

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

3 March 2021

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, 11th March, 2021 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 19 January 2021

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

Matters for Recommendation to the Cabinet

5. Virtual Meetings and Homeworking 15 - 46

This report provides an update to the previous scoping report on virtual meetings and homeworking

Decisions to be taken by the Committee

6. Scoping Report: Council Marketing and Promotion 47 - 50

To identify existing areas of marketing and promotion to support opportunities for improvement or best practice.

7. Urgent Items 51 - 52

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

8. Exclusion of Press and Public 53 - 54

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

9. Urgent Items 55 - 56

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

This page is intentionally left blank

Apologies for absence

This page is intentionally left blank

Declarations of interest

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 19th January, 2021

Present: Cllr J L Sergison (Chairman), Cllr Mrs A S Oakley (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 D Keers, Cllr H S Rogers, Cllr M Taylor and Cllr Miss G E Thomas

Councillors Mrs P A Bates, Mrs S Bell, R P Betts, V M C Branson, A E Clark, M A Coffin, N J Heslop, S A Hudson, D W King, J R S Lark, D Lettington and P J Montague were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence were received from Councillor F G Tombolis.

PART 1 - PUBLIC

OS 21/1 DECLARATIONS OF INTEREST

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

OS 21/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 3 December 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 21/3 REVENUE ESTIMATES 2021/22

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Overview and Scrutiny Committee in assisting the Cabinet and the Council in preparation of the Budget for 2021/22 within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities.

Attention was drawn to the difficulties experienced within the budget setting process of incorporating an estimate of the scale of the impact of the Covid-19 pandemic on the Borough Council's finances in 2020/21 and 2021/22 and over the medium term.

RECOMMENDED: That

- (1) the draft Revenue Estimates presented to the meeting of the Finance, Innovation and Property Advisory Board be endorsed for consideration by Cabinet at its special meeting on 11 February 2021; and
- (2) the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

Referred to Cabinet*OS 21/4 CAPITAL PLAN 2021/22**

The report of the Director of Finance and Transformation considered progress on the 2020/21 Capital Plan Review and requested endorsement of recommendations to the Cabinet.

RECOMMENDED: That

- (1) the recommendations of the Finance, Innovation and Property Advisory Board detailed at paragraph 1.3 be endorsed;
- (2) the Cabinet be invited to endorse the Capital Strategy as attached (at Annex 5) for adoption by Council and publication on the Borough Councils' website.

Referred to Cabinet*OS 21/5 KING HILL PARISH COUNCIL - REQUEST FOR ADVANCE OF PRECEPT MONIES**

The joint report of the Chief Executive and the Director of Finance and Transformation advised of a request received from Kings Hill Parish Council for an advance of part of the 2021/22 local precept. At the meeting of the Finance, Innovation and Property Advisory Board held on 6 January, Members recommended that the request be supported given the exceptional circumstances.

Recommendations from both the Advisory Board and the Overview and Scrutiny Committee would be referred to Cabinet on 26 January 2021 for a final decision.

It was confirmed that the advance would be automatically recovered through the biannual payment of precept and therefore there was no risk to the Borough Council.

RECOMMENDED: That

- (1) the request from Kings Hill Parish Council for an advance of £60,000, and repayment as set out in the report, be supported due to the exceptional circumstances;
- (2) the recommendation from the Finance, Innovation and Property Advisory Board of 6 January 2021 be noted; and
- (3) Cabinet at its meeting on 26 January 2020 approve the request from Kings Hill Parish Council so that the payment timescale of 31 January 2021 could be met.

***Referred to Cabinet**

MATTERS FOR CONSIDERATION IN PRIVATE**OS 21/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

PART 2 - PRIVATE**OS 21/7 URGENT ITEMS**

The meeting ended at 8.00 pm

This page is intentionally left blank

Agenda Item 4

Any Executive Decisions which have been “called in”

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

11 March 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 VIRTUAL MEETINGS & HOMEWORKING

This report provides an update to the previous scoping report on virtual meetings and homeworking

1.1 Background

1.1.1 The scoping report considered by this Committee on 3 December 2020 set out the basis for a review of virtual meetings and homeworking. A number of options for inclusion in the review were set out as follows:

- the effectiveness of the adopted protocol for the use of video-conferencing facilities;
- whether post pandemic, the Borough Council wished to continue with virtual Council meetings;
- the feasibility of rationalising the Borough Council's office accommodation at the Gibson Building, with a view to increasing the amount of homeworking to support the Climate Change Strategy and reduce overheads.

1.1.2 Members recognised that the adoption of virtual meetings had been a necessity during the coronavirus pandemic and had meant that the Borough Council business and decision making continued. A number of Members felt that the virtual meeting experience had been positive as the arrangements were efficient, transparent and aided structured debate. Other Members expressed a preference for a return to face to face meetings. It was suggested that the review should give consideration to hybrid as well fully virtual and fully physical meetings. In addition, Members supported the continuation of livestreaming meetings so that residents were able to observe proceedings.

1.1.3 With regard to homeworking, Members expressed support for reviewing the feasibility of rationalising office accommodation and the Borough Council's assets. However, Members were mindful of the work/life balance and the potential impact on staff of different working arrangements. The Director of Central Services

indicated that the welfare of staff remained a priority for the Borough Council and the review would consider all options carefully.

1.1.4 Members resolved to include all of the options set out above, subject to the inclusion of exploring options for

- hybrid meetings
- fully virtual meetings
- fully physical meetings; and
- the continuation of livestreaming meetings even if the current regulations were not extended;

1.1.5 This report updates members on the current position in relation to both virtual meetings and homeworking and asks Members to consider initial proposals for amendments to the existing protocol.

1.2 Virtual Meetings

Legislative position

1.2.1 As set out in the previous report to this Committee, 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. It is possible that Parliament may seek to extend the regulations prior to that date, however the Government has indicated that any extension would require primary legislation and that no such parliamentary vehicle exists to achieve that prior to 7 May.

1.2.2 We are aware that Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) are looking to assist the government by exploring legislative options for the extension of appropriate powers. However, at the time of preparing this report the position remains that the current powers to hold virtual meetings are due to expire on 7 May 2021.

