Public Document Pack



Town Hall Royal Tunbridge Wells

Friday 12 April 2019

To the Members of the Tunbridge Wells Borough Council

I request your attendance at a meeting of the Tunbridge Wells Borough Council to be held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, on Wednesday, 24 April 2019, at 6.30 pm, when the following business is proposed to be transacted.

1 Apologies for absence

To receive any apologies for absence.

2 Minutes of the meeting dated 27 February 2019 (To Follow)

To approve the minutes of a previous meeting as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.

3 Declarations of Interest

To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.

4 Announcements

To receive announcements from the Mayor, the Leader of the Council, members of the Cabinet and the Chief Executive.

5 Questions from members of the public

To receive any questions from members of the public, of which due notice has been given in accordance with Council Procedure Rule 8, to be submitted and answered.

6 Questions from members of the Council

To receive any questions from members of the Council, of which due notice has been given in accordance with Council Procedure Rule 10, to be submitted and answered.

- 7 **Community Safety Partnership Plan 2019/20** (Pages 5 50)
- 8 Review of the Constitution April 2019 (Pages 51 66)
- 9 Appointment of Parish Representatives to the Audit and Governance Committee (Pages 67 70)
- 10 Appointment of the Deputy Mayor 2019/20 (Pages 71 74)

11 **Motions on Notice** (Pages 75 - 76)

To consider one Motion on Notice, in accordance with Council Procedure Rule 11, submitted by Councillor Ellis.

12 To Record the Council's Appreciation for the Mayor

13 **Urgent Business**

To consider any other items which the Mayor decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

14 Common Seal of the Council

To authorise the Common Seal of the Council to be affixed to any contract, minute, notice or other document arising out of the minutes, or pursuant to any delegation, authority or power conferred by the Council.

15 Date of next meeting

To note that the date of the next meeting is Wednesday 22 May 2019.

William Benson Chief Executive



mod.gov app - go paperless

Easily download, annotate and keep all committee paperwork on your mobile device using the **mod.gov** app – all for free!.





All visitors wishing to attend a public meeting at the Town Hall between the hours of **9.00am and 5.00pm** should report to reception via the side entrance in Monson Way. **After 5pm**, access will be via the front door on the corner of Crescent Road and Mount Pleasant Road, except for disabled access which will continue by use of an 'out of hours' button at the entrance in Monson Way

Notes on Procedure

- (1) A list of background papers appears at the end of each report, where appropriate, pursuant to the Local Government Act 1972, section 100D(i).
- (2) Members seeking factual information about agenda items are requested to contact the appropriate Service Manager prior to the meeting.
- (3) Members of the public and other stakeholders are required to register with the Democratic Services Officer if they wish to speak on an agenda item at a meeting. Places are limited to a maximum of four speakers per item. The deadline for registering to speak is 4.00 pm the last working day before the meeting. Each speaker will be given a maximum of 3 minutes to address the Council.
- (4) All meetings are open to the public except where confidential or exempt information is being discussed. The agenda will identify whether a meeting or part of a meeting is not open to the public. Meeting rooms have a maximum public capacity as follows: Council Chamber: 100, Committee Room A: 20, Committee Room B: 10.
- (5) Please note that this meeting may be recorded or filmed by the Council for administrative purposes. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Democratic Services Officer before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website (<u>www.tunbridgewells.gov.uk</u>) or from Democratic Services.

If you require this information in another format please contact us, call 01892 526121 or email committee@tunbridgewells.gov.uk

Accessibility into and within the Town Hall – There is a wheelchair accessible lift by the main staircase, giving access to the first floor where the committee rooms are situated. There are a few steps leading to the Council Chamber itself but there is a platform chairlift in the foyer.

Hearing Loop System – The Council Chamber and Committee Rooms A and B have been equipped with hearing induction loop systems. The Council Chamber also has a fully equipped audio-visual system.



