

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

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

2 March 2022

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 10th March, 2022 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members may participate online via MS Teams.

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

1. Guidance on the Conduct of Meetings

5 - 6

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members
4. 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.

5. Minutes 9 - 12

To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 18 January 2022

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

Matters for Recommendation to the Cabinet

7. Public Toilets 15 - 20

To provide an update on the current position regarding Council owned public toilets in Hadlow, West Malling and Snodland and recommend a proposed way forward for each.

8. Equality Policy Statements and Objectives 21 - 28

The report brings forward an updated Equality Policy Statement and Objectives

9. Scrutiny Training 29 - 34

To agree training for Members of the Overview & Scrutiny Committee

Matters for Information

10. Budgetary Changes and Strategic Risk Register 35 - 40

An information report giving Members of this Committee high level information in terms of the budget position and direction of travel. In addition, it points Members to the red rated risks on the Strategic Risk Register.

11. Urgent Items 41 - 42

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

12. Exclusion of Press and Public 43 - 44

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

13. Urgent Items 45 - 46

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 M O Davis (Vice-Chairman)

Cllr M C Base
Cllr C Brown
Cllr R I B Cannon
Cllr A Cope
Cllr R W Dalton
Cllr F A Hoskins
Cllr S A Hudson
Cllr Mrs F A Kemp

Cllr D W King
Cllr J R S Lark
Cllr H S Rogers
Cllr N G Stapleton
Cllr M Taylor
Cllr D Thornewell
Cllr F G Tombolis

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>
- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk in the first instance.

Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact committee.services@tmbc.gov.uk for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them. If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

Declarations of interest

This page is intentionally left blank

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Tuesday, 18th January, 2022

Present: Cllr M O Davis (Vice-Chairman in the Chair), Cllr Mrs A S Oakley (Vice-Chairman), Cllr C Brown, Cllr R I B Cannon, Cllr R W Dalton, Cllr M A J Hood, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr J R S Lark, Cllr H S Rogers and Cllr F G Tombolis.

(Note: As Councillors J L Botten, F A Hoskins and M Taylor were unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

Councillors Mrs J A Anderson, Mrs P A Bates, Mrs S Bell, M D Boughton, D Harman, N J Heslop, D Keers, P J Montague, W E Palmer, M R Rhodes and K B Tanner participated via MS Teams and joined the discussion when invited to do so by the Chairman, in accordance with Council Procedure Rule 15.21.

Councillor A Cope was present in the Council Chamber pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor J L Sergison (Chairman).

PART 1 - PUBLIC

OS 22/1 DECLARATIONS OF INTEREST

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

OS 22/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 2 December 2021 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 22/3 REVIEW OF COUNCILS PUBLIC HEALTH FUNCTION

The report of the Director of Planning, Housing and Environmental Health set out options to amend the structure of the Borough Council's One You team in order to bring the cost of the service within the annual grant allocation received from Kent County Council.

The current structure and cost of the service was provided at Annex 1. Proposals for a revised staffing structure and cost were detailed in Annex 2.

Particular reference was made to the financial and value for money considerations which illustrated that the difference between the grant funding received from the County Council and the actual cost of the service meant that there was a funding gap of circa £35,000. It was explained that the overspend on public health had been funded via the Borough Council's public health reserve. Due to expenditure exceeding income and based on the latest estimates, without any changes to the service, it was expected that this reserve would be fully used during 2022/23.

The proposals for a revised structure would bring the service within the cost of the annual grant application and avoid budget growth.

RECOMMENDED: That

the proposal to revise the structure of the One You Service, as detailed in 1.3 of the report, to bring it within the annual Kent County Council grant allocation be endorsed.

***Referred to Cabinet**

OS 22/4 REVENUE ESTIMATES 2022/23

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 Committee in assisting the Cabinet and the Council in preparation of the Budget for 2022/23 within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities.

Details were given of the provisional Local Government Finance Settlement and the position regarding New Homes Bonus funding. It was reported that the latter funding stream remained a subject of discussion, but it would not continue in its current form. It was likely that the scheme would either be withdrawn and not replaced or replaced, but where the funding stream and sum awarded was much reduced.

Members were advised that for the year 2022/23, a referendum would be triggered where council tax was increased by 2%, or more than 2% and more than £5. For the purposes of preparing the budget papers and updating the MTFS an increase of £5 in 2022/23 had been assumed and each year thereafter. In addition, it was proposed, that the 'annual capital allowance' currently set at £250,000 continued to be set at that level.

