiterated that they greatly valued the CCTV network/operation across the County. However, they recognised the difficult financial pressures faced by local authorities and as CCTV was the responsibility of district/borough councils Kent Police would not object to the cessation of live monitoring by Tonbridge and Malling Borough Council.
- 1.1.11 The response from the Assistant Chief Constable is shown at **Annex 5.**
- 1.1.12 On 14 October 2020 Cabinet reviewed the responses from the PCC, Kent Police and Clarion Housing Group and, in light of these responses resolved to refer the review of CCTV back to the Overview and Scrutiny Committee on 3 December 2020 for further consideration.

1.2 Updated analysis

- 1.2.1 Given the elapse of time since the Committee last considered this matter, updated statistics have been prepared to assist Members in their review.
- 1.2.2 A copy of the CCTV Operational Analysis – April 2019 to March 2020 is shown at **Annex 6.**
- 1.2.3 A copy of the updated numbers including (2019-2020) from the previous report dated 29 August 2019 is shown at **Annex 7.**

1.3 Legal Implications

- 1.3.1 Section 17 of the Crime and Disorder Act 1998 imposes a statutory duty upon the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that I reasonably can to prevent:-
- (a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);
 - (b) The misuse of drugs, alcohol and other substances in its area; and
 - (c) Re-offending in its area.
- 1.3.2 The above duty also applies to Fire & Rescue Authorities and local Policing bodies.
- 1.3.3 The 1998 Act also imposes a separate duty on the Council, together with other Responsible Authorities, to formulate and implement a strategy to reduce/ combat the matters set out at (a) to (c) above.
- 1.3.4 The Council is under no specific statutory duty to provide CCTV cameras. The current arrangements are provided in support of our wider crime and disorder duties set out above, and as landowner (in respect of Council owned buildings and car parks).
- 1.3.5 The live monitoring of the CCTV system is undertake in partnership with Tunbridge Wells Borough Council under a formal Agreement. If either party wishes to withdraw from the Agreement, 2 years notice is required.

1.4 Financial and Value for Money Considerations

- 1.4.1 As set out in the previous report dated 29 August 2019 is shown at **Annex 1**.
- 1.4.2 In the event that Members are minded to make changes to the provision of CCTV, a further detailed analysis will need to be undertaken to include any possible exit costs. This would be reported to Cabinet prior to any to any final decision.

1.5 Risk Assessment

- 1.5.1 Any reduction in the current level of service delivered by the Community Safety Unit, or through the provision of CCTV cameras, carries with it the potential to negatively impact upon the discharge of our statutory duties set out above or upon the safety & security of car parks/ other Council property.

1.6 Equality Impact Assessment

- 1.6.1 To ensure that the Borough Council have due regard to equality duties an Equality Impact Assessment will be undertaken if it is opted to make any changes to the current CCTV provision. This would need to be reported back to Cabinet to allow

the impact of any recommendations to be fully considered. It is not considered that the provision of CCTV is a function that impacts upon a specific group with protected characteristics in any different way to end users and any service changes recommended would have a remote or low relevance to the substance of the Equality Act.

1.7 Policy Considerations

- Customer Contact
- Communications
- Community

1.8 Recommendations

1.8.1 Members are requested to **RECOMMEND** to Cabinet one of the following options:-

1. Keep the CCTV operation as it is now with no change.
2. Provide passive only cameras with a saving of circa £100,000 contributing towards the Council's overall savings target within the medium term financial strategy (MTFS). Due to the existing agreement, 2 years written notice is required to be given. In the event that Members were minded to recommend this option, it is suggested that a further piece of work would then need to be undertaken to review the appropriate locations for passive only cameras.
3. Discontinue the existing CCTV Service with a saving of circa £215,000 contributing towards the Council's overall savings target in the MTFS (following the required 2 year written notice period).

contact: contact:
Anthony Garnett
Andy Edwards

Director of Central Services and Deputy Chief Executive
Adrian Stanfield
Director of Street Scene, Leisure & Technical Services
Robert Styles

Annex 1 – report of 29 September 2019 is a Part 2 Private report for the following reason(s):

- LGA 1972 - Sch 12A Paragraph 7 – Prevention, investigation or prosecution of criminal offences)

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Annex 2 – report of 10 October 2019 is a Part 2 Private report for the following reason(s):

- LGA 1972 - Sch 12A Paragraph 7 – Prevention, investigation or prosecution of criminal offences)

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Mr Adrian Stanfield LL.B (Hons)
Director of Central Services
Gisbon Building
Gisbon Drive
Kings Hill
West Malling
Kent
ME19 4LZ