Full Council

24 April 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Community Safety Partnership Plan 2019/20

Final Decision-Maker	Full Council
Portfolio Holder(s)	Councillor Lynne Weatherly – Portfolio Holder for Communities and Wellbeing
Lead Director	Paul Taylor – Director of Change and Communities
Head of Service	Denise Haylett – Head of Facilities and Community Hubs
Lead Officer/Author	Terry Hughes – Community Safety Manager
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

That the Community Safety Partnership Plan 2019/20, as set out at Appendix A to the report, be approved.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

 This report links to the Council's 'Our Borough' quadrant, in particular creating a confident borough. It also demonstrates how the Council works well with others in delivering confident communities.

Timetable				
Meeting	Date			
Community Safety Partnership	14 February 2019			
Management Board	27 February 2019			
Cabinet Advisory Board	21 March 2019			
Cabinet	11 April 2019			
Full Council	24 April 2019			

Tunbridge Wells Committee Report, version: December 2018

Community Safety Partnership Plan 2019/20

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The Community Safety Partnership Plan sets out how the Tunbridge Wells Community Safety Partnership (CSP) will address local priorities to reduce crime and disorder across the Borough. The plan is presented to Cabinet for recommendation and to Full Council for adoption.
- 1.2 All CSPs are required by law to carry out a yearly in-depth analysis of crime, anti-social behaviour and other partnership data in order to produce an annual strategic assessment. This process identifies the priorities for the year ahead. The CSP partnership plan is then developed to set out how these priorities will be tackled.
- 1.3 Based on the intelligence from the strategic assessment, the partnership plan actions have been developed in consultation with a range partners. The plan has also been designed to complement and support the delivery of the "Safer in Kent: the Community Safety and Criminal Justice Plan", published by the Kent Police and Crime Commissioner, Matthew Scott, and the Kent Community Safety Agreement.
- 1.4 The priorities identified in the Tunbridge Wells Community Safety Partnership Plan were discussed at a CSP meeting on the 14 February 2019.
- 1.5 The Tunbridge Wells Borough Council Constitution and the Local Government (Functions and Responsibilities) (England) Regulations 2000 states that the partnership plan must be adopted by Full Council.

2. INTRODUCTION AND BACKGROUND

- 2.1 Partners began working together to address crime and disorder in the early 1990s. In 1998, the Crime and Disorder Act was published. This imposed a statutory duty on partners, known as the 'Responsible Authorities', to work closely together to reduce crime and anti-social behaviour and reduce the fear of crime. The partnership was formalised and became a Crime and Disorder Reduction Partnership (CDRP). It is now referred to as the 'Tunbridge Wells Community Safety Partnership (CSP)'.
- 2.2 The partners referred to by the Act as 'Responsible Authorities' are Tunbridge Wells Borough Council, Kent County Council, Kent Police, Kent Fire and Rescue Service, National Probation Service, Kent Surrey and Sussex Community Rehabilitation Company the NHS West Kent Clinical Commissioning Group. The CSP also has many non-statutory partners including housing associations, voluntary and community sector organisations. The CSP meets on a quarterly basis.