The report indicated the factors to be taken into account when updating the MTFS and referred to the Savings and Transformation Strategy (STS) which provided a structure and focus for addressing the significant financial challenge facing the Council. Progress was reported on savings achieved and it was noted that the MTFS would continue to be updated as more information became available and the targets and timescales within the STS would be revisited and realigned with the latest projected funding gap. The latest projected 'outstanding' funding gap was £2,350,000 including the initiative already built into the MTFS, the scaling back of office accommodation in the sum of £200,000.

Finally, reference was made to the recommendations of the Finance, Innovation and Property Advisory Board of 12 January that the Revenue Estimates contained in the Booklet (Annex 1) be endorsed and that Cabinet give serious consideration to bringing forth a detailed plan to address the funding gap.

RECOMMENDED: That

- (1) the draft Revenue Estimates contained in the Booklet (Annex 1) be endorsed and commended to the Cabinet for its meeting on 10 February 2022, subject to noting the additional recommendation arising from the Finance, Innovation and Property Advisory Board of 12 January 2022 that Cabinet gives serious consideration to bringing forth a detailed plan to address the funding gap;
- (2) Cabinet be invited to work with the Management Team to identify areas where significant savings could be made in order to meet the required annual savings; and
- (3) the Savings and Transformation Strategy be updated to reflect the latest projected 'outstanding' funding gap as part of the budget setting process.

***Referred to Cabinet**

OS 22/5 CAPITAL PLAN REVIEW 2021/22

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2021/22 Capital Plan Review and sought endorsement of recommendations to the Cabinet.

Members were reminded that the annual capital allowance was currently set at £250,000. It was noted that based on current projections, from 2028-29 the Borough Council might need to borrow to fund such expenditure.

Particular reference was made to the two schemes on List C (attached as Annex 3 to the report) recommended for fast track evaluation and in

turn, their addition to the Capital Plan; purchase of an Air Quality Monitor and Tonbridge Farm Sportsground Improvements.

RECOMMENDED: That

- (1) the recommendations to the Finance, Innovation and Property Advisory Board detailed at paragraph 1.3 of the report be endorsed; and
- (2) the Capital Strategy, as set out at Annex 5 to the report, be endorsed for adoption by Council and publication on the Council's website.

***Referred to Cabinet**

DECISIONS TAKEN BY THE COMMITTEE

OS 22/6 SCOPING REPORT - PLANNING ENFORCEMENT

The report of the Director of Planning, Housing and Environmental Health presented options for a review of the existing Planning Enforcement Plan and associated practices.

It was proposed that the scope of the review should focus on the prioritisation of schemes, internal processes regarding case allocation and workflow management, the content of plan, communicating with complainants and updating on enforcement investigations.

RESOLVED: That the approach detailed in 1.3 of the report (and summarised above) to review and update the existing Planning Enforcement Plan be endorsed.

MATTERS FOR INFORMATION

OS 22/7 PEER CHALLENGE REVIEW

The report of the Chief Executive provided an update on the Local Government Association review which was due to take place from 25 January 2022. Members noted the Position Statement as attached at Annex 1.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 22/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.18 pm

Agenda Item 6

Any Executive Decisions which have been “called in”

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

10 March 2022

Report of the Director of Street Scene Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Cabinet

1 PUBLIC TOILETS

To provide an update on the current position regarding Council owned public toilets in Hadlow, West Malling and Snodland and recommend a proposed way forward for each.

1.1 Background

1.1.1 It was recommended at Cabinet on 12 October 2021 that “the Overview and Scrutiny Committee be invited to consider the position of public conveniences across the Borough”.

1.1.2 For most public toilets across the borough, there is already a settled position regarding their future. At each of the locations below, arrangements exist as follows:

- Borough Green – the conveniences were transferred to the Parish Council in August 2021
- Wrotham – it has been agreed with the Parish Council that the licence under which the Borough Council operated the toilets be terminated and the facility handed back to the Parish
- Tonbridge - the toilets in the town remain open.
- Larkfield – the conveniences were transferred to the Parish Council in April 2021
- East Peckham – the conveniences were transferred to the Parish Council in May 2021
- Aylesford – the Council is obliged under the terms of a lease of the site, granted by the Parish to the Borough, that the site of the public conveniences be reinstated prior to being handed back. Following discussions between the Borough, Parish and adjacent primary school, it has been agreed that the existing building be retained and converted into an outdoor classroom which would be leased to the school by the Parish.

