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# TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

**Interim Chief Executive**
Adrian Stanfield LL.B (Hons)

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

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

25 March 2024

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, 4th April, 2024 commencing at 7.30 pm.

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

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

ADRIAN STANFIELD

Interim Chief Executive

# A G E N D A

## PART 1 - PUBLIC

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at Code of conduct for members – Tonbridge and Malling Borough Council (tmbc.gov.uk).

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

To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 25 January 2024

### Matters for Recommendation to the Cabinet

The report presents a performance framework for consideration.

### Matters for Information

The report sets out responses to specific questions raised by Members in respect of the implementation of Agile software

This report provides data on Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. The data provided in this report relates to the period up to the end of December 2023.

The record of executive decisions taken during March 2024 are attached for information.

The Work Programme setting out matters to be scrutinised during 2024/25 is attached for information.  Members can suggest future items by liaising with the Chair of the Committee.

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**

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**

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 Mrs A S Oakley (Chair)
Cllr R I B Cannon (Vice-Chair) and Cllr M A J Hood (Vice-Chair)

| | |
|---|---|
| Cllr T Bishop | Cllr G B Hines |
| Cllr C Brown | Cllr F A Hoskins |
| Cllr A Cope | Cllr S A Hudson |
| Cllr R W Dalton | Cllr D W King |
| Cllr D A S Davis | Cllr J R S Lark |
| Cllr D Harman | Cllr W E Palmer |
| Cllr P M Hickmott | Cllr D Thornewell |

**GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED**

(1)     Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed,  giving residents the opportunity to see decision making in action.  These can be watched via our YouTube channel.  When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

https://www.youtube.com/channel/UCPp-IJlSNgoF-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 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 Chair, 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 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 should attend in person. However, arrangements to participate online can be considered in certain circumstances. 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.

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**Overview and Scrutiny Committee**

|   | Conservative | Liberal Democratic | Green | Ind. Kent Alliance | Labour |
|---|---|---|---|---|---|
| 1 | Alex McDermott | Bill Banks | Lee Athwal | | Angus Bennison |
| 2 | Adem Mehmet | Paul Boxall | Kath Barton | | Wayne Mallard |
| 3 | Mark Rhodes | Garry Bridge | Steve Crisp | | |
| 4 | Keith Tunstall | Trudy Dean | Robert Oliver | | |
| 5 | Colin Williams | Roger Roud | Bethan Parry | | |

**Members of Cabinet cannot be appointed as a substitute to this Committee**

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Declarations of interest

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**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**MINUTES**

**Thursday, 25th January, 2024**

**Present:**    Cllr  Mrs A S Oakley (Chair),  Cllr  R I B Cannon  (Vice-Chair), Cllr M A J Hood  (Vice-Chair),  Cllr  T Bishop,  Cllr  C Brown, Cllr A Cope,  Cllr  R W Dalton,  Cllr  D A S Davis,  Cllr  D Harman, Cllr P M Hickmott,    Cllr    G B Hines,    Cllr    F A Hoskins, Cllr W E Palmer, Cllr  D Thornewell, Cllr  M R Rhodes (substitute), Cllr K S Tunstall (substitute) and Cllr C J Williams (substitute).

**In attendance:**    Cllrs  R P Betts, S Crisp, K B Tanner, M D Boughton*, M A Coffin*, D Keers*, M Taylor* and Mrs S Bell* participated via MS Teams in accordance with Council Procedure Rule 15.21.

*participated via MS Teams

Apologies for absence were received from Councillors S A Hudson, D W King and J R S Lark

**PART 1 - PUBLIC**

**OS 24/6    NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

- Cllr Rhodes substitute for Cllr Hudson
- Cllr Tunstall substitute for Cllr King
- Cllr Williams substitute for Cllr Lark

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

**OS 24/7    DECLARATIONS OF INTEREST**

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

**OS 24/8    MINUTES**

**RESOLVED:**    That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 16 November 2023 and 10 January 2024 be approved as a correct record and signed by the Chair.

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**MATTERS FOR RECOMMENDATION TO THE CABINET**

**OS 24/9**   **REVENUE ESTIMATES 2024/25**

The report of the Director of Finance and Transformation and the Cabinet Member for Finance and Housing 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 2024/25 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 the current economic impacts of inflationary effects and the ongoing conflict in Ukraine and its impact on global economic conditions both next year and over the medium term. Other financial considerations included the better than anticipated provisional local government finance settlement for 2024/25, an allocation for New Homes Bonus and the ability for district councils to increase council tax up to 3%, or £5 whichever was greater. However, the future financial position remained challenging as there was no indication of future core funding beyond 2024/25 or certainty around the future of New Homes Bonus.

In addition, business rates (NDDR) receipts were higher than originally expected and this, coupled with the 'one-off' release of business rates appeals provision, provided a rare opportunity to set aside a significant amount of funds in earmarked reserves to assist in delivering the Borough Council's key priorities. Therefore, additional reserve contributions totalling £4.495m to support temporary accommodation, regeneration of Tonbridge town centre, climate change, transformation and the Local Plan was proposed.  The proposal was supported by Members as detailed in 1.10 of the report.

However, due to the threat of reducing external funding from Government (as detailed in 1.13.7) coupled with increased costs creating a 'funding gap' the need to deliver savings remained.  Based on the provisional finance settlement, the MTFS had been remodelled and the 'funding gap' was estimated to be in the region of £1.78m, plus £200k to be delivered from office accommodation and £400k in respect of the cost of temporary accommodation.