- 2.3 The Community Safety Unit (CSU), based in Tunbridge Wells Town Hall, was set up in 2010 as the operational delivery unit of the CSP. It is a multi-agency office staffed by 2.8 FTE from TWBC, KCC Wardens, Kent Police, and other agencies working together to reduce crime and disorder.
- 2.4 This co-location of partner agencies has facilitated more effective joint working through morning briefings, improved sharing of information (within a formal protocol) and increased co-operation between agencies.
- 2.5 In the 2018/19 financial year, we were again very well positioned within Kent, coming 1st and 2nd in 13 of the 15 regularly measured crime categories placing Tunbridge Wells amongst the safest place to live in the county.
- 2.6 The Responsible Authorities are required by the Crime and Disorder Act 1998 to formulate and implement a strategy for the reduction of crime and disorder in the area. This strategy takes the form of the partnership plan.
- 2.7 Before formulating a strategy, the Responsible Authorities must carry out a review of the levels and patterns of crime and disorder in the area, and prepare and publish an analysis of the results of that review. This analytical document is called the strategic assessment and is an in-depth analysis of crime, anti-social behaviour and other partnership data over a one-year period. This analysis feeds into the priorities for the forthcoming financial year.
- 2.8 In 2019/20 the key priorities for the CSP have been agreed as follows:
 - 1. Domestic abuse
 - 2. Substance misuse and supply, and alcohol abuse (incl. violence-related issues)
 - 3. Anti-social behaviour (incl. risk reductions in CSE and gangs)
 - 4. Road Safety
- 2.9 The partnership also has a duty to give due regard to the priorities of the Police and Crime Commissioner (PCC). This year the PCC has placed a focus on violent crime, and would wish our priorities to align with his Violence Reduction Challenge. The types of projects that the PCC would like to see include: raising awareness, night time economy related projects, town centre initiatives, diversionary programmes, community engagement and reassurance activities, drugs and alcohol related projects. The Tunbridge Wells Partnership Plan has been developed to support the work of the PCC whilst we deliver on the local priorities for Tunbridge Wells.
- 2.10 The Tunbridge Wells Community Safety Partnership Plan 2019/20 outlines how statutory and other agencies will address the key priorities shown above.
- 2.11 The plan will be monitored on a quarterly basis by the CSP to ensure progress. The CSP will be responsible for holding agencies to account where they have failed to fulfil their actions within the plan.

2.12 Under the Tunbridge Wells Borough Council Constitution and the Local Government (Functions and Responsibilities) (England) Regulations 2000, this plan must be brought to Full Council for formal adoption.

3. AVAILABLE OPTIONS

- 3.1 Under the Tunbridge Wells Borough Council Constitution and the Local Government (Functions and Responsibilities) (England) Regulations 2000, this plan must be brought in front of Full Council for formal adoption.
- 3.2 The partnership plan presented outlines how the agencies within the CSP will work together to keep residents of the borough safe from crime and anti-social behaviour.
- 3.3 Full Council has the option of approving the plan, amending the plan or requesting that a new plan be produced.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 This report is designed to inform members of the multi-agency activity which TWBC and partners have committed to undertake to reduce crime and disorder. The preferred option is for the plan to be considered and approved.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 The Community Safety Partnership ratified the priorities identified at their meeting on 14 February 2019.

RECOMMENDATION FROM CABINET ADVISORY BOARD

5.2 The Communities and Economic Development Cabinet Advisory Board were consulted on this decision on 21 March 2019 and agreed the following:

That the recommendation set out in the report be supported.

RECOMMENDATION OF CABINET

5.3 The Cabinet considered the report at its meeting on 11 April 2019 and resolved as follows:

That Full Council be recommended that the Community Safety Partnership Plan 2019/20, as set out at Appendix A to the report, be approved.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The plan will be made available on the Council's website
- 6.2 Partner commitments to the Plan will be monitored quarterly at CSP meetings
- 6.3 Monitoring information is sent to the Office of the PCC for those priorities or actions funded from the PCC's contribution to CSP funds.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off	
Legal including Human Rights Act	As detailed in the body of the report the partnership plan is formulated as required by the Crime and Disorder Act 1998. Regulation 4 and Schedule 3 of the Local Government (Functions and Responsibilities) (England) Regulations 2000 require Full Council to adopt the partnership plan. At this stage there are no direct consequences arising from the	Keith Trowell, Team Leader (Corporate Governance), MKLS	
	recommendation that adversely affect individual's rights and freedoms as set out in the Human Rights Act 1998. Potentially, consequences could arise in the future implementation of the Plan that would need to be evaluated at the time.		
Finance and other resources	All actions within the plan will be undertaken from existing resources or funded by the CSP.	Denise Haylett, Head of Service	
Staffing establishment	affing No direct implications		
Risk Management	sk Management No direct risks arise from this report.		
Data Protection	A Protection Hea and		
Environment and Sustainability No direct implications.		Karin Grey, Sustainability Manager	
Safety designed to build safer communities by Commu		Terry Hughes, Community Safety Manager	