1.1.3 When the toilets were transferred, the Parish Councils were sold the facility for £1 and were provided with a sum of £9,000 to cover costs and support the first year of operation. Works were also undertaken to the buildings in advance to bring them to an appropriate standard. This report will focus on those toilets where no formal transfer to the Parish/Town Council was agreed ie Hadlow, Snodland and West Malling. A letter was sent to each Parish/Town Council in advance of the meeting asking if they wished to reconsider their position.

1.2 Hadlow

1.2.1 A copy of the Parish Council's response is provided at **Annex1**. Members will note that the Parish Council's original decision and resolution to decline the offer of transfer remains in place.

1.3 Snodland

1.3.1 At its meeting of Full Council on 24th February 2022 it is understood that the Town Council resolved that it did not wish to accept the transfer of the toilets and formal confirmation of this decision is awaited.

1.4 West Malling

1.4.1 The Parish Council has advised that it will be determining its position at a meeting of its Full Council on 7th March 2022. An update will be circulated to Members in advance of the meeting so consideration can be given to the way forward on the night. Members will be interested to note that following the closure of the toilets the Parish Council have in agreement with the Council progressed, and fully funded a temporary 6 month reopening of the toilets until the end of the current financial year.

1.5 Legal Implications

1.5.1 There is no statutory requirement for the Council to provide public conveniences.

1.5.2 Section 149 Equality Act 2010 requires that a public authority must, in the exercise of its functions, have due regard to the need to -

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

1.5.3 Protected characteristics under the Act include age, disability, gender and pregnancy and maternity. In making any decisions arising out of this report the Council must therefore ensure it has due regard to these matters.

1.6 Financial and Value for Money Considerations

- 1.6.1 The Council previously made a decision to offer to transfer public conveniences to relevant parish councils during 2021/22, and it was further agreed that if relevant parish councils did not wish to take on responsibility, then those toilets would be closed. If closed, the assets could either be disposed of or an alternative use identified delivering a cost saving and, in turn, a contribution towards the Savings and Transformation Strategy.
- 1.6.2 A decision in respect of the three public toilets that are the subject of this report is awaited to determine the extent of the cost saving to be achieved. Members should note that in the interim, unbudgeted costs are being incurred.

1.7 Risk Assessment

- 1.7.1 It is important to resolve the future of the three public toilets from a community and financial perspective.

1.7.2 Equality Impact Assessment

- 1.7.3 At the time of writing responses had not been received from all Parish Council's. Once responses have been received the equality impacts assessment can be finalised for publication in advance of the meeting.

1.8 Policy Considerations

- 1.8.1 Asset Management, Community

1.9 Recommendations

- 1.9.1 It is **Recommended to Cabinet** that-
- 1.9.2 With regard to those toilets outlined in section 1.1.2 of the report it be noted that the future of these toilets is resolved
- 1.9.3 With regard to the toilets in Hadlow and Snodland, these toilets remain closed and that a report be taken to a future meeting of the Finance and Innovation and Property Advisory Board to consider alternative uses and/or disposal.
- 1.9.4 With respect of the toilets in West Malling consideration be given at the meeting to either transferring the toilets to the Parish Council or requesting the Finance and Innovation and Property Advisory Board to consider alternative uses/disposal, based on the response received from the Parish Council.

Background papers:

contact: Robert Styles

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

This page is intentionally left blank



Do It On-line: www.tmbc.gov.uk

Email: property.services@tmbc.gov.uk

Hadlow Parish Council

Contact Stuart Edwards
Email Stuart.edwards@tmbc.gov.uk
Your ref
Our ref PR/2765(L)/SE
Date 17 February 2022

By email - clerk@hadlowpc.co.uk

Dear Melanie

Transfer of Public Convenience – Subject to Contract

As you know, the Borough Council previously contacted the Parish Council regarding the potential transfer of the public conveniences in Hadlow. Having initially agreed to the principal of the transfer, the Parish Council subsequently determined that it did not want to pursue a transfer.

You may be aware that the Borough Council's Overview & Scrutiny Committee is due to consider the matter of public conveniences at its meeting on 10th March. In advance of that meeting, the Council wanted to ascertain whether the Parish would re-consider its decision not to take a transfer of the toilets, in the event that the Overview & Scrutiny Committee determine the toilets should remain closed?