Finally, to support scrutiny of the Revenue Estimates information had been provided as whether a service was mandatory or discretionary (attached at Annex 3) and this was welcomed by Members.

Careful consideration was given to the draft Revenue Estimates 2024/25 (detailed in Annex 1) and officers responded to questions raised by Members related to estimates/costs for temporary accommodation,

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agency fees for staff; recycling credits and parking. There were no further recommendations in respect of the Revenue Estimates identified.

**RECOMMENDED\*:** That

(1)     the draft Revenue Estimates (attached at Annex 1) be endorsed for consideration by Cabinet at its special meeting on 13 February 2024;

(2)     the additional earmarked reserve contribution, as set out in 1.10, be noted; and

(3)     the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

**\*Recommended to Cabinet**

**OS 24/10     CAPITAL PLAN 2023/24**

The report of the Director of Finance and Transformation considered progress on the 2023/24 Capital Plan Review and requested endorsement of recommendations to the Cabinet. Members were reminded that any aspirations in respect of capital schemes needed to be set within the context of the difficult and challenging financial outlook.

Proposals for List C which included the addition of 'fast track' schemes in respect of food waste collections at communal properties, wet side changing room refurbishment and installation of air source heat pumps at Larkfield Leisure Centre and replacement boilers at the Angel Centre were outlined in 1.7.3 of the report. Funding arrangements and evaluated details for these schemes were set out in 1.7.3 to 1.7.4.

Careful consideration was given to the existing Capital Plan (List A) and List C (as detailed in Annexes 1 – 3) and officers responded to questions raised by Members related to the installation of solar panels, Gibson East refurbishment and a number of potential schemes in Tonbridge.

Particular reference was made to the proposed extension to the Upper Castle Field car park (as detailed in CP35 of the Schedule of List C schemes) and it was clarified that the inclusion of this scheme did not presuppose the outcome of the recent public consultation. It was, therefore, proposed by Cllr Hoskins and seconded by Cllr Thornewell, that this scheme should be 'subject to the decision of Council following the review of outcomes arising from the public consultation'. This proposal was supported by the Committee.

Members recognised the significant financial implications in respect of a number of schemes and were reassured that the costs, risks, works and valuations associated with the projects would be carefully monitored.

Finally, the Committee recorded appreciation to Officers in Finance Services for their contribution in preparing both the Revenue Estimates and the Capital Plan.

**RECOMMENDED\***: That

(1)    the Capital Plan (List A) position as set out in Annex 1 (attached to the report) be commended to Cabinet for endorsement;

(2)    List C be amended by Cabinet as detailed in 1.5.2 of the report and summarised above, subject to CP35 being amended to reflect that this was 'subject to the decision of Council following the review of outcomes arising from the public consultation;

(3)    the schemes listed in 1.6.4 of the report be selected for evaluation including where recommended for Fast Track evaluation;

(4)    the transfer of the four schemes shown in 1.7.3 of the report from List C to List B be commended to Cabinet for endorsement; and

(5)    the Cabinet be invited to endorse the Capital Strategy (attached at Annex 4) for adoption by the Council and publication on the Council's website.

**\*Recommended to Cabinet**

**OS 24/11    CLIMATE CHANGE GAP ANALYSIS OF PROGRESS TOWARDS CARBON NEUTRAL 2030**

The report of the Interim Chief Executive provided a gap analysis of progress being made towards carbon neutral by 2030. A number of actions that put 'recognising climate change as a corporate priority' were recommended and these were detailed in 1.3 of the report.

Good progress had been made by the Borough Council in reducing emissions and some of these had been sustained into 2023. However, the 2022/23 carbon audit found that total emissions from the organisations estate and operations were no longer reducing and grew slightly between 2021/22 and 2022/23. This evidence suggested that the Borough Council was at the end of easy win emissions reduction measures.

Members recognised the difficulties associated with achieving carbon neutral by 2030 and expressed concern that there was no clear pathway for the Borough Council identified. There was in-depth discussion around carbon offsetting, the emissions arising from the leisure centres

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and whether a fundamental review of the Borough Councils assets was beneficial.    However, the importance of educating, influencing and raising awareness in respect of climate change was also recognised.

**RECOMMENDED\*:**  That

(1)    climate change be included as a mandatory heading for all Committee and Scrutiny Select Committee report templates (as set out in 1.3.5 to 1.3.8);

(2)    an assessment of the potential of each Directorate and Portfolio to contribute to achieving carbon neutral by 2030 should be carried out (as set out 1.3.9 and 1.3.10);

(3)    the 2024/25 climate change action plan be prepared with significant further ambition and new commitments (as set out in 1.3.11); and

(4)    the corporate climate change function support teams in the delivery of recommended actions.

**\*Recommended to Cabinet**

**MATTERS FOR DECISION TAKEN UNDER DELEGATED POWERS**

**OS 24/12    SCOPING REPORT - REVIEW OF THE COUNCIL'S USE OF CONSULTANTS**

The Committee considered the scope of a potential review into the Borough Council's use of consultants.

Members welcomed this review and felt that a focus on consultancy work providing knowledge, techniques and assets to improve performance outside of the Borough Council's expertise and 'business as usual' was appropriate.    In addition, procurement and value for money considerations should be part of the review.