1.2.3 In the meantime, and given the current national restrictions, the present ability of the Council to hold anything other than fully virtual meetings will largely be dictated by the national situation in relation to coronavirus.

1.2.4 Officers are continuing to investigate the practical and financial aspects of the options identified at 1.1.5 above and a report on these will be presented to the next meeting of the Overview and Scrutiny Committee.

Review of Protocol

- 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 The effectiveness of the Protocol at Annex 1 has been considered by Officers as part of this review.
- 1.2.8 Officers have also consulted with the Chairs and Vice-Chairs of planning committees to ascertain whether there are processes which could be improved for public speaking, (whether within the video-conferencing protocol or rules for public speaking at virtual planning meetings).
- 1.2.9 A number of legal commentators have expressed views on data protection and GDPR compliance and virtual meetings, and the extent to which attention needs to be drawn to the data rights of individuals (Councillors, Officers and the public) at such meetings. In response to this, in addition to the specific privacy notice which the Council already has in place for virtual meetings, it is proposed within the revised protocol that the Chair of the meeting should specifically draw the attention of those present at the meeting to the fact that faces and voices will be “livestreamed” and kept on the Council’s YouTube channel for a period up to 6 months. A link to the Privacy Notice is also included in the revised Protocol at **Annex 2**.
- 1.2.10 Where motions are amended during debate, it has been noted that the final revised motion can be difficult to keep track of in a virtual setting. The revised draft protocol suggests, in order to address this, that members would be able to request that the revised motion be typed by the Democratic Services Officer (DSO) (or other appropriate officer) into the “chat” on MS teams ahead of any vote on an amended motion.
- 1.2.11 The use of a “roll call” of members was adopted from a relatively early stage in the use of virtual meetings, and has been of benefit to committees, chairs and the DSOs as a tool for ensuring attendance and vote counting are accurately recorded. It is therefore proposed that this becomes a formal part of the protocol. Rule 3.10 of the revised Protocol suggests that the formal roll call could be accepted by the Borough Council as the equivalent of signing the attendance sheet. This reduces the need for hard copy lists and reduces the risks of Members not signing the attendance sheet during the meeting and streamlines the whole process.

- 1.2.12 With the switch to internet-based meetings, some connection difficulties were inevitable, particularly if members, officers and the participating public are based in more rural areas where broadband speeds may be an issue. From the outset of the protocol, safeguards have been put in place to ensure that participating members are aware of all material issues put within a debate. In certain circumstances it may be the case that connection problems are so severe that a voting member misses a key issue in the debate. In those circumstances, the voting member affected should not take part in a vote as this risks the member not having taken into consideration that issue (which may have affected their vote on a matter).
- 1.2.13 In practical terms, where this has happened, the member concerned has often advised the Chair and DSO that the connection issue has occurred and will seek advice from the DSO (and/ or legal adviser where present) as to whether they are still entitled to vote. This is good practice which should continue but is not necessarily something which can be captured within a rule. The protocol proposes to continue to allow the Chair to temporarily postpone a meeting if they become aware of connection difficulties but Committee may wish to consider whether this should be clarified to only apply to a situation where there are a number of members unable to participate due to a connection problem, for example where a meeting became inquorate or otherwise unworkable. The protocol proposes retaining the general discretion to the Chair to take a short adjournment for individual member's connection difficulties if necessary to maintain proper conduct of a meeting. If the Member in question is unable to alert the Chair or Democratic Services Officer to a technical problem, they are asked to contact their ward colleague who will make the issue known via the chat function.
- 1.2.14 Rules for voting have been made clearer in the revised Protocol as set out at 3.24 to 3.29. Rule 3.26 emphasises that a vote conducted by way of a formal roll call shall not be treated as a recorded vote, as set out in CPR 8.5 of the Constitution, and will not be recorded in the Minutes unless requested by a Member as per CPR 8.4 and CPR 8.6 of the Constitution.

Rules for Public Speaking at Virtual Planning Committees

- 1.2.15 There are also a number of considerations for committee in relation specifically to planning committee meetings, under the public speaking rules for virtual meetings.
- 1.2.16 The rules originally made provision for the submission of written statements to be read out by the DSO in lieu of a member of the public "attending" virtually. There is no parallel provision in the rules for physical meetings. In practice (on occasion) this has led to the submission of large numbers of very similar statements for the DSO to read out and the Chair and Vice-Chair have had to decide how the material points are best put to members. The revised protocol suggests removing the ability for written statements to be read out *save where* the member of the public has difficulty connecting to the meeting on the day. Committee may alternatively wish to consider whether, if written statements are to be retained, to put on a formal

basis that the Chair has discretion as to how many statements will be read, and that other statements will be provided in writing as an electronic “pack” to members of the committee.

- 1.2.17 Once a member of the public has made an address to planning committee, the present rules allow for “points of clarification” to be asked of the speaker. This is not an opportunity of detailed questioning or “examination” of a speaker’s representation, but for issues of fact to be clarified if not understood. What is permitted as a point of clarification is for the Chair’s discretion and officers have issued some guidance on this. However, there is a general sense amongst the Chairs and Vice-Chairs that this rule can be applied unevenly across the 3 area committees and even depending upon the particular speaker. What may or may not be a “point of clarification” is very much circumstance-specific and risks arise to decision making if certain speakers are seen to be given an “advantage” (in terms of more time to address the committee on their points through questioning) over others. The revised rules therefore suggest removing the ability for points of clarification to be raised with public speakers.
- 1.2.18 Related to this is the ability (or otherwise) of planning committees to receive technical advice on matters which fall to statutory consultees to provide guidance on (in particular, highways matters).
- 1.2.19 In the first instance, the primary advice on such matters is received in writing as part of the application process and will be summarised (or sometimes reproduced) in officer reports. Insofar as possible members should of course engage with these matters at an early stage if there are matters of detail which they consider need to be covered or revisited.
- 1.2.20 In relation specifically to highway matters, KCC Highways officers often are present to assist the planning officers in giving advice on matters affecting the highway network- for which KCC are of course responsible. In these circumstances KCC Highways officers are often asked questions on their technical assessments, through the Chair.
- 1.2.21 Members may wish to consider whether the highways (and other technical) consultants of applicants or others making a representation should be afforded the same opportunity. It should be borne in mind that whilst KCC highways are responsible for the highway network- and should be taken to understand what they consider appropriate or not on their network- those representing applicants or other interested bodies will be seeking to make a case which best supports their client’s position (whether for or against an application). With this in mind, officers strongly consider that the current arrangements should not be changed: there is a legal requirement to give significant weight to the views of statutory consultees, a position which does not exist with regard to other technical representations. Having these open to questioning risks “muddying the waters” as to the relative weight which should be afforded to certain representations and leads to risks to decision making.