To confirm, the previous offer was:

- Freehold transfer at a value of £1
- Restrictive covenant included stating the land can only be used as a public convenience
- Each side to bear their own legal costs
- A one-off payment from the Borough to the Parish of £9,000 to contribute toward costs and maintenance

If the Committee does determine the toilets should remain closed, and the Parish does not wish to take a transfer, then the Council would be recommending to Members that the site be sold, free of restrictions, at auction, subject to Member approval.

I would be grateful if you could let me know your thoughts on the above by the 7th March so that they can either be incorporated into the Overview & Scrutiny Committee Report, or can be verbally provided at the meeting.

Cont...

I look forward to hearing from you.

Yours sincerely



Stuart Edwards
Head of Administrative and Property Services

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

10 March 2022

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 EQUALITY POLICY STATEMENT AND OBJECTIVES

To bring forward an updated Equality Policy Statement and Objectives

1.1 Background

- 1.1.1 The Equality Act (2010) sets out a “Public Sector Equality Duty” which requires public authorities to have “due regard” to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their day to day work.
- 1.1.2 This Committee agreed recommendations in a scoping report at its meeting on 7 October 2021 to update the existing Equality Policy Statement. Within this Policy, to comply with the Equality Act, the Council must set out and publish at least one equality objective.
- 1.1.3 The Council continues to take a proportionate approach to responding to our duties under the Equality Act (2010) reflecting the demographics of our communities. It is therefore proposed that we adopt four equality objectives. These are included in the Policy (attached at Annex 1).

1.2 Additional considerations

- 1.2.1 To ensure that the Policy Statement and Objectives are widely accessible the content will be added to the Council’s website directly, rather than as a word or PDF document.
- 1.2.2 Amendments will need to be made to the demographic data that is currently included in the attached Policy. Currently, the most up to date Census data is still 2011. Census 2021 data is due to be released in May 2022 and we will be able to amend the website accordingly at this time.
- 1.2.3 The Council has an Equality and Diversity Officer Study Group, who will ensure that the objectives within the Policy are being met and reported to Management Team. In addition, the Officer Study Group will look to enhance our work around equalities to ensure our services are responsive to the needs of our residents.

1.3 Legal Implications

1.3.1 Equality Act 2010 includes the following protected characteristics:

- Disability
- Age
- Sex (gender)
- Race
- Religion or belief
- Sexual orientation
- Pregnancy or maternity
- Marital or civil partnership status
- Gender reassignment

1.3.2 Public Sector Equality Duty

1.4 Financial and Value for Money Considerations

1.4.1 There is a budget of £3,000 for temporary staff provision, retained for external support as and when required

1.5 Risk Assessment

1.5.1 If a public authority doesn't comply with the general equality duty, its actions or failure to act can be challenged through an application to the High Court for judicial review. An application could be made by a person or group of people with an interest in the matter, or by the Equality and Human Rights Commission.

1.6 Equality Impact Assessment

1.6.1 An updated Policy will aim to better support those with identified protected characteristics, to ensure equality for all.

1.7 Policy Considerations

1.7.1 Equalities/Diversity

1.7.2 Community

1.7.3 Customer Contact

1.7.4 Human Resources

1.8 Recommendations

1.8.1 That the updated Equality Policy Statement and Objectives attached at Annex 1 to this report are **APPROVED**.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

This page is intentionally left blank

Tonbridge & Malling Borough Council
DRAFT Equality Policy Statement and Objectives
2022 – 2026

The Council has an important role in tackling inequality and will ensure services are provided to those people experiencing greatest disadvantage. We will work with people to reduce exclusion and ensure equality of opportunities.

The Council is subject to the [Public Sector Equality Duty](#), which requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act
- Advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it
- Foster good relations between people who share a relevant protected characteristic and those who do not share it

This Policy Statement sets out our equality objectives and areas of focus and action. We want to make sure that people have the opportunity to reach their potential and that our services meet their needs. We will achieve this through our roles as a community leader, service provider and employer.

As a Community Leader we will:

- Manage the effects of reduced financial resources by taking informed decisions and being accountable for them;
- Encourage and support people to be active in community life and exercise their democratic rights; and
- Listen and respond to the views of our communities.

As a Service provider we will:

- Help everyone to make use of the services to which they are entitled;
- Give information and advice in suitable ways; and
- Monitor and evaluate services to identify whether they are meeting people's needs.

As an employer we will:

- Select, appoint and promote individuals only on the basis of merit;
- Encourage all staff to develop and reach their potential;
- Provide a safe and accessible workplace;
- Provide fair and open pay and reward systems; and
- Make sure staff treat each other with dignity and respect.