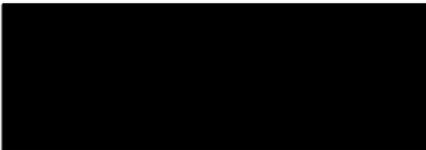
Date: 19th December 2019

Ref: OPCC/MS/CT/056/19

Thank you for your letter dated 02nd December 2019 and raising the query regarding CCTV that has been made by the Council's Overview and Scrutiny Committee. The question of funding for CCTV is one that has been raised on a number of occasions by the Districts. My position on this is that if the Councils wish to use the Crime Reduction Grant I provide to them to support their CCTV network, then this is not an issue. This is already taking place in a number of areas with around £110,927 allocated from this grant to support CCTV during 2019/20. However, CCTV provision is not a core function for the Police and it is up to Local Authorities to decide what the CCTV service looks like going forward.

I hope this clarifies my position regarding the funding support I have made available for CCTV.

Yours sincerely



Matthew Scott
Kent Police and Crime Commissioner

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From: Jackie Andrews [redacted]
Sent: 02 January 2020 11:18
To: Adrian Stanfield <Adrian.Stanfield@tmbc.gov.uk>
Cc: Bev Covington <Bev.Covington@tmbc.gov.uk> Clarke <[redacted]>
Subject: FW: Review of Community Safety/CSU

Hi Adrian,

Thanks for your attached letter which was initially sent to the CEO and has now been passed to me to respond to.

I have talked through the detail of the letter with the local team and more specifically our tenancy specialist team, who are actively involved in CSU meetings and discussions.

We are keen to support the positive work that the CSU continue to deliver and do work closely with T&M and other statutory agencies to manage both ASB and other related activities in the areas where we have homes.

From discussions with the local team it's clear that none of the areas and/or estates where we have homes are covered by the static CCTV cameras provided by the borough. My understanding is that the cameras focus very much on the High Street in Tonbridge, surrounding area and car parks etc.

With that in mind I don't feel we will be able to contribute to the funding for 20/21 and future years, unless the benefits to our residents is evidenced.

Thanks

Jackie Andrews – Regional Director of Housing (South)
Clarion Housing Group
32 Tower View, Kings Hill, West Malling, ME19 4UY

[redacted]
Email: [redacted]
Web: [redacted]

Follow us on Twitter: @Clarionsupport

Clarion Housing is part of Clarion Housing Group

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From: Peter Ayling ACC 46014582 [REDACTED]
Sent: 05 October 2020 18:51
To: Julie Beilby <Julie.Beilby@tmbc.gov.uk>
Subject: RE: CCTV - TMBC

Julie,

Apologies for the delayed response to your e mail, the first one didn't hit my radar and I have just found this one in drafts with several others. I know through bitter personal experience to be cautious about police responses to matters of CCTV so I'm grateful for the opportunity to be sighted on the form of words. We do of course recognise the precarious financial picture for LAs and the need to review non-statutory services. At the same time I know the Chief will expect we make strong representations for the retention of live monitoring, especially at periods of peak demand. To do otherwise would risk setting a precedent for others to follow and is at odds with our ambition to invest further in policing of prominent public spaces (and using all available tools to do so). Therefore I have tweaked the words slightly but happy to discuss further.

Kent Police greatly value the CCTV networks across the County as an important tool for the prevention and investigation of crime and anti-social behaviour. There is a strong preference for live monitoring of the network which provides effective coordination to priority issues and has been shown to reassure the public. Kent Police continues to invest in visible, local policing, which includes the introduction of 56 more Town Centre officers since April 2019. We would strongly urge the retention of the CCTV infrastructure as part of an integrated response to issues of security, crime and anti-social behaviour. We do however recognise that provision of CCTV is a matter for Local Authorities, many of whom face significant financial challenges. As such it would not be for Kent Police to object to the cessation of live monitoring by TMBC.

[REDACTED]

Sorry again for coming back to you so late.

Pete

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Tonbridge & Malling CCTV Operational Analysis - April 2019 to March 2020