1.2.22 Were Members minded to consider changes to these provisions, it is suggested they should consider whether there is a requirement for rules which:

- provide for a separate section of the discussion to be allocated to technical consultees;
- limit the time for questions of technical consultees;
- enable consideration of the qualifications of consultees and a decision to be reached as to whether they would “qualify” for the “technical discussion” and;
- make provision for whether such a discussion would be permitted in the absence of the statutory consultee responsible for the issue (for example, highways, heritage, air quality) to avoid committee being given a single-sided view of such matters.

1.2.23 There may be a requirement to amend the Constitution in the longer term if it is considered that some of the provisions outlined in the temporary arrangements should be carried over to the formal Rules set out in Part 4.

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 at least 30 June 2021, with a further review to be undertaken in mid-May. In the meantime, Management Team continues to progress its review of longer term working arrangements with a view to embedding increased homeworking into working patterns. The review is presently focussing on the categorisation of staff roles with a view to identifying which roles require an office base for some/ all of the working week, which roles are predominantly field based and which roles can be performed effectively from home. This work will be important in calculating the core office space requirements for the Council. As part of the review we have also recently conducted a staff survey to ask staff for their views on remote working. The results of that survey were reported to the Joint Employee Consultative Committee on 25 February 2021.

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 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 Kent

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 consider options for a mutually acceptable way forward.

- 1.3.4 We have specifically explored with KCC whether it would be feasible for both authorities to rationalise their office accommodation at Kings Hill e.g. through co-location. In this regard a joint expression of interest was submitted to One Public Estate in October 2020 for revenue funding (up to £50,000) to progress feasibility & options appraisal work. The bid was subsequently included in the OPE Phase 8 bid for funding. We are expecting that the Secretary of State will announce the outcome of the Phase 8 bid process in March 2021. A verbal update will be provided at the meeting.

1.4 Legal Implications

Virtual meetings

- 1.4.1 Section 100A(1) of the Local Government Act 1972 requires that meetings of the Council shall be open to the public unless the meeting has resolved to go into private session to deal with confidential or exempt information (as defined in Schedule 12A of the Local Government Act 1972).
- 1.4.2 However, during the coronavirus pandemic, the Government has temporarily removed the legal requirement for local authorities to hold public meetings in person. 'Open to the public' is given a wider meaning to allow purely remote access, and includes access through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person.
- 1.4.3 The most common means of allowing remote access is to webcast the meeting, but a meeting can be held by purely audio means and so public attendance can also be purely audio. Note however that the public would only attend by remote access if they are able to observe in real-time. Having the meeting recorded and broadcast later is not sufficient.
- 1.4.4 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 are of temporary effect, as they apply only to meetings required to be held, or held before 7 May 2021.

Homeworking

- 1.4.5 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).

- 1.4.6 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 None arising out of this report.

1.6 Risk Assessment

- 1.6.1 As set out in report.

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

- 1.8.1 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

- 1.8.2 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.’

1.8.3 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

1.9 Recommendations

1.9.1 Members are asked to **RECOMMEND** to Cabinet that:

- (1) the amended Protocol at Annex 1 is approved ;
- (2) the amended temporary arrangements for public speaking are approve

Background papers:

None

contact: Adrian Stanfield/
Allison Parris/ Kevin Toogood

Director of Central Services and Deputy Chief Executive
Adrian Stanfield

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

CONSTITUTION

Item	Page (s)
------	----------

Part 5: Codes - Supplement

1.	<p>Protocol for Use of Video-conferencing Facilities</p> <p style="padding-left: 40px;">- Annex 1 – Rules for Public Speaking at Area Planning Committee</p>	3 - 10
----	--	--------

The Protocol supports the implementation of virtual meetings as permitted by the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. These temporary arrangements are in place until 7 May 2021.

APPROVED: May 2020

The Director of Central Services and Monitoring Officer is responsible for ensuring that the Constitution is kept up to date.

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

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

Application of Rules

These rules shall only apply until:

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

Prior to the Meeting

- 1) In order to facilitate access to the virtual meeting, the following arrangements will apply:-
 - a. Members will be able to access all virtual meetings via a link in the meeting appointment.
 - b. It will be assumed that Members will be in attendance at all meetings of Cabinet/ Committees/ Boards of which they are a member. Any Member who is unable to attend a meeting should give their apologies in the usual way.
 - c. Any Member who is not a member of Cabinet, a Committee or Board but who wishes to attend and/ or speak at any such meeting is requested to let the Democratic Services Team know by no later than 5pm on the working day prior to the meeting taking place. Relevant officers will also be invited to the meeting, to provide advice (including any legal advice which may be needed) and to ensure the meeting follows proper procedures.
- 2) Any other person who is in attendance at the meeting for the purposes of exercising a right to speak e.g. a member of the public speaking at an Area Planning Committee, must register with the Democratic Services Team as early as possible but, in any event, no later than **5.00pm on the closest working day prior to the day of the meeting**. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbsc.gov.uk. Anyone seeking to register to speak after this time will be refused
- 3) The Democratic Services Officer will notify the relevant Chairman, and will take steps to ensure that the link can be established, that support for this link and for the Member using it can be provided, and that all associated facilities, e.g. telephone, email, are available.