	<u> </u>	1	
	Reducing alcohol and substance misuse, addressing domestic abuse, and tackling anti-social behaviour.		
Health and Safety	The plan should help to have an overall increase in safety within the Borough. This would have a positive impact on the safety of staff of TWBC as well as showing that the council are taking their responsibilities seriously in regards to reducing anti-social behaviour. Making the communities safer and more secure to work and live for all.	Mike Catling, Corporate Health and Safety Advisor	
Health and Wellbeing	The actions contained within the plan should contribute to increased wellbeing, and the work to reduce the harm caused by alcohol and substance misuse should have a positive impact on the health of those affected.	Stuart Smith, Health Team Leader	
Equalities	Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper could directly impact on end users. The priorities identified support the aim of the public sector equality duty to eliminate unlawful discrimination, harassment or victimisation by: providing support services for women and men who experience domestic abuse	Sarah Lavallie, Corporate Governance Officer	

8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

Appendix A - Strategic Assessment 2018/19 Partnership Plan 2019/20

9. BACKGROUND PAPERS

None



Strategic Assessment 2018/19 Partnership Plan 2019/20

Produced by Terry Hughes, Community Safety Manager, Tunbridge Wells Borough Council Please contact terry.hughes@tunbridgewells.gov.uk

CSP Sign-off: 14th February 2019

Contents

Introduction	1
Legislation	1
The aim of this Strategic Assessment	1
Part 1 - Analysis	2
All recorded crime 2017/18 ↑	2
Priority 1: Domestic abuse 🋧	13
Priority 2: Road safety 🔱	17
Priority 3: Substance misuse and alcohol abuse 🕹	23
Part 2 - Conclusion	29
Recommended priorities	31
Domestic Abuse	31
Substance Misuse and Alcohol Abuse	32
Anti-social Behaviour	32
Road Safety	33
Part 3 - Actions and recommendations for 2019/20	34
Priority 1: Domestic abuse	34
Other recommendations	34
Priority 2: Substance misuse and supply, and alcohol abuse (including violence-rela	ited
issues)	35
Other recommendations	35
Priority 3: Anti-social behaviour (incl. risk reductions in CSE and gangs)	36
Other recommendations	36
Priority 4: Road safety	37
Other recommendations	37

Introduction

The 2018/19 Strategic Assessment produced for the Tunbridge Wells Community Safety Partnership (CSP) helps establish priority themes for the 2019/20 Partnership Plan.

Legislation

The Crime and Disorder Act 1998 gave statutory responsibility to local authorities, the police, and key partners to reduce crime and disorder in their communities. Under this, and subsequent legislation, Community Safety Partnerships are required to carry out annual audits and to implement crime reduction strategies.

The Police and Justice Act 2006 introduced scrutiny arrangements in the form of the Crime and Disorder Scrutiny Committee, as well as introducing several amendments to the 1998 Act including the addition of anti-social behaviour (ASB) and substance misuse within the remit of the CSP strategies. Reducing reoffending was subsequently added by the Policing and Crime Act 2009. The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 set out further revisions to the 1998 Act.

The aim of this Strategic Assessment

The data provided by partners and the analysis of this data enables the strategic partners to set clear priorities for the coming year.

Part 1 analyses police and partner data for last year's priorities covering the period November 2017 – October 2018. For some crime types more recent data is available and this been appropriately indicated.

Funding for these priorities is provided, in part, by the Kent Police and Crime Commissioner in accordance with the priorities set out in his *Safer in Kent: The Community Safety and Criminal Justice Plan*. Our priorities align with the Commissioner's *violence reduction* themes of prevention, engagement and education, enforcement and rehabilitation.