To consider the issues raised it was suggested that a summary of the Borough Council's use of consultants over the past 4 years be presented as part of the next stage of this review.   This to include who the consultants are, what the consultants provided, the cost of the appointment and the outcome of the appointment.   Members also suggested that, for comparative purposes,  neighbouring authorities be asked about their use of consultants and consideration should be given to utilising member expertise.

**RESOLVED**:   That

(1)    the scope of the review to focus on consultants providing third party expertise not available in the Borough Council and not

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persons employed to provide day to day operational resource be endorsed; and

(2) the next steps of the review, looking at the engagement process, value for money issues and a summary of consultants used over the past 4 years, be agreed.

**MATTERS FOR INFORMATION**

**OS 24/13    RECORD OF DECISIONS TAKEN BY THE EXECUTIVE**

The decisions taken by the Cabinet and Cabinet Members during January 2024 were presented for information and noted by the Committee.

**OS 24/14    NOTICE OF FORTHCOMING KEY DECISIONS**

The Notice advised of key decisions anticipated to be taken during February and March 2024. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken, a Notice of Forthcoming Key Decisions should be published.

If there any issues that the Committee wished to scrutinise, they were invited to raise these with the Chair.

**OS 24/15    WORK PROGRAMME**

The Work Programme setting out potential matters to be scrutinised during 2024/25 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer in liaison with relevant Chairs and Officers.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**OS 24/16    EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.


The meeting ended at 9.35 pm


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Any Executive Decisions which have been "called in"

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**TONBRIDGE & MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**04 April 2024**

**Report of the Director of Planning, Housing & Environment Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet**

**1** <u>**HOUSING ASSOCIATION PERFORMANCE FRAMEWORK**</u>

**1.1 Current position**

1.1.1 Clarion attended a meeting of this committee on 14 September 2023. They presented a detailed performance update on all aspects of their work in the borough, including repairs, maintenance, rent management, tenant engagement, major works and voids.

1.1.2 Reviewing the Council's approach to a Housing Association Performance Framework is an identified action in the Council's Housing Strategy Action Plan for Year 2.

**1.2 The Councils' Housing Association Performance Framework**

1.2.1 A proposed Framework is attached to this report at Annex 1. It covers the data we will request from our largest Registered Providers, the steps we will put in place to review our nominations agreements with all RPs and how the Housing Association Liaison Panel could be utilised to ensure Member engagement in this programme of work.

1.2.2 As discussed previously with Members, given the size of Clarion's portfolio in the borough, the way that the Council engages with them will necessarily be different than with other Registered Providers. This is reflected in the attached Framework proposal with a specific section on a meeting programme with Clarion.

**1.3 Legal Implications**

1.3.1 Councils have no formal power to scrutinise Housing Associations – this lies with the Regulator of Social Housing.

**1.4 Financial and Value for Money Considerations**

1.4.1 There are no direct financial implications from the proposals in this report

**1.5    Risk Assessment**

1.5.1    Although the Council has no formal powers to scrutinise Housing Associations, ensuring that the Council is apprised of their performance and assess any potential impacts this may have on the Council's activity or on its residents. This will need to be done on an ongoing basis.

**1.6    Equality Impact Assessment**

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

**1.7    Policy Considerations**

1.7.1    Community

**1.8    Recommendations**

The Committee is asked to;

1.8.1    RECOMMEND the Housing Association Performance Framework to Cabinet for adoption

Background papers:                                              contact: Eleanor Hoyle

Nil

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

**TMBC's Housing Association Performance Framework - 2024**

The Council will undertake the following activities in order to ensure Members and Officers have the right information and opportunities to consider the performance of Housing Associations with stock in the borough. This is a collaborative exercise, with the Council having no formal powers to scrutinise the performance of Housing Associations.

1.  Data; we will request the following data from all of our Registered Providers on at least an annual basis;

    ▪ Occupancy percentage

    ▪ Properties let (true voids and non true voids) and nominations information

    ▪ ASB cases

    ▪ Resident satisfaction levels

    ▪ Repair response

    ▪ Voids

    ▪ Arrears

    ▪ Number of contacts with residents

    ▪ New stock delivery for all tenures and achievement of any agreed LLP aims

    ▪ Shared ownership sales and resales

2.  Review of nomination agreements; the Council will undertake a review of the existing nominations agreements that are in place with Registered Providers, some of which have been in place for a number of years. This will inform the production of a new, standard nominations agreement, which all RPs will be consulted on, subject to the views of Members.

3.  Housing Association Liaison Panel (HALP) – the HALP will be utilised to ensure that Member engagement with Registered Providers includes those RPs who have significant stock holdings in the borough. This will initially include engagement with Hyde, Southern and Moat as those providers with over 200 units in the borough. The outcomes of these meetings will be reported back to the wider Membership of the Council via the Housing & Planning Scrutiny Select Committee.

4. Engagement with Clarion as the largest housing provider in the TMBC area – the current framework of meetings with Clarion will be maintained to ensure that in a year, at least the following engagement takes place;

- Quarterly meetings between the Director of Planning, Housing & Health, the Head of Housing and the Regional Director at Clarion to review performance statistics (including at least the data listed in section 1 of this report) and discuss joint working on key Housing matters.