To deliver our commitments we will:

- Ensure that we monitor and record progress against our objectives
- Consider any equality impacts arising from decisions
- Not tolerate inappropriate or offensive language or behaviour to staff or customers.

Rights and Responsibilities

- The Chief Executive will have overall responsibility for implementing this policy statement.
- Senior Managers will make sure their service areas comply with this document.
- Each member of staff has responsibility to read, understand and implement this policy statement and to take responsibility for their own behaviour. Each Councillor has responsibility to read, understand and make sure their behaviour has regard for this policy statement.
- Implementation of this policy statement will be monitored by Management Team.

Equality Information

Under the Equality Act (2010) we are required to publish information to show how we comply with the Public Sector Equality Duty. This must include information relating to people, who share a protected characteristic, who are our employees and people affected by our policies and practices. We have provided information about our population below. Information about people that use our services is set out in the rationale for each of our equality objectives. Information about our employees is included in the annual update to our Human Resources Strategy.

Disability

The 2011 Census recorded that 14,057 households (29.2%) in the Borough include people with a long-term health problem or disability. Of these 2,919 households (6.1%) include two or more persons with a long-term health problem or disability. 17,946 (14.9%) people in the Borough have their day to day activities limited a little or a lot by a long-term illness or disability. This is lower than the Kent average of 17.6% and lower than the national average of 17.9%.

Age

Mid-year population estimates (2020) recorded the average age of the Borough's population as 40.9. This is slightly lower than the Kent average of 41.4 years but similar to the England & Wales average of 40.4 years. Currently, 19% of the Borough's population is aged over 65. Population forecasts indicate that 23.6% of the Borough's population will be aged over 65 by 2039.

Sex (Gender)

Mid-year population estimates (2020) recorded that 51.2% of the population is female and 48.8% is male.

Race

The 2011 Census recorded that 4,933 people (4.1%) in the Borough are from a Black or Minority Ethnic background. This is lower than the Kent average of 6.9% and the national average of 14.6%.

Religion or belief

The 2011 Census recorded that 63.7% of the population is Christian. This is higher than the Kent average of 61.8% and the national average of 59.4%. 27.3% of the

population have no religion. Small proportions of the remainder of the population are Muslim, Buddhist, Hindu, Sikh and Jewish.

Sexual orientation

Sexual orientation data is not captured by the Census. Data from the Integrated Household Survey estimates that 1.6% of adults in the UK identified their sexual identity as lesbian, gay or bisexual in 2014.

Pregnancy or maternity

In 2014, there were 62.8 births per 1,000 of the Borough's population. This is slightly higher than the Kent average of 62.4 and the national average of 62.1.

Marital or civil partnership status

The 2011 Census recorded that 53.4% of the Borough's population are married. This is higher than the Kent average of 48.9% and the national average of 46.6%.

Gender reassignment

At present, there is no official estimate of the trans population. Gender reassignment data is not captured by the Census.

Equality Objectives

Under the Equality Act (2010) we are required to prepare and publish at least one objective to show how we will achieve any of the aims of the general equality duty. Our current objectives are set out below:

Equality Objective 1 – Training

As an employer, we will eliminate discrimination, harassment, and victimisation by giving staff and Councillors the necessary skills and understanding to support equality and diversity in their actions and through the services delivered. By end of July 2022 online training will be provided to all staff and Members as well as being included in the induction programme for new starters. Additional enhanced training will be undertaken for staff in key frontline roles.

We have chosen this objective as it was a recommendation from the Council's Overview and Scrutiny Committee to develop a clear plan for training for officers and Members. Training will be a priority to ensure we continue to demonstrate commitment to eliminate discrimination and retain a good understanding of equality and diversity.

Equality Objective 2 – Equality of Opportunity

As a community leader, we will enhance equality of opportunity by improving access to support around health, wellbeing, employment, digital inclusivity, and education in areas of deprivation.

We have chosen this objective as some areas of the Borough experience higher levels of worklessness, poor health and poverty, in addition to lower levels of

educational attainment. Community Development work will be focussed in areas of deprivation and reports will be published annually.

Equality Objective 3 – Employment

As an employer, we will advance equality of opportunity by encouraging a broader range of people to apply for Council vacancies. We will also monitor and review the gender pay gap.

We have chosen this objective to ensure that proactive and open recruitment policies are a priority. The Council is a Disability Confident Committed employer and has signed up to the Disability Confident Scheme, to take action to improve how the Council will recruit, retain and develop disabled people.