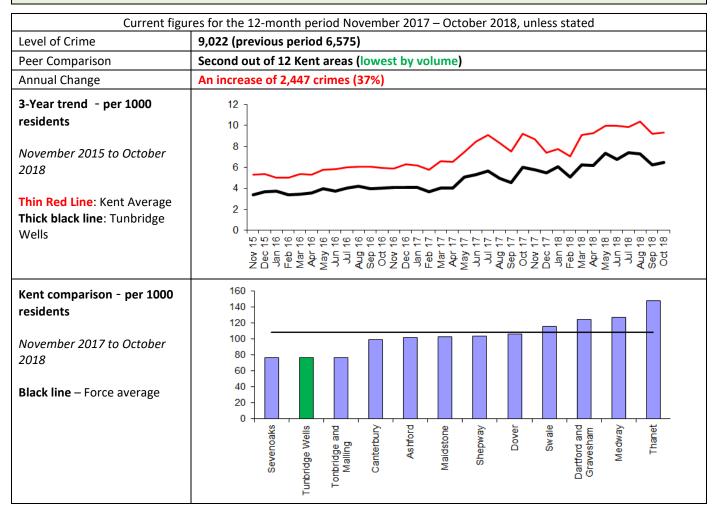
Part 2 draws some conclusions from the data and recommends the priorities for the partnership for the forthcoming financial year.

Part 3 offers a broad outline of how these priorities will be addressed as well as some specific projects that will be undertaken by the Council's community safety team and external partners.

It should be noted that some of the data provided in this document is provisional and may undergo further revision.

Part 1 - Analysis

All recorded crime 2017/18 ^



Tunbridge Wells had the second lowest overall crime rate in Kent in the period given, marginally behind Sevenoaks by 0.038 crimes per 1000 residents, with crime in the borough increasing by 37% over the preceding period.

While an increase of 2,447 crimes is seemingly high, much of this reflects improvements Kent Police have made in respect of accurately recording crimes in line with HM Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) guidelines.

Improvement to the way crimes are recorded in Kent began following a 2014 inspection. A further inspection, undertaken in June 2017, audited a range of crime reports across the county for the period 1 June 2016 to 30 November 2016. The findings estimated 24,300 (16%) reported crimes per year, including serious crimes such as sexual offences and domestic abuse went unrecorded. The recording rate for violent crime was noted as a particular cause of concern with 21% unrecorded.

Despite this, Tunbridge Wells remains one of the safest local authority areas in Kent.

The table on the next page provides a breakdown of incidents into discrete crime types and points towards significant changes in both directions over the preceding two reporting periods.

Crime types with *direction of travel* and county position (Nov 2016 – Oct 2018):

Crime / Disorder Type	Recorded Offences/Incidents			County Position			
	This Year	Last Year	Change	Direction	2016	2017	2018
All crime	9022	6575	37%	^	1	1	2
Victim-based crime	7695	5818	32%	↑	1	1	2
Violent Crime	4681	3024	55%	↑	2	2	3
ASB Incidents	1313	1877	-30%	\downarrow	3	2	1
Burglary Residential ¹	162	169	-4%	\downarrow	-	-	1
Criminal damage	1016	867	17%	↑	1	1	1
Domestic abuse incidents	2163	1630	33%	↑	2	1	2
DA repeat victims	537	416	29%	↑	2	2	2
DA repeat victims % ²	25%	26%	-1%				
Drugs - Possession	109	115	-5%	\downarrow	10	5	5
Drugs - Trafficking	46	42	10%	↑	4	6	4
Robbery	52	20	160%	↑	2	1	3
Sexual offences	374	240	56%	^	3	3	3
Shoplifting	741	495	50%	↑	2	2	5
Theft from a motor vehicle	264	203	30%	↑	1	1	1
Theft of motor vehicle	126	101	25%	^	1	2	2
Theft of pedal cycle	56	45	24%	↑	1	1	2

End Feb
2019 ³
1
1
2
-
1
1
-
-
6
6
2
2
5
1
2
2

Noticeable in this data are:

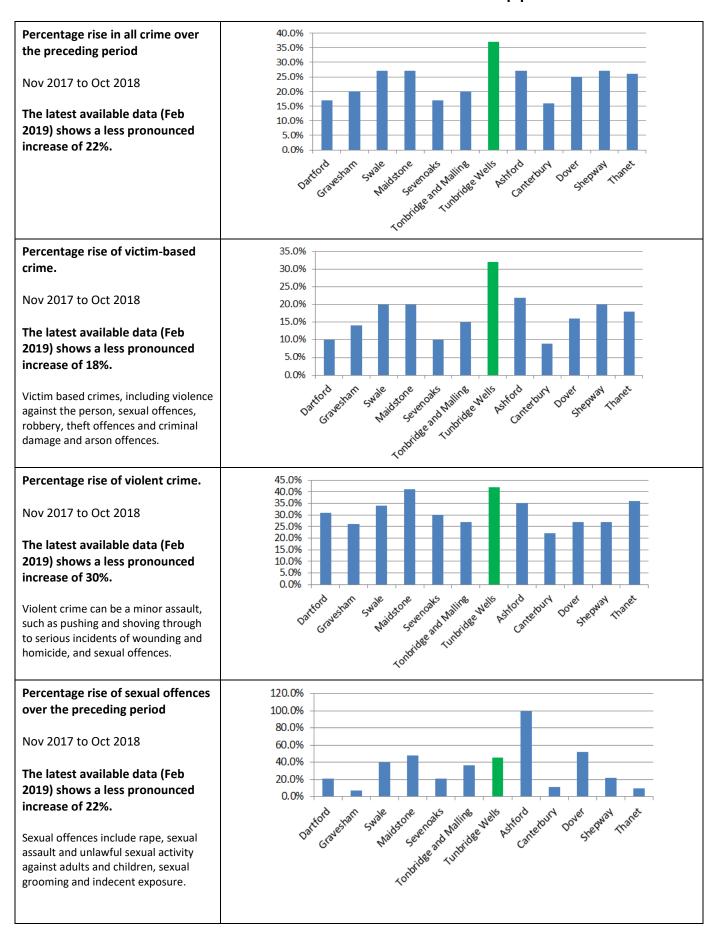
- A strong county position overall.
- A comparative improvement in anti-social behaviour; though perhaps not as big a reduction as the data suggests.
- Domestic abuse low in Kent but recorded incidents continues to rise.
- A seemingly sharp increases in several crime types; including violent crime, sexual offences and robbery (albeit robbery numbers last year were very low).
- Drug possession and trafficking (dealing) maintain some stability over the longer term but still high when compared to Kent as a whole.
- A significant increase in shoplifting offences taking us from second to fifth.

The charts on the following page compare the percentage rise in the categories of *all crime*, *victim-based crime*, *violent crime* and *sexual offences* against other Kent local authority areas.

¹ Six-month period from April-September

² Repeat victimisation rate for DAVSS (Domestic Abuse Volunteer Support Services) clients in West Kent is around 9%

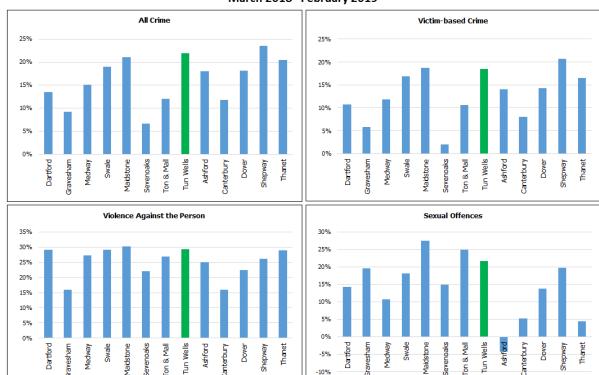
³ County position from the latest set of available data



To better understand the increases highlighted on the previous page, and to seek assurance they did not reflect a continuing upward trend, senior police officers were able to extract data for specific crime types for Tunbridge Wells up to the end of January 2019 and February 2019:

- Our position within the county to the end of January is shown in the right-hand column of the table on page three.
- Percentage increases for Tunbridge Wells are shown in the left-hand column on page four and against data for other districts in the charts below.

This more recent data shows less pronounced rises for the crime types shown on pages three and four.