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Total Incidents Monitored	26	43	24	40	27	22	23	12	18	31	45	17	328
CCTV Instigated Incidents	6	4	1	3	5	6	7	2	2	6	4	2	48
WKP Instigated Incidents	12	25	14	19	15	8	3	8	9	9	9	13	144
Pubwatch Instigated Incidents	1	2	1	0	2	0	1	1	0	1	1	6	16
Shop safe Instigated Incidents	7	12	8	18	4	8	12	1	7	15	14	9	115
TMBC Instigated	0	0	0	0	1	0	0	0	0	0	0	0	1
Incidents Monitored 0800 - 1900	17	27	17	26	9	16	24	11	17	27	32	14	237
Incidents Monitored 1900 - 0500	9	16	7	14	18	6	5	9	9	13	9	5	120
Police Attended incidents	17	28	14	27	11	14	13	9	12	23	21	16	205
Sec 27 / 34 / 35 & 59's Issued	0	0	0	0	0	0	0	0	0	0	0	0	0
Known PND's	0	0	0	0	0	0	1	0	0	0	1	0	2
Known CR's	0	1	0	1	0	1	0	0	0	0	0	0	3
Known Arrests	5	13	3	17	2	14	14	6	8	7	14	10	113
Known Arrests Instigated:	2	1	0	3	0	3	9	1	0	1	4	2	26
Known Arrests Assisted:	3	9	2	12	2	3	5	5	6	5	7	7	66
Known Arrests Monitored:	0	3	1	2	0	8	0	0	1	2	2	1	20
Number of Footage Reviews	29	16	10	11	16	12	8	6	9	7	14	7	145
Footage Review Man Hours	19	7	5	4	8	17	3	3	3	6	7	4	86
Police Visits to Control Room	26	31	24	28	29	43	35	37	21	34	30	18	356
Complaints Received	0	0	0	0	0	0	0	0	0	0	0	0	0
Written Thanks/Commendations	1	0	0	0	0	0	0	0	0	0	0	0	1

Section 27 Alcohol Dispersal Notice/Section 34 Dispersal Notice/Section 35 Order to Vacate Location/ Section 59 Vehicle Related

Tonbridge & Malling Yearly Analysis of Incidents Monitored - April 2019 to March 2020

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Alarms	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	1	0	0	0	0	1	0	0	1	0	0	3
Alcohol Related	1	4	2	1	4	1	1	1	2	1	2	1	21
Assault	4	2	4	1	5	1	3	1	1	3	1	2	28
Break in/Attempted Break In	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary/Attempted Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0
Criminal Damage	0	0	0	0	1	0	0	0	1	0	0	0	2
Domestic Violence	0	0	0	1	0	0	1	0	0	1	0	0	3
Drug Related	0	1	0	0	0	1	1	0	1	1	2	0	7
Fraud/Deception/Scam	0	2	1	0	1	1	2	0	0	1	0	1	9
Misper/Concern for Welfare	7	12	8	8	5	3	0	2	3	3	1	1	53
Nuisance Youths	0	0	0	1	0	0	0	0	0	0	3	0	4
Offensive Weapons	2	2	1	1	4	1	0	2	1	0	0	3	17
Public Order	0	2	2	1	1	2	0	0	0	0	0	1	9
Racial Incidents	0	0	0	1	0	0	0	0	0	0	0	0	1
Theft - From Persons	0	0	0	1	0	0	2	0	1	0	0	0	4
Theft - Shoplifting	8	5	5	16	1	9	8	1	5	13	7	4	82
Theft - Other	0	1	0	0	0	0	2	0	0	2	0	0	5
Vehicle Incident/Traffic Violation	3	6	0	4	3	2	1	2	2	3	2	3	31
Wanted Persons	1	1	0	2	0	0	0	0	0	1	1	0	6
Other	0	4	1	2	2	1	1	3	1	1	0	1	17
Total	26	43	24	40	27	22	23	12	18	31	19	17	302

Tonbridge Disc Record Annual Analysis April 2019 to March 2020

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Total Discs Burned	10	7	3	8	6	8	7	6	3	4	4	9	75
Number of Discs Seized	9	8	2	8	5	7	7	6	3	2	4	9	70
Total Discs Destroyed	2	0	1	0	1	1	0	0	1	0	0	0	6
Total Discs Not Yet Collected	2	1	1	1	1	1	1	1	0	0	0	0	0

Tonbridge Out of Hours (During Closed Periods)

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Known Shop safe Calls Not answered	0	0	0	0	0	0	0	0	0	0	0	0	0
Known Pubwatch Calls Not answered	0	0	0	0	0	0	0	0	0	0	0	0	0
Number of Reviews - Closed Periods	2	1	0	1	0	0	0	1	0	0	0	0	5
Man Hours Reviews - Closed Periods	2	0.5	0	0.5	0	0	0	1	0	0	0	0	4
Out of Hrs Reviews provided Useful Footage	1	0	0	1	0	0	0	0	0	0	0	0	2

Tonbridge Intel for Ongoing Police Investigations

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Footage & Information Passed to Police to assist with Slow Time/Ongoing Investigations	9	4	5	7	4	5	2	0	0	0	0	0	36

	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	Total
Total other requests to monitor	43	78	55	69	45	62	68	53	45	42	45	40	645