- 4) In the case of a number of requests being received for the establishment of multiple remote links for the same meeting, such requests will be considered in chronological order of receipt until the maximum number that the equipment can support has been reached, subject to priority being given to voting members of the relevant Committee/ Board.
- 5) Any person participating by video-conference link must test their link before the commencement of the meeting and should (insofar as practicable) join the meeting at least 20 minutes before the scheduled start time to ensure any connectivity issues can be addressed.
- 6) The video-conferencing equipment must be arranged in such a way that the Chairman can hear and, where practicable, see the remote Member(s) in attendance, as well as any members of the public in attendance exercising a right to speak.

At the meeting

- 7) Members and Officers should recognise that the virtual meeting is a public meeting and they will be visible and audible by the general public. All Members and officers should conduct themselves, and dress, accordingly. Mobile telephones should be switched off or on silent and not used during the meeting unless they are being used to access the meeting, or committee papers. Wherever possible, backgrounds should be free of distraction and care should be taken to ensure there are no sensitive or personal papers visible. A neutral or blurred virtual background should be used wherever possible.
- 8) A virtual “meeting chat” will be established (via the conversation function) between:
 - a. Members of the Cabinet, Board, Committee or other meeting (as appropriate) and the Chairman so that participating Members may indicate a wish to speak;
 - b. Key presenting officers, any council legal representative, and Democratic Services Officer present to ensure that officers are able to discuss questions raised by members so that an appropriate answer can be provided, and procedures are adhered to;
 - c. An appointed officer (either Democratic Services Officer or an appropriate presenting officer) and the meeting Chairman (or Mayor for Council). This is to ensure the Chairman/ Mayor is aware of any procedural issues requiring their attention or which may require the meeting to be adjourned or postponed or officer advice is needed to be sought.
- 9) No other “meeting chats” are to be used when the meeting is taking place, and those set out above are only to be used for the stated purpose. Members should proceed as if the content can be viewed by participants and the wider public. It should not be used to discuss the substantive issue – this should be done verbally.
- 10) The Chairman will confirm at the outset and at any reconvening of the meeting that he/she can hear and, where practicable, see all participating Members and any members of the public in attendance exercising a right to speak. Any Member participating by remote link must confirm their attendance at the outset and at any reconvening of the meeting. He/she must also confirm that they can hear and, where

practicable, see the other participating Members and any members of the public in attendance exercising a right to speak. Members should ensure that their microphones are turned off unless they are speaking.

- 11) Any Member participating by remote link who declares an interest (either a Disclosable Pecuniary Interest or Other Significant Interest) in any item of business and is required to leave the meeting or determines to do so, shall leave the meeting for the duration of the item in question. Officers will make arrangements to be able to contact members to ensure they can be “invited back” to the meeting once the item in question has been concluded.
- 12) Should any aspect of the video-conference link fail, the Chairman may call a short adjournment of up to fifteen minutes to determine whether the link can quickly be re-established. If not re-established within this time, the Chairman may temporarily suspend discussion of the item under consideration at the time of link failure and continue with the remaining agenda items. Efforts should continue to re-establish the link. The Chairman will return to the suspended item on re-establishment, or on confirmation that this cannot be done, or before the end of the meeting, whichever is the earliest. For clarity, the item under consideration at the point of any re-establishment of a link will be concluded before returning to the suspended item.
- 13) If the Committee, Panel, Board or Council have to discuss confidential or exempt items under “Part 2” the Chairman will make clear that the officers and Members will be moving into a confidential discussion. This will take place in a separate virtual meeting room to which there will be no access by the general public or press. Once the confidential item has been discussed, the Chairman/ Mayor will announce in the public meeting room that the Members are returning to the public discussion.
- 14) In the event of link failure, the remote Member(s) will be deemed to have left the meeting at the point of failure of the equipment and if the link cannot be re-established before the end of the meeting then the presumption will be that the meeting should continue to deal with the item. If the link is successfully re-established then the remote Member(s) will deem to have returned at the point of re-establishment. However, any Member who is absent for all or any part of the item in question will not be able to participate in the vote.

Voting

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

Area Planning Committees/Licensing & Appeals Panel

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

Confidential/Exempt Items

- 22) If a remote Member wishes to participate in discussion of a confidential/exempt item, he/she must verify that the venue from which they are participating is secure, that no member of the public has access and that no recording of the proceedings is being made.

Amendment of Protocol

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

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

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

2.4	Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee. Anyone who wishes to do so must register with the Democratic Services Officer contact as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting . For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk . Anyone seeking to register to speak after this time will be refused.
2.5	A person wishing to address committee but who does not wish to appear “live” at the virtual meeting may either provide a video or audio recording of their statement (limited to 3 minutes) or provide the address in writing to be read out by the Chairman (or an Officer nominated by the Chairman) (up to 3 minutes per statement), no later than 5.00pm on the closest working day prior to the day of the meeting . In any event, anyone wishing to address the committee whether in person or otherwise is encouraged to provide a written copy of their statement.
2.6	<p>Where a recorded (or written) statement is being provided, the representor is encouraged to state their postal address at the beginning of their statement for the committee’s reference.</p> <p>Potential speakers are encouraged to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors to enable them to get in contact with each other and to encourage them to select a single spokesperson.</p>
3.	Procedure at Committee
3.1	In the introduction to the meeting the Chairman will explain the composition of the virtual “top table”. The Chairman will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements.
3.2	The Chairman will indicate the order in which the Agenda is to be dealt with, this will ordinarily be as the Agenda, but is at the absolute discretion of the Chairman (on advice of officers where needed).
3.3	The Chairman will explain the speaking time limitations. Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.