- Annual meeting between the Cabinet Member for Finance & Housing, the Director for Planning, Housing & Environmental Health and the Group Chief Executive of Clarion.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**04 April 2024**

**Report of the Director of Planning, Housing & Environmental Health**

**Part 1- Public**

**Matters for Information**

**1      AGILE SOFTWARE IMPLEMENTATION**

**1.1     Background**

1.1.1   The O&S Committee has asked to review the implementation of the Agile project and has asked the following specific questions, which have informed the following sections of this report;

- Was the procurement for the system discussed by Members?

- What was the budget and was it decided by Cabinet or officers?

- Has it been used in other Authorities and did we consult with them to see what worked?

- What are the timescales involved?

- When was the contract let?

- When was it supposed to be up and working?

- Why are we going backwards with regard to the usability of data such as List B?

- What works well?

1.1.2   The governance structure for this project includes the following key roles;

| Person | Role | Responsibility |
|---|---|---|
| Eleanor Hoyle | Business product and project owner & Chair of Project Board | Representing directorate that will be the primary contributors and stakeholders of the solution and outcome throughout the lifecycle of the project. Senior Stakeholder accountable for project outcomes and benefits. Commercial escalation. |

| | | Change Control co-approval. Issue management and escalation. |
|---|---|---|
| Sharon Shelton | Financial Sponsor | Provide finance support and approval. Change Control co-approval. |
| Ganesh Thangarajah | IT Project Manager/ Technical product owner | IT services will own the responsibility for coordination of technical implementation, availability management, integration. |
| James Bailey - Planning and Building Control<br>Linda Hibbs - Housing<br>Michael Campbell-Lenaghan – Environmental Health and Protection<br>Anthony Garnett - Licensing | Senior representation/users | Responsible for coordination of business services, UAT and project sign off. |
| Agile | Project Manager | Primary project management with the overall responsibility for project delivery.<br>Responsible for managing the project and provide high level updates to project board. |
| Nizete Vasconcelos | Project Coordinator (role later replaced with Business Change Project Manager, see below) | Main point of contact, liaison with Agile Applications project team. Liaison with internal Business and IT teams. |

1.1.3   The Agile project is identified as a red risk on the Council's strategic risk register. This level of risk has been identified based on the challenges with service delivery in Planning and Building Control following implementation of their modules in October, the fact that the remaining APAS modules (Street Naming & Numbering, Land Charges and Land Terrier) are yet to be implemented and that there are still a number of project milestones to meet for PLACIS (Housing Improvement, Environmental Protection, Licensing and Food & Safety).

**1.2   Areas for consideration**

1.2.1   The procurement of the system was reported to Members on 15 March 2022 in a private report authored by the Director of Finance & Transformation. This also included proposed budget for implementation and ongoing revenue costs, as well as identification of where savings might be made.   Members recommended to Full Council that:

(1) The outcome of the procurement process and the planning implementation programme, as set out in the report, be noted;

(2) The estimated annual saving of circa £50,000 compared to the current software platform from 2023/24 be noted; and

(3) The use of £100,000 from the Invest to Save Reserve be approved to support the implementation and training programme.

1.2.2    Full Council subsequently resolved to accept these recommendations and the contract was signed on 26 May 2022, which was later than anticipated due to lack of Legal resource internally to complete the work. However, as the project board inception meeting was not then scheduled until July 2022, it is considered unlikely that this had any significant impact on project delivery.

1.2.3    Agile is a SaaS (software as a service) product. This means that the council will have the use of the 'line of business application' (Agile) as a service via a cloud hosted platform by the vendor.

1.2.4    The Agile software system is utilised in a number of other Councils. Services took the opportunity to engage with other authorities after the procurement exercise was completed to understand what some of the implementation challenges had been, as this opportunity was not available during the procurement exercise.

1.2.5    The original timescale for delivery for both the APAS and PLACIS programmes was March 2023. This was amended in January 2023 to a split delivery programme, with an initial focus on APAS, with delivery for all modules targeted in October 2023. This was achieved for Planning and Building Control and a revision was made for the remaining APAS modules to end of March 2024. A revised PLACIS programme was requested in December 2023 to test whether delivery by the end of March 2024 was achievable. On review, it was clear that the amount of time required from services and the likely service delivery compromises on go live were too significant. The current revised programme puts PLACIS implementation in September 2024.

1.2.6    With regards to useability of data, every software system operates in a different way. The position reached with Uniform was developed over a number of years. The weekly list format has been developed since the inception of Agile to include features such as filters on spreadsheets and further enhancements remain on the work programme. However, these won't all be delivered in the short term, as some of them may require changes to functionality within the Agile system, which the Council can only influence. IT and service officers are joining Agile customer focus groups, which look at their 'roadmap' for delivery of enhancements to their system to ensure that we maximise this influence.

1.2.7    Agile is now live for Planning (applications, enforcement and appeals) and Building Control. These services are able to process applications, albeit that there are still a number of functionality issues that need to be addressed, which are resulting in backlogs. Staff confidence in the system is lower than it needs to be. The project team of senior officers are working very closely with Agile and the staff

end users to ensure that matters are resolved or working properly as soon as possible. Whilst a period of adjustment is fairly usual after the implementation of a new software system, the level of change needed to implement a system after over 30 years utilising the previous system was more significant than the original project timescale and scope allowed for.

1.2.8   Initially, internal project coordination was managed within the IT service as an additional task for an existing member of staff. However, due to the significant change management requirements working with services, as well as the level of configuration work and understanding required from those service users, this was insufficient to deliver the project.