Equality Objective 4 – Housing

As a community leader we will foster good relations by promoting understanding of issues affecting people who are in need of our temporary housing support.

We have chosen this priority as we want to further improve housing services, gaining feedback from those who use the service, particularly those with protected characteristics, to ensure we are meeting their needs in relation to temporary housing provision and support.

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

10 March 2022

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 SCRUTINY TRAINING

To agree training for Members of the Overview & Scrutiny Committee

1.1 Background

- 1.1.1 It has been recognised by this Committee that as the Council faces difficult decisions to meet targets within the Savings and Transformation Strategy, training will be useful to support Members of Overview and Scrutiny (O&S). In addition, early feedback from the recent Peer Review has highlighted O&S as an area which needs to focus on the challenges ahead, making robust informed decisions and developing a work programme that is aligned to Council priorities.
- 1.1.2 An initial free webinar provided by the LGA in November 2021 did provide some basic tips and techniques, however this was not well attended and did not provide enough in-depth content to fully assist Members.
- 1.1.3 It is therefore suggested that a standalone session in an evening at the Council Offices would be the best way forward. This would be a Member development session and all members of the O&S Committee would be expected to attend. Whilst we would like to press ahead with this as soon as possible, we do not have another meeting of O&S scheduled until June 2022, it therefore seems prudent to wait until after Annual Council in May, to ensure the full Committee, with any new Members can take advantage of this training.
- 1.1.4 The Centre for Governance and Scrutiny has been approached and can offer a training session that meets the Council's requirements. The proposal is attached at Annex 1.

1.2 Legal Implications

- 1.2.1 N/A

1.3 Financial and Value for Money Considerations

1.3.1 The cost of the training will be £800 + VAT. This is considered essential spend given the request from Members of O&S for further training due to the challenges ahead.

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

1.7 Recommendations

1.7.1 That Members **ENDORSE** the approach to training as set out in the report and detailed in Annex 1.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive



Proposal
February 2022

Supporting scrutiny member development

Introduction

Overview and scrutiny to plays an essential role in policy shaping, holding the executive decision-makers to account and reviewing issues of importance to local communities. To do this the scrutiny function and members need to develop a shared understanding on the role and capability of the scrutiny function; to be strong on prioritisation, work programming and the quality of scrutiny activities in measuring impact.

Development session objectives

- To give scrutiny members an increased understanding of the role and potential impact of scrutiny
- To agree a shared understanding of the role of scrutiny
- To understand how scrutiny can have significant impact in supporting performance
- To explore how scrutiny can better add value to policy shaping and practice in the future
- To support members to gain specific skills in essential aspects of scrutiny
- How scrutiny works collaboratively and constructively with Executive and Corporate officers.

Session outline

To provide members with a clear understanding of their role in scrutiny:

- Latest guidance and good practice (MHCLG & CfGS)
- Support members to increase their understanding and experience as effective and confident scrutiny practitioners
- To help improve individual member skills in the basic principles of scrutiny
- To give scrutiny members an increased understanding of the role and potential impact of scrutiny
- Scrutiny influences and how to use them
- Importance of relationships, behaviours and communication (culture aspects)
- To understand how scrutiny can have significant impact in supporting performance
- To explore how scrutiny can better add value to policy and practice in the future
- To ensure the focus of overview and scrutiny and its work programme is balanced and effective – the importance of developing a work programme that is aligned to council priorities

The session will also provide an overview of:

- How questioning fits in to the landscape of scrutiny
- Personal preparation and research
- Effective approaches to questioning
- Developing confidence to use questioning to achieve greater insight and impact
- Setting scrutiny objectives
- How to link questioning to scrutiny's objectives
- Developing themes and narrative – key lines of enquiry
- Question types and techniques
- Listening, sharing and reflecting

Delivery

This will be a 1.5-2hr in person workshop style session.

Cost £800.00 + vat

About CfGS and delivery

CfGS is the leading national body promoting and supporting excellence in governance and scrutiny. Its work has a strong track record of influencing policy and practice nationally and locally. CfGS is respected and trusted across the public sector to provide independent and impartial advice.

CfGS is an independent national charity founded by the Local Government Association [LGA], Local Government Information Unit [LGIU] and Chartered Institute of Public Finance Accountants [CIPFA]. Its governance board is chaired by Lord Bob Kerslake.