3.4	Where the Chairman has suggested at the Chairman's briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item, and will occur before the speakers are invited to speak.
3.5	<p>The speakers shall be taken in the following order:</p> <p>The representative of the relevant Parish (where they have registered in advance to speak);</p> <p>Individual speakers will then be invited to come forward by the Chairman, by name;</p> <p>Where a written statement has been provided in lieu of attending, the Chairman shall read out the statement (up to 3 minutes per application, per statement) after all "live" speakers have addressed the committee;</p> <p>Any pre-recorded statements shall then be played;</p> <p>Finally, the applicant and/or their agent will then have an opportunity to address the committee where they have registered to do so in advance.</p> <p>Where any written statement or pre-recorded statement exceeds 3 minutes, only the first 3 minutes shall be read or played.</p>
3.6	Committee Members will not be able to question speakers directly but may seek clarification of matters of fact raised by the speaker through the Chairman.
3.7	At the conclusion of their presentation, the speaker's microphone will be muted by the meeting organiser.
3.8	At the conclusion of the public speaking, the Chairman will invite Members to debate the application. The members will indicate their wish to address the meeting through the virtual meeting platform and the Chairman will invite each member to speak in turn. All other microphones will be muted by the meeting organiser.
3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.

TONBRIDGE & MALLING BOROUGH COUNCIL

**PROTOCOL FOR THE USE OF VIDEO-
CONFERENCEING FACILITIES**

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

1.	Application of Rules
These rules shall only apply until:	
(a)	7 May 2021;
(b)	In the event that the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 are amended to extend the period during which Council standing orders are suspended, such period as stated within those Regulations as amended; or
(c)	Such earlier date as may be determined by the Leader.

2.	Prior to the Meeting
2.1	In order to facilitate access to the virtual meeting, the following arrangements will apply:-
(a)	Members will be able to access all virtual meetings via a link in a meeting appointment.
(b)	Appointments will be sent to All Councillors via a three monthly programme. Every effort will be made to resend the appointment on the day of the meeting.
(c)	It will be assumed that Councillors will be in attendance at all meetings of Cabinet/ Committees/ Boards of which they are a member. Any Member who is unable to attend a meeting should give their apologies in the usual way.

	(d)	<ul style="list-style-type: none"> i. All Councillors can attend any meeting of the Executive (Cabinet), Committee, Advisory Board, Panel or Forum of which they are not a Member. They may address the meeting on any item on the agenda when/if invited by the Chairman to do so. ii. For the benefit of any public who may be observing proceedings online Councillors should indicate when they are not Members of the Committee/Advisory Board etc. iii. As non-Members they cannot vote on any item.
2.2		<p>Any other person who is in attendance at the meeting for the purposes of exercising a right to speak e.g. a member of the public speaking at an Area Planning Committee, must register with the Democratic Services Team as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmhc.gov.uk</p> <p>Anyone seeking to register to speak after this time will be refused.</p>
2.3		<p>Democratic Services will liaise with the relevant Chairman and Vice-Chairman and take steps to ensure that access to the meeting by Councillors, Officers and members of the public can be facilitated. If required IT support will be requested.</p>
2.4		<p>In the case of a number of requests being received for the establishment of multiple remote links for the same meeting such requests will be considered in chronological order of receipt. This applies to Area Planning Committees, where members of the public may be exercising their right to speak, and meetings where there are external representatives such as Parish Partnership Panel, Tonbridge Forum, Joint Transportation Board, Joint Standards Committee and the Overview and Scrutiny Committee.</p>
2.5		<p>All meetings of the Borough Council will start at 19.30 hours unless otherwise stated on the Summons/Agenda. On occasion, and following consultation with the relevant Chairman, it may be necessary for proceedings to start earlier if there is a significant amount of business to be completed.</p> <p>Any changes to a meeting start time will be set out clearly on the meeting Summons/Agenda, the website and all appointment links.</p>

2.6	Any external participant must test their link in advance of the meeting and should (where practicable) join at least 15-20 minutes before the scheduled start, as set out on the Summons/Agenda, to ensure that any connectivity issues can be addressed.
2.7	<p>Councillors are encouraged to join the meeting at least 10 minutes before the scheduled start, as set out on the Summons/Agenda, to ensure that any connectivity issues can be addressed.</p> <p>Democratic Services may not be able to respond to or monitor emails requesting assistance at the start of a meeting, due to undertaking other priorities to facilitate the online meeting. These should be directed to the IT Helpline in the first instance. Once the meeting has commenced, Democratic Services will be available to offer assistance.</p>
2.8	The video-conferencing equipment must be arranged in such a way that the Chairman can hear and, where practicable, see the online Members in attendance, as well as any members of the public in attendance exercising their right to speak.
2.9	<p>All meetings held via video-conferencing will be livestreamed to YouTube so that members of the public can observe proceedings. These recordings are retained and will be available to view on the Borough Councils YouTube channel for a period of 6 months.</p> <p>Any member of the public registering to speak at an Area Planning Committee or wishing to ask a question at Council should be aware that their voice and/or face will be recorded and livestreamed to the Borough Council's YouTube channel.</p> <p>The Borough Councils Privacy Notice for Virtual Meetings is available on our website.</p>

3.	At the Meeting
3.1	<p>Members and Officers should be aware that the virtual meeting is a public meeting and they will be visible and audible by the general public, either attending the meeting or observing the proceedings via livestream.</p> <p>All cameras should be turned off and microphones muted five minutes before the start of the meeting to avoid appearing on the livestream before the formal proceedings have commenced.</p>
3.2	<p>All Members (including external representatives) and Officers should conduct themselves accordingly, dress appropriately and conduct themselves as they would for a face to face meeting.</p> <p>Mobile phones should be switched off, or on silent, and not used during the</p>