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Annex 7

1.1.1 The following table shows the total incidents recorded and the category.

	2015-16	2016-17	2017-18	2018-19	2019-20
Total Incidents Monitored	517	459	387	312	328
Alarms	2	1	0	0	0
Arson	3	1	0	1	3
Alcohol Related	58	23	30	23	21
Assault	31	36	20	22	28
Break in/Attempted Break In	1	0	4	0	0
Burglary/Attempted Burglary	0	2	4	3	0
Criminal Damage	20	10	11	6	2
Domestic Violence	6	7	5	7	3
Drug Related	20	21	14	19	7
Fraud/Deception/Scam	15	16	10	6	9
Misper/Concern for Welfare	64	56	68	66	53
Nuisance Youths	22	35	17	7	4
Offensive Weapons	6	10	12	11	17
Public Order	11	12	16	8	9
Racial Incidents	0	0	0	1	1
Theft - From Persons	11	4	7	1	4
Theft - Shoplifting	151	128	89	59	82
Theft - Other	9	9	14	9	5
Vehicle Incident/Traffic Violation	39	47	31	35	31
Wanted Persons	19	12	16	8	6
Other	29	29	19	22	17
Arrests	158	136	159	87	113

1.1.2 The following table shows the CCTV Operational Analysis

	2015-16	2016-17	2017-18	2018-19	2019-20
Total Incidents Monitored	517	459	387	312	328
CCTV Instigated Incidents	68	69	60	53	48
WKP Instigated Incidents	153	161	165	142	144
Pub watch Instigated Incidents	58	28	25	27	16
Shopsafe Instigated Incidents	235	200	135	89	115
TMBC Instigated	3	1	2	1	1
Incidents Monitored 08:00 – 19:00	338	284	254	182	237
Incidents Monitored 19:00 – 05:00	179	175	133	130	120
Police Attended Incidents	375	292	253	173	205
Sec 59's & 35s Issued	1	6	1	0	0
Sec 27's Issued	0				
Known RJ's	21	7	1	2	
Known PND's	4	15	9	2	
Known Arrests	158	136	159	87	113
Known Arrests Instigated	24	22	30	9	26
Known Arrests Assisted	125	102	107	62	66
Known Arrests Monitored	9	12	22	16	20
Number of Footage Reviews	252	264	214	204	145
Footage Review Man Hours	135	147	135	108	86
Number of Discs Seized	92				
Police Visits to Control Room	398	440	348	295	356
Complaints Received	0	0	0	0	0
Written Thanks/Commendations	1	0	2	0	1

To note:

- The total number of incidents has dropped from 517 to 328 in 5 years
- 63% of the incidents monitored occur between the hours of 08:00 hours and 19:00 hours, while 37% occur between 19:00 hours and 05:00.
- The number of visits by the Police to the control room in relation to the number of incidents has increased from 77% in 2015-16 to 109% in 2019-20.

1.1.3

	2015-16	2016-17	2017-18	2018-19	2019-20
Shopsafe Instigated Incidents	235	200	135	89	115
Pub watch Instigated Incidents	58	28	25	27	16

1.1.4 The top five monitored types of incident are as follows:

	2015-16	2016-17	2017-18	2018-19	2019-20
Theft - Shoplifting	151	128	89	59	82
Misper/Concern for Welfare	64	56	68	66	53
Vehicle Incident/Traffic Violation	39	47	31	35	31
Alcohol Related	58	23	30	23	21
Assault	31	36	20	22	28

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

03 December 2020

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

For Decision

1 VIRTUAL MEETINGS & HOMEWORKING – SCOPING REPORT

This report sets out the basis for a review of virtual meetings and homeworking

Background

- 1.1.1 In common with every other local authority, the restrictions on movement introduced by the government in March 2020 in response to the coronavirus pandemic brought about an overnight change in the way in which the Council delivered its services, and conducted its democratic processes. It would have been unthinkable a year ago to imagine that the vast majority of Council meetings during 2020 would have been delivered virtually, or that the vast majority of staff would have worked from home on a full time basis since March 2020.
- 1.1.2 Whilst the changes have been imposed upon the Council, the extended period during which we have operated under the changed working environment has provided the opportunity to consider whether there could be longer term benefits to embracing new ways of working and conducting Council business.
- 1.1.3 In the addendum to the Corporate Plan for 2020/21, Cabinet agreed the following as part of the 'Running the Council' theme within the Review, Reorientation and Recovery strategy:-
- We would undertake a review of the effectiveness of homeworking/flexible working and the potential to embed it within the culture of the Council in the longer term;
 - Where appropriate, Managers to build flexible working into the work patterns for their teams in order to build resilience into the organisation and embed new ways of working;
 - To review office accommodation requirements in light of changes to homeworking/ flexible working and in order to reduce overheads and meet the targets set within the adopted Climate Change Strategy

1.1.4 In respect of the 3rd bullet point above, Members are also asked to note that Cabinet resolved (30 June 2020) as follows:-

'Management Team be asked to conduct a review of all the Borough Council's assets, including use of the Gibson Building, to cover all areas as well as the need, function and capability of the Council Chamber and Committee Room for Council, Cabinet, Advisory Board and Committee meetings, in line with the Digital and Climate Change Strategies.'