1.2.9   Since May 2023, the Council has employed a contract Business Change Project Manager, reporting to the Director of Planning, Housing & Environmental Health, to provide internal project management for implementation, which was not part of the original project scope. This role meets weekly with all internal teams, liaises directly with Agile's project manager and provides project updates to DPHEH twice weekly at least. The BCPM has implemented project risk registers, delivery plans utilising project management software and manages a workstream focused on embedding Agile into the various teams to ensure it can be successfully managed in 'business as usual'.

1.2.10  The main remaining 'APAS' teams, Land Charges and Street Naming & Numbering, are due to go live in March/April 2024. These programmes are being delivered with significant project management input from TMBC to ensure that they move forward at pace and are balanced with ongoing business as usual requirements. Land Terrier requires additional configuration work, which Agile has committed resources to in Q1 of the 24/25 financial year.

1.2.11  Initial stage IT tasks were completed within agreed programme timescales and the IT service has continued to support the project to address data and document issues and deliver technical development activities such as producing internal Power BI reports or developing workflows in the system as part of configuration, whilst also upskilling service staff in the latter, as this is considered to be a service user task in the TMBC model.

1.2.12  The implementation has required a very significant amount of staff time in services, far above any expectations set with service users at the outset of the project. This, coupled with the internal approach to project management needing to be reset, meant that there was a lack of progress in the first 6-9 months of the project.

1.2.13  The Agile system is now embedding in Planning and Building Control, although with a number of key 'post go live' tasks and issues to be resolved. These are now not at a level that is considered unusual for a major software implementation, albeit the length of time between go live (October 2023) and conclusion of these matters is unsatisfactory and has taken significant senior officer resource from the

service to move forward. The BCPM and senior managers have worked closely with staff to ensure they are updating user guides and sharing knowledge about how to utilise the system. Validation timescales in planning have reduced significantly from a peak backlog in early 2024 of 5 weeks o around 2 weeks. The service is now starting to implement system enhancements, with costs offset by efficiencies, to improve service delivery and customer experience through automation, redaction and document management.

## 1.3    Legal Implications

1.3.1    The application contract is standard, as it is part of the Crown Commercial Service's Framework. It is used by number of other local authorities across the country, Hence, the terms involved are not bespoke to Tonbridge and Malling borough council. The Council has "onboarded" on to the supplier's hosted application platform, for which the terms are pre-set within the G-Cloud 12 Call-Off Contract.

1.3.2    There is indemnity insurance clause within the contract to cover damages costs and expenses incurred due to, information breach, accidental death or bodily injury and loss of or damage to Property of the buyer. However, given that this is a SaaS product and the contributing factors to the project delays involves both parties, it was not prudent for us to consider any 'Force Majeure' options as the alternative will cost us significantly higher operational revenue costs.

## 1.4    Financial and Value for Money Considerations

1.4.1    Total Capital expenditure and for the Agile project thus far amounts to £99,600. The total cost product licences and project management was £75,600, of which £70,500 has been invoiced and £5k pending for payment. A sum of £24,000 was paid as part of the initial cost at the inception for the hosting charges for the cloud infrastructure during the pre-go-live implementation period of 6 months.

1.4.2    A further enhancement project has recently received Cabinet Member approval, with costs of £77, 460. This will cover automation, redaction and document management.

1.4.3    Ongoing annual SaaS costs of £48k for Agile is provided within IT revenue budget under Software Hire & Support. However, due to the Agile's contribution to the delays to the project, the first-year's annual cost (2023-24) was reduced to £30k. Some of the £18k saving was utilised in year for the additional training required for staff.

1.4.4    The costs to the Council of project management resource, from 1 May 2023 to end of October 2024, are £220,000.

## 1.5    Risk Assessment

1.5.1    Staff in PLACIS teams are working on 'super user' configuration, alongside Agile delivering data and document migration tasks. There is a significant service requirement to deliver these tasks, with 2 staff in each PLACIS team currently dedicating 2 days per week to Agile tasks. This inevitably puts pressure on capacity in these teams and lessens resilience should unexpected service issues arise. This is reviewed weekly by DPHEH and BCPM.

1.5.2    There are a number of APAS post go live tasks still to complete, reviewed weekly by DPHEH and Head of PMO at Agile. These continue to require service and IT resource to progress. Capacity and resources are discussed in weekly meetings of various staff involved in the project and any concerns are escalated to DPHEH or the Head of IT.

1.5.3    Land Charges and Land Terrier modules in APAS still to go live. There is a risk that sufficient resource from Agile and TMBC is not committed to these modules to ensure that they progress at an acceptable pace. BCPM and DPHEH review internally on a weekly basis and as go live dates approach, meetings with Agile's Head of PMO will commence to review these.

1.5.4    Whilst Agile is not a system hosted by our internal IT services within TMBC, currently a number of IT development resources are being used by the services to support in the development of skills to carry out business administration tasks such as creating letter templates and workflows. There has also been a need to reset the approach to ongoing support for service users and to change the approach with the internal TMBC IT Helpdesk to ensure that there is an ability to keep an oversight of issues being raised with Agile and to manage these as part of 'business as usual' contract management activity. This has put a strain on the already stretched IT resources and is inevitably impacting the IT development teams capacity to cater for the routine operational needs as well as other major digital transformation projects underpinning the council's corporate and digital strategies. Currently the HIT is carryout a mini-restructure within IT services to help cope with the growing demand.