	meeting unless they are being used to access the meeting or read committee papers.
3.3	Wherever possible, backgrounds should be free of distraction and care should be taken to ensure there are no sensitive or personal papers visible. A neutral or blurred background should be used wherever possible.
3.4	A virtual ‘meeting chat’ will be established within the meeting between:
	(a) Members of the Cabinet, Board, Committee or other meeting (as appropriate) and the Chairman;
	(b) Key presenting officers, any council legal representative, and Democratic Services Officer present;
	(c) An appointed officer (either Democratic Services Officer or an appropriate presenting officer) and the meeting Chairman (or Mayor for Council);
	This enables participating Members to indicate a wish to speak; ensures that Council and Committee Procedure Rules are adhered to; ensures that the Chairman or Mayor is aware of any procedural issues or points of order requiring their attention which may require the meeting to be adjourned or postponed or officer advice is needed to be sought.
3.5	The ‘meeting chat’ should only be used for the purposes set out in (3.4) and not for any other reason. Any questions should be directed to the Chairman and raised as part of the meeting debate. Members should proceed as if the content of the ‘meeting chat’ can be viewed by all participants and the wider public. It should not be used to discuss the substantive issue as this should be done verbally.
3.6	However, Members are entitled to request that an amendment to a motion be typed out in full in the ‘chat’ function and read out by the Democratic Services Officer. This ensures that there is no confusion about voting and for the benefit of anyone observing proceedings.
3.7	The Chairman will confirm at the start of the meeting that they can hear, and where practicable see, all participating Members and any members of the public in attendance exercising their right to speak.
3.8	When asked to do so by the Democratic Services Officer all Committee Members participating by a remote link must confirm their attendance and that they can hear and, where practicable see, the other participating members and any members of the public in attendance exercising their right to speak. This will be undertaken at the start of the meeting by a formal roll call of

	Committee Members.
3.9	The formal roll call will be undertaken by the Democratic Services Officer to confirm attendance and for the benefit of anyone observing proceedings to confirm the number of Members eligible to vote.
3.10	This roll call shall be accepted by the Borough Council as the equivalent of signing the attendance sheet.
3.11	Where possible, non-Committee Members will be asked to double check cameras and microphones before the start of the meeting. The attendance of non-Committee Members will be noted by Democratic Services and entered into the Minutes. There will be no formal roll call of other Members in attendance unless requested by the Chairman as this may slow down proceedings.
3.12	All participating Members should ensure that their microphones and cameras are turned off unless they are speaking. This reduces the impact on the broadband network supporting the virtual meeting.
3.13	Should the Chairman or Democratic Services Officer become aware that any aspect of the video-conference link has failed for a significant number of Committee Members (to ensure that the meeting remains quorate) or the Cabinet Member required to make a Cabinet Member Decision, the Chairman (or in the case of the Chairman losing connection, the Democratic Services Officer) may call a short adjournment of up to 15 minutes to determine whether the link can be re-established and the meeting restarted.
3.14	Upon re-establishment of the meeting the Chairman will return to the item under discussion when the connection failure occurred.
3.15	If the link cannot be re-established, the meeting will be adjourned and all items of business with outstanding decisions will either be carried over to the next programmed meeting of the Council/Cabinet/Committee/Advisory Board or a newly scheduled meeting.
3.16	<p>If individual Members of the Committee lose internet connection, the meeting will continue as long as a quorum remains. Every effort will be made to re-establish the connection, although sometimes this may not be possible if there is an issue with the internet supplier that is out of the Borough Council’s control.</p> <p>It is up to the discretion of the Chairman whether a short adjournment is required for individual Members of the Committee losing internet connection. If so, then (3.13) above will apply.</p> <p>Any Member who is absent for all or any part of the item in question will not be able to participate in the vote.</p>

Declarations of Interest:	
3.17	<p>Any Member participating by remote link who declares an interest (either a Disclosable Pecuniary Interest or Other Significant Interest) in any item of business is required to leave the meeting and shall not participate in any discussion or vote on the item in question. The Democratic Services Officer will confirm that the Member in question has withdrawn from the meeting.</p> <p>The Member will be ‘invited’ back into the meeting by the Democratic Services Officer once the item in question has been concluded.</p>
Rules of Debate:	
3.18	<p>The virtual meeting will operate under the rules of debate as set out in Part 4 of the Constitution:</p> <ul style="list-style-type: none"> - CPR 6 (Rules of Debate for Council Meetings) - CPR 15 (Rules of Debate for Committees and Sub-Committees)
Confidential and Exempt Items:	
3.19	<p>If the virtual meeting has to discuss confidential or exempt items under Part 2 Private the Chairman will make it clear that Members and Officers will be moving into a confidential discussion.</p> <p>Any members of the public present at the meeting will be asked to leave. If they do not leave they will be removed by the Democratic Services Officer. The Chairman will call a short adjournment to ensure that anyone who is not eligible to participate in a confidential discussion has left. The livestreaming will also be stopped.</p> <p>The meeting will be restarted in Private upon confirmation that everyone who is not eligible to participate has left and confirmation that the livestreaming has stopped.</p>
3.20	<p>In the case of an Area Planning Committee, before leaving the meeting, members of the public will be provided with a new link to a continuation of the livestreaming once the meeting has returned into public discussion.</p>
3.21	<p>Before the commencement of the confidential discussion, Members will be asked to confirm that they are alone to verify that no unauthorised person is able to see, hear or otherwise participate in the meeting.</p> <p>Members must also ensure that the venue from which they are participating is secure and that no recording of the proceedings is being made.</p>
3.22	<p>When the confidential discussion has finished the Chairman will call a short adjournment so that the livestreaming of the meeting can be re-established on a new link. The meeting will recommence once it has been confirmed that the livestreaming is recording.</p>

3.23	The majority of exempt (Part 2) items will be known in advance of the meeting and the appropriate online arrangements already made to ensure that the meeting can consider these in private. When the need to move into private only becomes apparent during the meeting, the item concerned should be adjourned to a later day.
Voting:	
3.24	Voting will be undertaken by either a formal roll call, or if there is no dissent during the debate, or the view of Members is clear, by general affirmation.
3.25	If voting is undertaken by way of formal roll call, the Chairman shall instruct Members of the Committee to record whether they are for, against or abstaining when asked by the Democratic Services Officer. No response shall be taken as an abstention.
3.26	For the avoidance of doubt a vote conducted by way of roll call shall not be treated as a recorded vote for the purposes of the Council and Committee Procedure Rules set out in Part 4 (Rules) of the Constitution (CRP 8.5).
3.27	No votes shall be recorded in the Minutes unless requested by a Member under CPR 8.4 or CPR 8.6 set out in Part 4 (Rules) of the Constitution).
3.28	If there is general agreement of the recommendations (as set out in the report attached to the agenda) and where no objections have been made during the discussion, the Chairman can ask the Committee if this is agreed via general affirmation. The resolution will be recorded accordingly.
3.29	How the vote is conducted is up to the discretion of the Chairman, subject to procedural advice received from Legal and Democratic Services.
Miscellaneous:	
3.31	The Chairman may give direction to vary these Protocols to allow for the effective and democratic management of the meeting, subject to advice from Officers present.