1.1.5 The Draft Climate Change Action Plan for 2020 includes the following targets under the theme of 'TMBC Estate' –

- Undertake an assessment of business mileage for all staff and develop a policy to support tele-conferencing and skype meetings to reduce business travel;
- Amend the homeworking policy to encourage greater take up of homeworking/ flexible working where possible, to reduce home to work travel

1.1.6 This report sets out the current position in relation to both virtual meetings and homeworking and asks Members to consider scoping options for future review.

1.2 Virtual Meetings

1.2.1 Virtual meetings are permitted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020. These regulations are of temporary effect, as they apply only to meetings required to be held, or held before 7 May 2021. However, it is possible that Parliament may seek to extend the regulations prior to that date if the transmission of the coronavirus remains a risk at face to face council meetings. I am aware that a Parliamentary question was asked during November to ask the Government whether it intended to legislate so that Councils may retain the powers to hold virtual meetings. In response the Minister confirmed that the Government would be considering the case for extending these regulations in the coming months

1.2.2 The Borough Council moved quickly to adopt the Microsoft Teams platform to conduct meetings, with the first virtual meeting taking place on 19 May 2020.

1.2.3 The operation of a virtual meeting programme has meant that the Borough Council has maintained an effective decision making process during the coronavirus pandemic. We have also managed to facilitate public speaking at Area Planning Committees through Microsoft Teams and there have been no adverse comments received from residents regarding this approach.

1.2.4 Meetings are available to view by members of the public in real time, via the Council's YouTube Channel. Recordings are also retained on the channel for viewing post-meeting.

- 1.2.5 On 07 May 2020 the Leader exercised his powers under paragraph 1.4 of the Executive Procedure Rules to amend the extent of delegation to the Monitoring Officer so as to allow temporary changes to be made to the Constitution to facilitate virtual meetings.
- 1.2.6 The amendment to the Constitution as made by the Monitoring Officer i.e. the inclusion of a protocol for the use of video-conferencing facilities is set out at **Annex 1**. The proposed amendment was agreed by the Leader and Deputy Leader, and notified to all Members on 14 May 2020, and subsequently reported to Council on 14 July 2020.
- 1.2.7 It is suggested that the Committee may wish to consider the effectiveness of the Protocol at Annex 1 as part of their review.
- 1.2.8 It is expected that there will be a divergence of opinion amongst Members about the effectiveness and desirability of virtual meetings. I am aware that some Members would wish to return to face to face meetings at the earliest opportunity, with others more comfortable with conducting council business via Microsoft Teams.
- 1.2.9 Given the current national restrictions, the present ability of the Council to hold anything other than virtual meetings will largely be dictated by the national situation in relation to coronavirus. It is therefore suggested that the Committee might wish to focus its considerations on the longer term position i.e. whether the Council wishes to embrace virtual meetings post-pandemic, in whole or in part (e.g. through hybrid meetings).

1.3 Homeworking

- 1.3.1 The vast majority of Council staff have worked from their homes since the middle of March 2020. Staff have currently been advised to work from home until 31 March 2021, with a review to be undertaken at the end of February. At the time of preparing this report, the advice of the Government is that office workers who can work from home should do so.
- 1.3.2 Some services/ staff have continued, or resumed working from locations other than their home address to varying degrees where there has been a business need to do so or if it has been impractical for individual members of staff to work from home. For example, some services are unable to work from home due to the nature of the specific work they undertake e.g. Civil Enforcement Officers. Presently the numbers of staff at the Gibson Building vary from day to day (between 20 and 30), Staff are also present at Tonbridge Castle, and engaged in work activities at other locations e.g. Environmental Health Officers will be making visits to premises.
- 1.3.3 The Council's current policy on homeworking is attached as **Annex 2**. This was last reviewed by the General Purposes Committee in October 2018. The policy sets out the procedure to be followed upon receipt of a request for homeworking, and therefore envisages that it will be the employee who requests to work at home rather than the Council seeking to encourage the same. Any changes to the policy

would need to be subject to consultation with Unison and the Joint Employee Consultative Committee, with final approval falling to the General Purposes Committee.