1.5.5    Internal audit is carrying out a 'post implementation review' for the APAS phase of implementation. This will be finalised in April. This is considered an important interim step in reviewing the project to ensure that any lessons that can be learned from the APAS implementation can be implemented in the coming months as PLACIS is implemented.

1.5.6    The Audit Committee has asked to review Agile from a risk perspective and relevant officers will be attending the upcoming Audit Committee to discuss this matter.

## 1.6    Policy Considerations

1.6.1    Procurement

**1.7    Recommendations**

The Overview & Scrutiny Committee is asked to;

1.7.1    NOTE the information provided in response to the specific queries raised; and

1.7.2    NOTE that the Audit Committee is reviewing Agile from a risk management perspective at their next meeting.

Background papers:                                             contact: Eleanor Hoyle
                                                                          Ganesh Thangarajah
Nil


Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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**TONBRIDGE & MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**04 April 2024**

**Report of the Interim Chief Executive**

**Part 1- Public**

**Matters for Information**

1  <u>**CORPORATE KEY PERFORMANCE INDICATORS**</u>

   **This report provides data on Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. The data provided in this report relates to the period up to the end of December 2023.**

1.1  **Overview of KPIs**

1.1.1  The aligned KPIs are provided in **Appendix 1**, with the data for October-December 2023 representing the most up-to-date available statistics in most instances. However, due to the lag in some statistics and the very tight turnaround in this quarter, the previous quarter does still represent the most up to date figures.

1.1.2  There are some quarterly **trends** that can be identified and highlighted in this report. These include:

   - **008:** Social media clicks/engagement increased to 5,772 (up from 3,029 for July-September 2023)

   - **009:** Website Myaccount registrations have continued to increase – up over 5,500 over the quarter to now exceed our target for 2023/24.

   - **010:** My TMBC App downloads have reached over 8,500 and have exceeded the target for the end of 2023/24.

   - **011 and 012:** Vacant posts have dropped significantly from 19 at the start of this financial year to 11 and is therefore currently below the target of 12 set for the end of 2023/24. Staff numbers have increased to 224.27 FTE, which is close to the target of 225 by the end of March 2024.

   - **013:** Medically signed-off sickness absence has crept back up this quarter to 4.47 days and is currently higher than the target of 2.75 days.

   - **014:** Short-term sickness absence levels have increased to 2.45 days, **however** this is still better than our baseline figure and target for year end.

- **015:** Gender Pay Gap remains the same as last quarter (29.89%)

- **109:** The % handled rate has dropped to 84% as the Customer Services team continue to receive a high level of calls, look to fill 2 vacant posts and train new staff.

- **110:** 100% of emails are responded to by Customer Services within 24 hours, with webchat having a 98% answer rate.

- **112 and 113:** the total number of licensed drivers has increased to 623, with vehicle licenses dropping very slightly to 560.

- **114:** the number of premises licenses has been broadly static this financial year at 403, but is higher than the baseline of 398.

## 1.2 Benchmarking

1.2.1 Benchmarking data has started to be introduced for a number of the Corporate KPIs in this round of reporting and as such there are columns in Appendix 1 which now show comparators in order to give greater context to our performance as a Council. This is still a work in progress and whilst some KPIs will not be able to be benchmarked in a meaningful way, the aim is to work towards a situation where the majority of KPIs do have a benchmark, using statistics from LG Inform Plus (a data portal) to help fill the gaps.

1.2.2 It should also be noted that the Office for Local Government (Oflog) has recently launched a new online tool to bring together a selection of existing metrics across a number of service areas that are available at different levels of local authority - https://oflog.data.gov.uk/. The aim of this new tool is to provide accessible data and analysis about the performance of local government, and to support its improvement. This tool is a work in progress and will expand to incorporate further service areas in time, but at present, from the Council's perspective, the most helpful data relates to Corporate and Finance, Waste and Planning.

1.2.3 The data from this tool, does provide useful information, but it is worth noting that at this stage the data relates to the period 2020-22, and as such it is quite out of date in comparison to much of the data being collected by the Council through our own performance management. However, when used alongside other data it does help to provide a snapshot in time. For example:

**Corporate and Finance:** during 2021-22, data includes:

- Both Council Tax and NNDR Collection Rates were well above the median for England, and above our CIPFA Nearest Neighbours.

- Number of upheld complaints – 0 per 100,000 population

- Total Debt as a % of core spending power – 0% (Median for England is 457.5%, and 188.5% for our CIPFA Nearest Neighbours)

- Debt servicing as a % of core spending power – 0% (Median for England is 10.2%, and 3.4% for our CIPFA Nearest Neighbours)

- Total core spending power per dwelling - £297.68 (this is around £50 higher than both the Median for England and our CIPFA Nearest Neighbours).

## 1.3 Legal Implications

1.3.1 The matters set out in this briefing note are considered routine or uncontroversial and a legal opinion has not been sought.

## 1.4 Financial and Value for Money Considerations

1.4.1 The Corporate Key Performance Indicators are administered, analysed and reported in-house.

## 1.5 Risk Assessment

1.5.1 Performance Management is identified in the Strategic Risk Register and currently assessed as a medium risk with a positive direction of travel. Within the register it is highlighted that without an effective performance management framework in place, the authority will not be able to understand any required improvements or achieve value for money.