4.	Area Planning Committees
4.1	As the Borough Council must be able to demonstrate that decisions of a regulatory nature are taken on the basis of the same information being available to all Members involved in the decision, any additional papers tabled at a meeting of an Area Planning Committee must be emailed to the remote venue and time allowed, by a short adjournment if necessary, for these to be delivered to and read by remote Members.

4.2	<p>Supplementary reports must, therefore, be circulated in final form no later than 24 hours before the start time of the relevant meeting. These should also be published to the website for the benefit of anyone wishing to observe proceedings.</p> <p>Any additional updates required after that time will be in the form of an oral address by the relevant Officers at the meeting.</p>
4.3	<p>Planning Officer presentations should be shown in the MS Teams meeting so that these can be clearly followed by Members, any external participants and anyone viewing proceedings via the livestream.</p>
4.4	<p>All written representations in respect of a planning application to be considered by the Area Planning Committee must be made to planning.applications@tmbc.gov.uk no later than 48 hours prior to the start time of the relevant meeting.</p> <p>This is not the same as Members of the Public wanting to register to speak at the Area Planning Committee, the deadline of which is 1700 hours on the day before the meeting and should be made to committee.services@tmbc.gov.uk</p>
4.5	<p>The Chairman will conduct the meeting in accordance with the Interim Rules for Public Speaking at Area Planning Committees, as set out at Annex 1 to this Protocol.</p>
5.	Licensing and Appeals Panel:
5.1	<p>Rules (4.1) to (4.3) apply</p>
5.2	<p>Note that Rules (4.1) and (4.3) will also apply to any other person <u>who is required to take part in a Licensing Hearing.</u></p>
5.3	<p>All written representations related to a Licensing and Appeals Hearing must be made in sufficient time before the start time of the relevant meeting. These should be made to licensing.services@tmbc.gov.uk</p>
5.4	<p>Late material will only be accepted on agreement of all parties and will be emailed as necessary to all participants and/or presented in the meeting. Any queries relating to a Licensing and Appeals Panel should be made to licensing.services@tmbc.gov.uk</p>

6.	Amendment of Protocol:
6.1	<p>The Monitoring Officer is authorised to make any amendments to this Protocol and/or the Interim Rules for Public Speaking at Planning Committee in consultation with the Chief Executive and Leader.</p>

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

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

Annex 2.1 – Revised Annex 1 Rules for Public Speaking

2.4	<p>Anyone who has made a written representation on an application, and the applicant/their agents, must notify the Council in advance that they wish to take advantage of the opportunity to speak at Committee. Anyone who wishes to do so must register with the Democratic Services Officer contact as early as possible but, in any event, no later than 5.00pm on the closest working day prior to the day of the meeting. For example, any person wishing to speak at a meeting scheduled to take place on a Wednesday must give notice no later than 5pm on the Tuesday before the meeting. Notice should be given by email to committee.services@tmbc.gov.uk. Anyone seeking to register to speak after this time will be refused.</p>
2.5	<p>A person wishing to address committee but who does not wish to appear “live” at the virtual meeting may either provide a video or audio recording of their statement (limited to 3 minutes)), no later than 5.00pm on the closest working day prior to the day of the meeting.</p> <p>The statement, whether presented live or pre-recorded must not be accompanied by any additional material (such as photographs or power point presentations). “Screen sharing” by speakers will not be permitted. Any statement which contravenes this rule will not be accepted.</p> <p>Anyone wishing to address the committee whether in person or otherwise is encouraged to provide a written copy of their statement, which may be read out in the event of a technical issue preventing the person connecting to the meeting or the pre-recorded statement being played. Whether or not written statements will be read out is at the discretion of the Chairman of the committee.</p>
2.6	<p>Where a recorded statement is being provided, the representor is encouraged to state their postal address at the beginning of their statement for the committee’s reference.</p> <p>Potential speakers are encouraged to indicate (for the purposes of the Data Protection Act 2018 and/or any other relevant data protection legislation) if they agree to their contact details being shared with other representors to enable them to get in contact with each other and to encourage them to select a single spokesperson.</p>
3.	Procedure at Committee
3.1	<p>In the introduction to the meeting the Chairman will explain the composition of the virtual “top table”. The Chairman will also explain the need for speakers to only deal with planning matters and the need to guard against making defamatory statements. The Chairman will remind speakers that their face and voice may appear on the live stream, and the archived recording of the meeting</p>

Annex 2.1 – Revised Annex 1 Rules for Public Speaking

3.2	The Chairman will indicate the order in which the Agenda is to be dealt with, this will ordinarily be as the Agenda, but is at the absolute discretion of the Chairman (on advice of officers where needed).
3.3	The Chairman will explain the speaking time limitations. Each speaker will be limited to 3 minutes for each application. Where there is more than one application for a site, for example an application for planning permission and listed building consent, the time allowed will be limited to 3 minutes for each application i.e. 6 minutes in total.
3.4	Where the Chairman has suggested at the Chairman's briefing that an initial officer presentation is required, that presentation will be the first step in consideration of the Committee item, and will occur before the speakers are invited to speak.
3.5	<p>The speakers shall be taken in the following order:</p> <p>The representative of the relevant Parish (where they have registered in advance to speak);</p> <p>Individual speakers will then be invited to come forward by the Chairman, by name;</p> <p>Any pre-recorded statements shall then be played (or written statement read out where technical issues have prevented the statement from being played);</p> <p>Finally, the applicant and/or their agent will then have an opportunity to address the committee where they have registered to do so in advance.</p> <p>Where any written statement or pre-recorded statement exceeds 3 minutes, only the first 3 minutes shall be read or played.</p>
3.6	Committee Members will not be able to question speakers on any matter
3.7	At the conclusion of their presentation, the speaker will be asked to turn off their video feed and mute their microphone.
3.8	At the conclusion of the public speaking, the Chairman will invite members of the public to leave the "Teams" meeting and watch the debate on the live stream to save bandwidth. Members will then debate the application. The members will indicate their wish to address the meeting through the virtual meeting platform and the Chairman will invite each member to speak in turn. All other microphones will be muted and video feeds switched off.