- 1.3.4 Pending the review of the position in relation to working arrangements in February 2021, Officers have revisited the review of our occupation of the Gibson Building, in accordance with the decision taken by Cabinet on 30 June 2020 as set out at 1.1.4 above. Staff have been made aware that this review is underway.
- 1.3.5 Members may be familiar with a previous review of our occupation of the Gibson Building, with that review having been reported to meetings of this Committee on 24 May 2018 and 29 August 2019. At the earlier of these meetings Members were presented with an options appraisal for future use of the buildings, within which it was highlighted that there were a number of restrictions within the Borough Council's freehold title to the property which needed to be discussed further with Kent County Council.
- 1.3.6 A report on our discussions with the County Council was reported to the meeting in August 2019, at which time Members resolved
- That a formal response be sent to Kent County Council declining their proposal as financially unviable;
 - Officers continue to pursue opportunities to maximise the rental income from third parties for occupation and use of the Gibson Building.
- 1.3.7 For the assistance of Members, the previous reports to this Committee are attached as **Annexes 3 & 4**. Members are asked to note that the options appraisal is now somewhat dated and would need to be completely refreshed in due course.
- 1.3.8 If the Borough Council is to progress viable alternatives to the current working arrangements at the Gibson Building, it remains the case that the consent of the County Council will be required in order to release or modify the relevant restrictions on our title. Officers have therefore been in further discussions with Kent County Council to find a mutually acceptable way forward. We are also exploring with KCC whether it would be feasible for both authorities to rationalise their office accommodation at Kings Hill e.g. through co-location. These discussions are at an early stage, as detailed feasibility work will be required to better understand the potential to achieve efficiencies.

1.4 Legal Implications

- 1.4.1 The legal basis for holding virtual meetings is set out at para 1.2.1 above. The provisions within the relevant regulations apply to meetings that are required to be held, or held before 7 May 2021.
- 1.4.2 As an employer, the Council is responsible for employees' welfare, health and safety 'so far as is reasonably practicable' (s2, Health and Safety at Work etc Act

1974). It must also conduct a suitable and sufficient risk assessment of all the work activities carried out by employees, including homeworkers, to identify hazards and assess the degree of risk (Reg 3, Management of Health and Safety at Work Regulations 1999). The Council also has duties under the Health and Safety at Work etc Act 1974 and the Occupiers Liability Acts of 1957/ 1984 relating to visitors and others who may be on Council premises e.g. attending Committee meetings.

- 1.4.3 In addition to the statutory duties, the Council has a common law duty to take reasonable care for the safety of its employees e.g. a duty to see that reasonable care is taken to provide staff with a safe place of work, safe tools and equipment, and a safe system of working. It is also an implied term of employment contracts that employers will take reasonable care for the health and safety of employees and provide a reasonably suitable working environment for the performance of the employee's contractual duties.

1.5 Financial and Value for Money Considerations

- 1.5.1 The financial implications associated with any review of virtual meetings and homeworking will be reported to a future meeting.

1.6 Risk Assessment

- 1.6.1 As set out at paragraph 1.2.1 above, the regulations permitting virtual meetings are due to expire on 7 May 2021 so the ability of the Council to continue to hold such meetings, or indeed to return to face-to-face meetings is largely dependent upon the national situation in relation to coronavirus and any government response thereto.
- 1.6.2 The working arrangements for staff are also dependent upon the national situation in relation to coronavirus. Suitable and sufficient risk assessments have been undertaken in respect of the current arrangements, both in respect of those staff who are working at the offices/ elsewhere in the Borough and those working at home.

1.7 Equality Impact Assessment

- 1.7.1 To ensure that the Borough Council have due regard to equality duties an Equality Impact Assessment will need to be undertaken if it is opted to make any changes to the contractual working arrangements for staff.

1.8 Policy Considerations

- Asset Management
- Business continuity/ resilience
- Climate Change

- Customer Contact
- Communications

1.9 Next steps

1.9.1 A number of options have been provisionally identified, and are set out below. Members are requested to consider which of these options they wish to see included in the review:-

- Review the effectiveness of the adopted protocol for the use of video-conferencing facilities;
- Review whether, post-pandemic, the Council would wish to continue with virtual Council meetings;
- Review the feasibility of rationalising the Borough Council's office accommodation at the Gibson Building, with a view to increasing the amount of homeworking, supporting our climate change strategy and reducing our overheads.

1.9.2 A further report with final recommendations will be reported to a future meeting of the Overview and Scrutiny Committee together with the associated financial implications.

1.10 Recommendations

1.10.1 That the contents of this report **BE NOTED** and that a further report be made to a future meeting of this Committee regarding the options identified in section 1.9 of this report.