## 1.6 Policy Considerations

1.6.1 The Corporate Key Performance Indicators are aligned to the Corporate Strategy 2023-2027, and aim to provide data and analysis about the performance of the authority and support its improvement.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Adrian Stanfield
Interim Chief Executive

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# Appendix 1 – KPIs October-December 2023

| CS Priority Action | Ref. No. | Aligned KPI | Lead | BASELINE | | | | SSC | 2023/24 | | | | Target/ Aspiration 2023/24 | TREND | Data Assurance | BENCHMARKING | | | Source | Explanatory Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Value | Date | Frequency | Source | | Apr-Jun | Jul-Sept | Oct-Dec | Jan-Mar | | | | Value | Date | Comparator | | |
| **Make our services and advice available to residents 24 hours a day through digital innovation.** | 008 | Social media clicks/engagement | JS | 5,200 | Jan-Mar 2023 | **Quarterly** | Orlo | **O&S** | 7,462 | 3,029 | **5,772** | | **25,000 pa** | ↑ | **Yes** | | | | N/A | Total of 16,263 to date. Campaigns with partners have meant clicks recorded on third party social media channels rather than TMBC recently. |
| | 009 | Website Myaccount Registrations (total) | JS | 31,387 | Jan-Mar 2023 | **Quarterly** | Jadu | **O&S** | 31,161 | 32,506 | **38,066** | | **35,000 by end of March 2024** | ↑ | **Yes** | | | | N/A | Large increase in Q3 – exceeded target for year. |
| | 010 | My TMBC app downloads (total) | JS | 6,474 | Jan-Mar 2023 | **Quarterly** | One Signal | **O&S** | 7,306 | 8,017 | **8,531** | | **8,500 by end of March 2024** | ↑ | **Yes** | | | | N/A | Continued solid increase – exceeded target for year. |
| **Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way.** | 011 | Staff Numbers (FTE) | MB | 224 | Jan-Mar 2023 | **Quarterly** | Chris 21 Reports | **O&S** | 221.78 | 220.77 | **224.27** | | **225 by end of March 2024** | ↑ | | | | | N/A | |
| | 012 | Vacant Posts (FTE) | MB | 17 | Jan-Mar 2023 | **Quarterly** | Chris 21 Reports | **O&S** | 19 | 14 | **11** | | **Under 12 by end of March 2024** | ↑ | | 48 (TWBC) and 47 (MBC) | Q4 (Jan-Mar) of 2022/23 | TWBC and MBC | LGInform | |
| | 013 | Sickness absence (days) - short term | MB | 3.5 | Jan-Mar 2023 | **Quarterly** | Chris 21 Reports | **O&S** | 2.07 | 1.61 | **2.45** | | **Under 3.0** | ↓ | | TBC | TBC | TBC | Kent Heads of HR Network /CIPD National Survey | Sickness statistics are cumulative this meaning that each quarter includes the sickness information from quarter 1 onwards. |
| | 014 | Sickness absence (days) - medically signed off | MB | 2.89 | Jan-Mar 2023 | **Quarterly** | Chris 21 Reports | **O&S** | 4.01 | 3.93 | **4.47** | | **Under 2.75** | ↓ | | TBC | TBC | TBC | Kent Heads of HR Network /CIPD National Survey | See above for 013 |
| | 015 | Gender Pay Gap - Median | MB | 30.60% | 2022 | **Annually** | Chris 21 Reports | **O&S** | 29.89% | 29.89% | **29.89%** | | **Under 25%** | → | **Yes** | 15.10% | 2022/23 | Public Sector | gov.uk | The gender pay gap is for the previous twelve months |

**Additional KPIs:**

| Ref. No. | Aligned KPI | Lead | Value | Date | Frequency | Source | SCC | Apr-Jun | Jul-Sept | Oct-Dec | Jan-Mar | Target/ Aspiration 2023/24 | TREND | Data Assurance | Value | Date | Comparator | Source | Explanatory Comments |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Customer Services and Licensing** | | | | | | | | | | | | | | | | | | | |
| 109 | % Handled rate (Customer Services) | LM | 93% | Jan-Mar 2023 | **Quarterly** | AW365 | **O&S** | 88% | 87% | **84%** | | 93% | ↓ | | TBC | TBC | TBC | TBC | Continue to receive high levels of housing calls. 2 vacant posts and ongoing training for new staff. |
| 110 | % emails responded to within 24 hrs (Customer Services) | LM | 100% | Jan-Mar 2023 | **Quarterly** | Outlook | **O&S** | 100% | 100% | **100%** | | 100% | → | | TBC | TBC | TBC | TBC | Castle Team is picking up emails on the weekend when service allows. |
| 111 | % webchat answer rate (Customer Services) | LM | 99% | Jan-Mar 2023 | **Quarterly** | Webchat Tool | **O&S** | 99% | 98% | **98%** | | 99% | → | | TBC | TBC | TBC | TBC | |
| 112 | Total number of licenced drivers | AG | 596 | Jan-Mar 2023 | **Quarterly** | IDOX Uniform | **O&S** | 601 | 615 | **623** | | 620 | ↑ | Yes | TBC | TBC | Kent | Dept of Transport | |
| 113 | Total number of vehicle licences | AG | 538 | Jan-Mar 2023 | **Quarterly** | IDOX Uniform | **O&S** | 558 | 565 | **560** | | 565 | ↓ | Yes | TBC | TBC | Kent | Dept of Transport | |
| 114 | Total number of premises licences | AG | 398 | Jan-Mar 2023 | **Quarterly** | Home Office Return | **O&S** | 403 | 402 | **403** | | 400 | ↑ | | TBC | TBC | Kent | Dept of Transport | |