Ian Parry | Head of Consultancy

Centre for Governance & scrutiny Ltd | 77 Mansell Street | London | E1 8AN

Tel: 07831 510381 (preferred)

Tel: 020 7543 5627 (Main office)

Visit us at www.CfGS.org.uk

Follow [@CfGScrutiny](https://twitter.com/CfGScrutiny)

CfGS is a registered charity: number 1136243

ian.parry@CfGS.org.uk, T 07831 510381

This page is intentionally left blank

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

10 March 2022

Report of the Management Team

Part 1- Public

Matters for Information

1 BUDGETARY CHANGES AND STRATEGIC RISK REGISTER

An information report giving Members of this Committee high level information in terms of the budget position and direction of travel. In addition, it points Members to the red rated risks on the Strategic Risk Register.

1.1 Introduction

1.1.1 At the meeting of this Committee on 2 December 2021, Members recommended at Minute OS 21/29 that:

- 1) Officers be invited to consider how the agenda for each meeting of the Committee include an item on an element of financial matters which identifies any changes in the budgetary position since the previous meeting;
- 2) the Risk Register be reported to the Committee on a regular basis to provide an update on those identified as 'red' and identify actions taken to negate those risks.

1.1.2 This regular report will address these 2 recommendations.

1.2 Budgetary changes

1.2.1 As Members are aware, the Finance, Innovation & Property Advisory receives at each of its meetings - (except for the Estimates meeting in January) - a very detailed report from the Director of Finance & Transformation entitled Financial Planning and Control. The report sets out information on key budget areas - salaries, major income streams and investment income together with details of approved variations, virements and issues identified via revenue budget monitoring.

1.2.2 It is not the intention of this regular report to replicate this information, and Members are invited to read the latest report on the agenda packs for the Advisory Board.

- 1.2.3 What this report will do, however, is set out any significant changes to the budget which have been recommended or approved by other Advisory Boards or Committees. This should give Members of this Committee a general sense of the “direction of travel” as far as the Council’s budgets and financial plans are concerned.
- 1.2.4 The **starting point for this particular report** is the Budget and Medium Term Financial Strategy recommended by Cabinet on 10 February 2022 and subsequently approved by Full Council on 22 February 2022.
- 1.2.5 At the meeting of Street Scene and Environmental Services Advisory Board on 8 February 2022, Members recommended a programme of **roll out of communal recycling** to flats across the borough. In order to achieve this, it was explained that it is essential that the project is led by the experienced Waste Services Officer whose contract would need to be extended until the end of the calendar year. The cost of this unbudgeted *in-year* expenditure is just less than £30k. Due to the timing of the report and its recommendations, this cost was not factored into the 2022/23 Estimates, and will therefore be a first call on the ‘Management Savings’ (i.e. the savings achieved each year through staff turnover etc).
- 1.2.6 On 15 February, the Communities and Housing Advisory Board (CHAB) received a report detailing the outcomes of a piece of consultancy work relating to the **homelessness and the provision of temporary accommodation**. As Members are aware, this piece of work was commissioned following the escalation of cost in this service area. Members should note that in order to kickstart the process of ‘recovery’ and cost reduction it will be necessary to engage additional staff resources for a temporary period. We are in the process of preparing a “shadow budget” for this service, but Members should be reassured that the net overall cost will be less, or certainly no more, than the published net budget approved by Full Council. Further information will be provided through Advisory Boards in due course.
- 1.2.7 In addition to the above, CHAB also received a report on **grants to the voluntary sector**, and Members should note that it was recommended that there is a small reduction on grant awarded by £1,600. This will contribute to the forthcoming savings targets.
- 1.2.8 At Full Council on 22 February after setting the Budget, Members received a report on the **Scheme of Members’ Allowances**. It was agreed that Allowances should be frozen for 2022/23 based on 2021/22 levels. Freezing allowances for 2022/ 23 generates a budget saving of £8,150.
- 1.2.9 Finally, at the meeting of the Planning and Transportation Advisory Board on 1 March, a report details the work around the resubmission of the **Local Plan**. With a slightly extended timescale, it is possible that there could be a reduction in cost against the expenditure profile reported previously. This is dependent

upon there being sufficient capacity and expertise being available 'in house' to carry out some of the work rather than it being commissioned externally.