Background papers:

contact: Adrian Stanfield

None

Director of Central Services and Deputy Chief Executive
Adrian Stanfield

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

03 December 2020

Report of the Monitoring Officer

Part 1- Public

Matters for Information

1 **LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER**

To set out the annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2019 to 31 March 2020.

1.1 The Annual Letter

1.1.1 Each year, the Ombudsman provides the Borough Council with a report of the formal complaints he has dealt with and the outcomes of those complaints. This report covers the period for 1 April 2019 to 31 March 2020.

1.1.2 The Ombudsman has dealt with 16 formal complaints received over that period. The following outcomes were as follows:

- Complaints upheld - 1
- Not upheld - 2
- Complaints referred back for local resolution - 9
- Complaints closed after initial enquiries - 4
- Complaints incomplete/invalid - 0

1.1.3 A copy of the Ombudsman's letter is attached at Annex 1. Further details on the complaint upheld by the Ombudsman are attached at Annex 2.

1.2 Legal Implications

1.2.1 As set out above

1.3 Financial and Value for Money Considerations

1.3.1 None

1.4 Risk Assessment

1.4.1 N/A

1.5 Policy Considerations

1.5.1 N/A

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield

Director of Central Services, Deputy Chief Executive and Monitoring Officer

22 July 2020

By email

Ms Beilby
Chief Executive
Tonbridge and Malling Borough Council

Dear Ms Beilby

Annual Review letter 2020

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2020. Given the exceptional pressures under which local authorities have been working over recent months, I thought carefully about whether it was still appropriate to send you this annual update. However, now, more than ever, I believe that it is essential that the public experience of local services is at the heart of our thinking. So, I hope that this feedback, which provides unique insight into the lived experience of your Council's services, will be useful as you continue to deal with the current situation and plan for the future.

Complaint statistics

This year, we continue to place our focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have made several changes over recent years to improve the data we capture and report. We focus our statistics on these three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated. A focus on how often things go wrong, rather than simple volumes of complaints provides a clearer indicator of performance.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice. Our recommendations try to put people back in the position they were before the fault and we monitor authorities to ensure they comply with our recommendations. Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedies provided by the authority - We want to encourage the early resolution of complaints and to credit authorities that have a positive and open approach to

resolving complaints. We recognise cases where an authority has taken steps to put things right before the complaint came to us. The authority upheld the complaint and we agreed with how it offered to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

This data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 29 July 2020, and our Review of Local Government Complaints. For further information on how to interpret our statistics, please visit our [website](#).

Resources to help you get it right

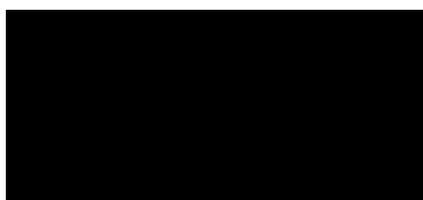
There are a range of resources available that can support you to place the learning from complaints, about your authority and others, at the heart of your system of corporate governance. [Your council's performance](#) launched last year and puts our data and information about councils in one place. Again, the emphasis is on learning, not numbers. You can find the decisions we have made, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the tool with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

Earlier this year, we held our link officer seminars in London, Bristol, Leeds and Birmingham. Attended by 178 delegates from 143 local authorities, we focused on maximising the impact of complaints, making sure the right person is involved with complaints at the right time, and how to overcome common challenges.

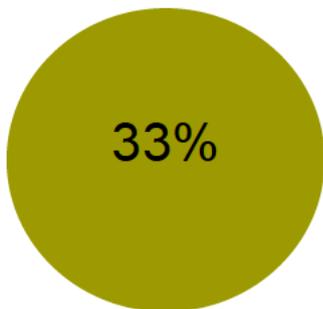
We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. During the year, we delivered 118 courses, training more than 1,400 people. This is 47 more courses than we delivered last year and included more training to adult social care providers than ever before. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England

Complaints upheld



33% of complaints we investigated were upheld.

This compares to an average of 45% in similar authorities.

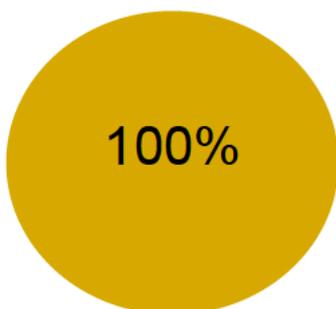
1 upheld decision

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

Compliance with Ombudsman recommendations

No recommendations were due for compliance in this period

Satisfactory remedies provided by the authority



In 100% of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of 20% in similar authorities.

1 satisfactory remedy decision

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2019 to 31 March 2020

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The Ombudsman's final decision

Summary: The Ombudsman will not investigate this complaint about the Council's response to the complainant's reports of a missed refuse collection. This is because the action the Council has taken and proposed to take is a satisfactory way to address the complaint.