**Executive Decisions Record - March 2024**

| Decision Number | Title | Cabinet Member | Date of Decision | Date Published | Call-in period ends | Called in | Scrutiny Committee Consideration | Referred back to Cabinet | Referred back to Council | Council referred to Cabinet | Date Decision Effective |
|---|---|---|---|---|---|---|---|---|---|---|---|
| D240025MEM | Anti-Social Behaviour Enforcement Team | Community Services | 29.02.24 | 01.03.24 | 08.03.24 | | | | | | 09.03.24 |
| D240026MEM | Kings Hill Parking Review | Transformation and Infrastructure | 04.03.24 | 06.03.24 | 13.03.24 | | | | | | 14.03.24 |
| D240027MEM | Parking Action Plan - Phase 14 | Transformation and Infrastructure | 04.03.24 | 06.03.24 | 13.03.24 | | | | | | 14.03.24 |
| D240028MEM | Parking Action Plan - Access Group 8 | Transformation and Infrastructure | 04.03.24 | 06.03.24 | 13.03.24 | | | | | | 14.03.24 |
| D240029CAB | Windmill Lane Gypsy and Traveller Site | Cabinet | 05.03.24 | 06.03.24 | 13.03.24 | | | | | | 14.03.24 |
| D240030MEM | Regulation 18b Consultation - Request to Extend Hours of Principal Planning Officer (PPO) and Interim Planning | Planning | 14.03.24 | 15.03.24 | 22.03.24 | | | | | | 23.03.24 |
| D240031MEM | Agile Enhancements | Finance and Housing | 18.03.24 | 20.03.23 | 27.03.24 | | | | | | |
| D240032MEM | Sovereign Way North car park - NHS Mobile Vacination Unit | Transformation and Infrastructure | 19.03.24 | 20.03.24 | 27.03.24 | | | | | | |
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| Decision pending | Call in period | | Key Decision | | Private | Urgent |
|---|---|---|---|---|---|---|
| | Subject to call in | | | | | |

URG - outside of budget and policy framework

| Number of monthly call-ins: | 0 |
|---|---|

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**OVERVIEW AND SCRUTINY SELECT COMMITTEE – UPCOMING MATTERS**

**2024-25**

C=Council; CAB = Cabinet; DEL = Delegated to Committee; INFO = matters for information.  Cabinet are responsible for ALL Key Decisions (KD).  Some Non-Key Decisions (NKD) can be taken by Cabinet Members outside of the meeting.

| DECISION (TITLE) | DESCRIPTION | C/CAB/ DEL/INFO | KD/NKD | CAB MEMBER DN Y/N | PART 1 OR 2 | MEETING DATE | OFFICER IN PERSON ATTENDANCE Y/N |
|---|---|---|---|---|---|---|---|
| Agile Review | To understand the process of selecting/procuring the system, initial specification, current outcome, process for Member involvement, functionality and overall costs. | CAB | NKD | Y | 1 | 4 April 2024 | Y |
| Housing Associations Performance Framework | | Del | | | | | |
| Key Performance Indicators | Standing item | Info | | | | | |
| Record of Executive Decisions | Standing Item | Info | | | | | |
| Work Programme | Standing Item | Info | | | | | |
| Consultants Review | Final report considering the Council's use of consultants | CAB | NKD | Y | 1 | 27 June 2024 | Y |
| Tonbridge Community Forum | Scoping Report to consider changes to the format of Tonbridge Community Forum | Del | | | 1 | | |

| DECISION (TITLE) | DESCRIPTION | C/CAB/ DEL/INFO | KD/NKD | CAB MEMBER DN Y/N | PART 1 OR 2 | MEETING DATE | OFFICER IN PERSON ATTENDANCE Y/N |
|---|---|---|---|---|---|---|---|
| Key Performance Indicators | Standing item | Info | | | | 27 June 2024 | |
| Record of Executive Decisions | Standing Item | Info | | | | | |
| Work Programme | Standing item | Info | | | | | |
| Tonbridge Community Forum | Final report considering suggested changes to TCF | Cab | NKD | Y | | 12 September 2024 | |
| Review of IT Systems | Report considering the IT systems used across the Council | Cab | NKD | Y | 1 | | |
| Key Performance Indicators | Standing Item | Info | | | | | |
| Record of Executive Decisions | Standing item | Info | | | | | |
| Work Programme | Standing Item | Info | | | | | |
| | | | | | | 14 November 2024 | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Key Performance Indicators | Standing Item | Info | | | | | |
| Record of Executive Decisions | Standing item | Info | | | | | |
| Work Programme | Standing item | Info | | | | | |

| DECISION (TITLE) | DESCRIPTION | C/CAB/ DEL/INFO | KD/NKD | CAB MEMBER DN Y/N | PART 1 OR 2 | MEETING DATE | OFFICER IN PERSON ATTENDANCE Y/N |
|---|---|---|---|---|---|---|---|
| | | | | | | 23 January 2025 | |
| | | | | | | | |
| | | | | | | | |
| Key Performance Indicators | Standing Item | Info | | | | | |
| Record of Executive Decisions | Standing Item | Info | | | | | |
| Work Programme | Standing Item | Info | | | | | |

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

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

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

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

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