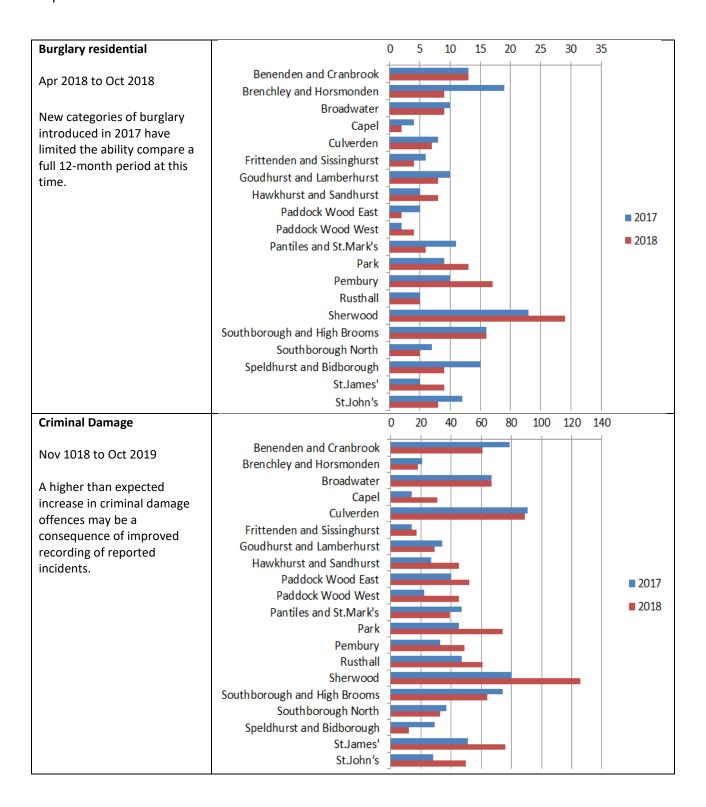
March 2018 - February 2019

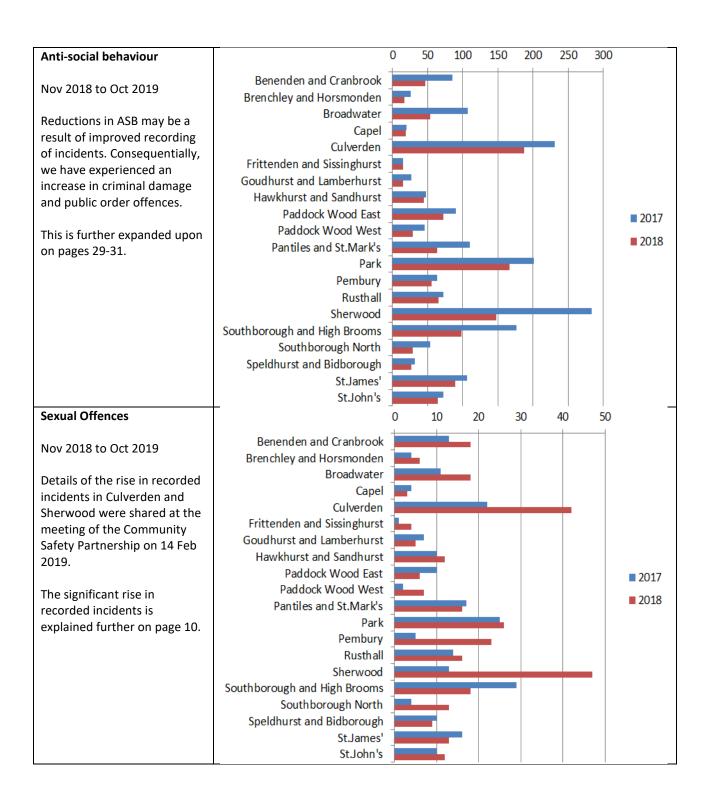
Tunbridge Wells is fortunate to be a low crime area and we regularly experience the *lowest crime by volume* despite not being the least populated district in Kent. Because of this, percentage rises can look significant. By way of example, comparing January 2017 against January 2018, Tunbridge Wells experienced a 47% increase in *all crime* - an increase of 230 crimes (486 to 716). This was the highest percentage rise in Kent (incl. Medway) but only the sixth highest rise by volume.