The complaint

1. The complainant, whom I refer to as Mr B, complains about a breakdown in communication when he reported a missed refuse collection. Mr B says he was 'fobbed off' and lied to by various Council officers, and he did not receive the promised responses to his telephone calls/emails.
2. Mr B says the problems he experienced in resolving the missed collection are indicative of the general incompetence of the Council and its senior officers, their lies and lack of customer liaison, plus their inexperienced staff and total lack of communication.

The Ombudsman's role and powers

3. We investigate complaints about 'maladministration' and 'service failure'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we are satisfied with the actions a council has taken or proposes to take. (*Local Government Act 1974, section 24A(7), as amended*)

How I considered this complaint

4. I have considered:
 - Mr B's complaint to the Ombudsman;
 - Mr B's 6 November 2019 complaint to the Council, and its 20 November 2019 (Stage 3) response;
 - A 9 January 2020 update on the Council's website, which details the implementation of an action plan to address the problems with the household waste collection;
 - The Ombudsman's focus report, "Lifting the lid on bin complaints: learning to improve waste and recycling services", available on our website.

What I found

Summary of what happened

5. Mr B's refuse was not collected on 29 October 2019. He called the Council the next day to find out what was happening, and says he was told a supervisor would call him back. This did not happen.
6. Mr B called again the following day, and says the officer could provide no explanation as to why his refuse still hadn't been collected. Mr B says he was given further assurances that a supervisor would call him back, but again this did not occur.
7. On 31 October, Mr B emailed a Stage 1 complaint to the Council. A senior officer called Mr B the same day to apologise. Mr B says he was told the 'roll-out' of new collection arrangements had not gone to plan, the Council was in constant dialogue with the contractors, and the backlog was being prioritised.
8. That afternoon, a refuse lorry entered Mr B's road, but it did not collect the missed refuse. Mr B called the senior officer to report this, and tried again the next day, but says he never received a response. Mr B therefore escalated his complaint to Stage 2 on 1 November, but he says this was not acknowledged.
9. On 4 November Mr B called the Refuse department again, and says he was told no missed collection reports had been logged under Mr B's address, so it was unclear if the contractors knew about the problem.
10. Mr B made two further calls to the Council on 5 November, but says no one could tell him when the refuse would be collected.
11. Mr B therefore called the contractor direct. He says the contractor told him they had not received any notifications from the Council about the missed collection, but would now arrange for the refuse crew to visit the next day.
12. The refuse was collected the following morning, on 6 November. Mr B then escalated his complaint to Stage 3, and the Council replied on 20 November.

Summary of the Council's complaint response

13. The Council acknowledged the service Mr B had received was not of the required standard, and it apologised for this.
14. It explained the implementation of new collection arrangements by its refuse contractor had not gone to plan, and the Council was not happy with the standards achieved. The Chief Executive, the Leader of the Council, and the Cabinet member for Street Scene had met with the contractor, and it had produced an action plan to resolve the problems over the coming weeks, and to maintain the required service standards in the future.
15. With regard to Mr B's situation, the Council said that despite what the contractor may have told him, it had clear evidence the Council had made multiple reports to the contractor about the missed collection. The Council had raised this with the contractor.
16. The Council said it fully understood Mr B's frustration with the level of communication he experienced and the number of calls he had to make. At no time had staff intentionally lied. Rather, they were acting in good faith in light of assurances from the contractor. Staff had also been overwhelmed by the number of calls received about missed collections, and it apologised for not always meeting customer expectations.

Assessment

17. I appreciate Mr B spent time and effort on contacting the Council to resolve the missed collection, that he was frustrated by the response he received, and that he says this impacted on his family.
18. But the Ombudsman normally takes the view that whilst missed collections are annoying and inconvenient, mistakes can happen, and from time to time most people will experience this or some other problem with their waste collection. We need to make sure we use public money efficiently, so we would not normally investigate complaints where there have been just a couple of missed collections or other one-off problems.
19. I am therefore satisfied that the Council's apologies to Mr B, as well as the steps it has taken/proposed to take to resolve this waste service problem (as detailed in the Stage 3 complaint response, and in the 9 January 2020 update on the Council's website) was a satisfactory way to address the issues raised in Mr B's complaint. With reference to paragraph 2 above, I therefore do not consider the Ombudsman should pursue the matter further.

Final decision

20. The Ombudsman will not investigate Mr B's complaint. This is because I am satisfied with the action the Council has already taken and proposed to take to address the issues raised in the complaint.

Investigator's decision on behalf of the Ombudsman

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Agenda Item 9

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

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Agenda Item 10

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

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

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of the Local Government Act 1972.

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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.

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