- 1.2.10 Members are also aware from the report presented to the meeting of this Committee in January 2022 that a **Peer Review** was recently carried out by the Local Government Association. Whilst the full report from the Peer Review team is still to be received, a number of recommendations have been made and it is intended that an initial report will be presented to Cabinet in March setting out the headline messages from the work. There may be some temporary cost implications arising from this in order to address the recommendations and indeed contribute to the 'Savings and Transformation' agenda, but details will be presented in due course.
- 1.2.11 As Members are already aware, **the Savings & Transformation Strategy** identifies that savings/new income of £2.15m needs to be found over the next 5 or 6 years. Whilst the word 'savings' is used in this report, it should be noted that this is shorthand for savings on expenditure, additional income or new income streams, or most likely a combination of all of these things.
- 1.2.12 It is of course acknowledged that things can change and this is one of the reasons the Council has adopted a system whereby it looks at savings in 'tranches', as those tranches can be flexed as new information comes to light. Focusing on the shorter term, i.e. the next 3 years, Members are advised that the Council needs to prepare to deliver savings with £1.5m of this needing to be found in the next 3 years.

1.3 Strategic Risk Register

- 1.3.1 A 'snapshot' of the Strategic Risk Register (SRR) is regularly reported to the Audit Committee by Management Team as part of that Committee's responsibilities in terms of risk management. In addition, on occasion the SRR is additionally reported to the Cabinet to assist Members of the Cabinet in strategic management and policy planning.
- 1.3.2 It is not the intention to replicate information and Members are initially referred to the report to the last Audit Committee on 24 January 2022 which can be found [here](#).
- 1.3.3 Members should note that the report highlighted that out of the 17 strategic risks listed, 5 are categorised as RED. These are as follows:
- 1) Financial position/budget deficit
 - 2) EU Transition and Economic Uncertainty (severely impacted by Coronavirus Pandemic)
 - 3) Corporate Strategy and Savings and Transformation Strategy

- 4) Waste Services
- 5) Local Plan

1.3.4 Since the last report to the Audit Committee in January, the following updates have been made to the SRR:

- a) Budget – the Budget has been set for 22/23 and an update to the MTFS endorsed. The risk rating for ‘Financial position/budget deficit’ remains red until such time as a better sense is gained as to how the initial set of savings is to be achieved.
- b) Homelessness - the consultants’ report has been received and is being reported to CHAB in the first instance. A number of recommendations are being taken forward in an action plan over the next few months. The risk ‘Welfare reform inc. Housing need’ remains amber.
- c) Cyber security – a recent cyber simulation exercise within the Council highlighted some training issues that need to be addressed. The ‘Cyber security’ risk remains amber.
- d) Waste – timetable for roll out of communal recycling to flats has been agreed. Discussions are taking place with the contractor with regards to the resumption of the full garden waste service, but it is assumed in our budget that this will take place by the start of the financial year 2022/23. The risk rating for ‘Waste Recycling contract’ remains at red until there is evidence of the contract settling down following full resumption.

1.3.5 A further report will be presented to the Audit Committee on 4 April 2022, and Members of this Committee are encouraged to view it.

1.4 Legal Implications

- 1.4.1 Local Government Act 2003 places a statutory duty on the authority to monitor income and expenditure against budget and to take action if overspends or shortfalls in income emerge. If monitoring establishes that the budget situation has deteriorated, authorities are required to take such action as they consider necessary. This might include action to reduce spending in the rest of the year, to increase income or to finance all or part of the shortfall from reserves.
- 1.4.2 There is a Health and Safety requirement for effective risk management to be in place and the Strategy supports this requirement.
- 1.4.3 There is also a requirement in the Accounts and Audit Regulations that accounting control systems must include measures to ensure that risk is appropriately managed.

1.5 Financial and Value for Money Considerations

- 1.5.1 Financial issues may arise in mitigating risk which will be managed within existing budget resources or reported to Members if this is not possible.
- 1.5.2 Effective risk management arrangements make a positive contribution to ensuring value for money is provided in the delivery of services.
- 1.5.3 Progress on meeting this year's savings and transformation contribution of £350,000 to be reported via the Finance, Innovation and Property Advisory Board.

1.6 Risk Assessment

- 1.6.1 Budgetary control is a prerequisite of good financial management, financial planning and control and needs to be kept under review to ensure it remains effective and relevant
- 1.6.2 Sound risk management arrangements aid the Council in effective strategic decision-making. The Council's approach to risk should be reviewed on a regular basis to ensure it is up to date and operating effectively

1.7 Policy Considerations

- 1.7.1 Risk management is relevant to all areas of the Council's business

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance & Transformation

for Management Team

This page is intentionally left blank

Agenda Item 11

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

This page is intentionally left blank

Agenda Item 12

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

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

This page is intentionally left blank

Agenda Item 13

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

This page is intentionally left blank