Annex 2.1 – Revised Annex 1 Rules for Public Speaking

3.9	After Members have debated the item, Officers will answer questions, summarise the debate or clarify points, including any matters arising from the points raised by speakers, and to give any necessary professional advice before Members reach their decision.
3.10	If the case is deferred for a site inspection or for a further report speakers will be permitted to speak again at a subsequent meeting.

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

11 March 2021

Report of the Chief Executive

Part 1- Public

Delegated

1 SCOPING REPORT OF COUNCIL MARKETING AND PROMOTION

To identify existing areas of marketing and promotion to support opportunities for improvement or best practice.

1.1 Background

1.1.1 Marketing and promotion are recognised as a key function to enhance communication with residents. The growth in social media has perpetuated the need for information to be on-demand through Facebook and Twitter as well as via the website. There are also services across the Council that maintain the use of traditional marketing methods for certain specific activities when necessary.

1.1.2 Marketing and promotion and the timely supply of information is crucial in removing and managing demand on services. The Council needs to ensure that marketing and promotion is used tactically to deliver important messages, as well as to promote existing services and initiatives, ensuring maximum take up.

1.2 Overview of Existing Arrangements

1.2.1 Council Website: The Council website is undergoing review, with a relaunch planned for summer 2021. The new site offers greater marketing and promotion potential than the current site thanks to improved design and better functionality, including a single log-in for council tax accounts. The site is being designed to make it easier for residents to carry out online transactions and reduce paper billing.

1.2.2 Social Media: Online platforms are now the key channel for communicating with residents. Across Facebook, Twitter and Instagram, the council has around 12,000 followers. During 2020, more than 3,000 enquiries were handled and 28,000 content clicks generated. Improvements in published content, coupled with the impact of the pandemic, has seen significant growth in followers over the last 12 months, notably on Facebook which saw an increase of more than 60 per cent in 2020.

- 1.2.3 News Coverage: news coverage in the local media remains an important outlet for promotion, albeit with online outlets such as Kent Online superseding print in terms of reach and impact. A more proactive approach to media engagement has helped secure positive coverage around topics such as high street re-opening, the TMBC community hub and a 'shop local' campaign in December 2020.
- 1.2.4 Promotional Marketing/Tonbridge Castle: work to promote the Castle to wider audiences has been undertaken for several years. Options to consider different marketing channels would be beneficial, targeting people from outside the borough, marketing to schools, tour groups and other potential visitors as well as developing further options to maximise the Castle facilities.
- 1.2.5 Printed marketing materials: across the council, individual services largely design their own marketing materials, including leaflets, posters, reports and consultations. This does result in variations in style, quality and branding. The corporate brand guidelines have been updated to support the launch of the new website and may offer an opportunity to develop a more consistent approach in these and other areas.
- 1.2.6 Examples of printed materials include printed calendars and bin hangers with waste service information. The waste team have not issued printed calendars or bin hangers this year, initially because of Covid. Electronic versions are available on the website and the team email them to residents on request. This is likely to become a permanent change going forward, however there will still be occasions with round/service changes where letters/calendars will be issued to affected residents. Renewal letters are also sent out to garden waste participants, where there is no email address.
- 1.2.7 Poster sites: there are twelve poster sites around Tonbridge which are in continuous use by both the Council and community groups along with one poster site at West Malling (which is managed by the Parish Council). The poster sites are currently provided free of charge, Members may want to consider an administration fee, which would be in line with other districts who charge for this service? In addition, there are six very large poster sites at the roadside in Tonbridge. Consideration could be given to the current usage, the effectiveness of the poster sites and if any improvements could be made, such as investigating digital replacements for these sites.
- 1.2.8 Current areas of interest: Covid-19 response - inevitably, the pandemic has dominated the agenda since early 2020. Social media, news announcements, media interviews, emails to residents and posters have all been used to promote national messages to residents and to explain local policies and approaches. The current TMBC website has dedicated pages providing national guidance, information about how services are affected plus dedicated pages for business and community support. Overall public feedback has been positive.

1.3 Suggested focus for the next stage of the review

- 1.3.1 An audit of marketing/promotional budgets across the Council would establish the current cost and highlight any areas where efficiencies could be made. A full review of promotional spend may highlight activities that could either be altered or transferred to a more cost-effective media.
- 1.3.2 An assessment of all printed material to determine if these can be moved permanently to digital alternatives. This will need to be carefully considered as there will always be a percentage of residents who are not currently online and value paper formats. However, a move away from paper would be a more sustainable option and would help to achieve the Council's carbon reduction objectives.
- 1.3.3 A review of recent marketing and promotional materials would help to establish if there is consistency in style and branding. This could include in-house printed material such as posters and leaflets, as well as work and reports commissioned by the Council.
- 1.3.4 At present marketing and promotion across the Council is unaligned. Consideration should be given to a move to a structure with central oversight of all promotional/marketing material.

1.4 Legal Implications

- 1.4.1 None.

1.5 Financial and Value for Money Considerations

- 1.5.1 Budget allocations for marketing and promotions across all services to be assessed in full as part of the final review.

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 Communications
- 1.8.2 Customer Contact
- 1.8.3 Climate Change

1.9 Recommendations

1.9.1 That Members **ENDORSE** the approach as suggested in 1.3 of the report, to undertake the following further investigation:

- 1) An audit of marketing/promotional budgets across the Council to establish existing costs
- 2) Establish if paper forms of marketing/promotion need to continue, or if we can move away from paper entirely
- 3) An assessment of recent marketing/promotional items to ascertain the consistency of approach/branding
- 4) Consideration be given to a consolidated system, with central oversight of published material to ensure a consistent and professional approach

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

Agenda Item 7

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 8

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

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.

This page is intentionally left blank