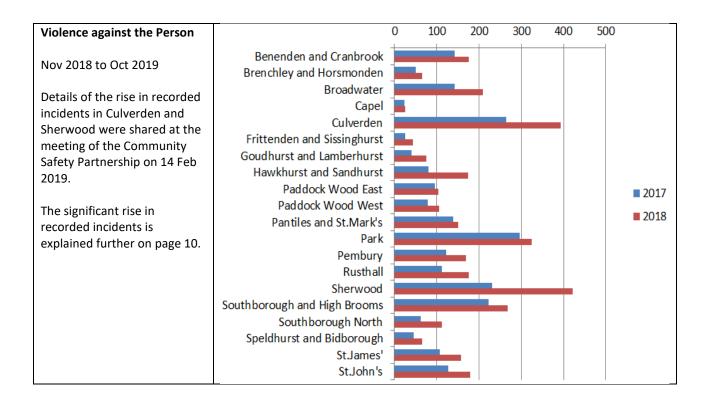
Similarly, victim-based crime in Tunbridge Wells saw the highest percentage rise in Kent (again including Medway) at 47% (436 to 642) but only fifth highest by volume.

Ward data

With the caveat already established that data may not reflect a true picture of a given crime type the charts below and on the following pages provide ward-based data for residential burglaries, criminal damage, anti-social behaviour, sexual offences and violence against the person.







A breakdown of some key rises in ward data

Burglary

Sherwood and Pembury recorded the highest number of residential burglaries; 29 and 17, respectively. There were welcome reductions in other areas. Burglaries often rise and fall in line with the release of recidivist offenders, perhaps more so than any other crime type. To address this, prolific offenders are actively monitored by Kent Police's Integrated Offender Management (IOM) Units and multi-agency teams including National Probation Service and Kent Surrey & Sussex Community Rehabilitation Company. Nineteen Tunbridge Wells' individuals are currently management by IOM, eight of whom were in custody at the time of writing.

Criminal Damage

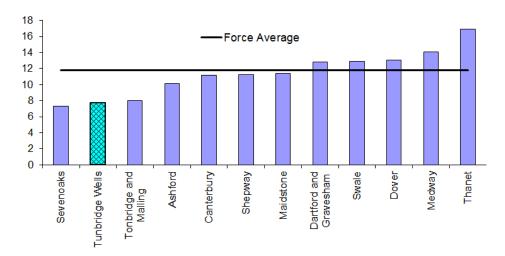
Recorded incidents of criminal damage increased in Park (+29), St James' (+25), St John's (+22), Paddock Wood West (+23) and Sherwood (+46). Offences were spread relatively evenly across the 12-month period. For Sherwood the highest months were January, May and October (14).

Anti-social Behaviour

Recorded incidents of anti-social behaviour saw a significant reduction across the borough (and across Kent) with reductions in virtually every ward.

While this can be seen as something of a positive it may not provide a true picture of offences as experienced by residents. A change to the way incidents of ASB are recorded has seen a number of reports classified as public order offences, rather than ASB. Public order offences can be caused by using abusive language or gestures with intent to cause another harassment alarm or distress (Section 5 Public Order Act 1986 - Threatening, Abusive or Insulting Behaviour).

Every ward in every borough/district across the county saw an increase in public order offences during this period. In Tunbridge Wells the number jumped from 399 to 919 (+130%). However, as can be seen in the graph below we are still well placed within the county.



Additionally, an ASB or public order offence which includes an element of damage to property may be recorded as criminal damage, leading to an increase in recording in that category, as we have seen this year.

Incidents of ASB do tend to peak during the warmer months.

Shoplifting

Shoplifting increased by 50% overall during this period with Paddock Wood East (+70) and Park (+75) recording the highest numerical increases in the borough. Sherwood, which includes North Farm and Knights Park, saw an increase of 27 incidents over the preceding period. Culverden saw a modest increase from 88 to 100 recorded incidents.

Two persistent shoplifters from Sherwood were given three-year Criminal Behaviour Orders (CBOs), while a habitual drinker and shoplifter was given a five-year CBO.

Temporally, there are no clear patterns, although there are fewer recorded incidents in the summer months of July and August and, perhaps surprisingly, during the lead up to Christmas (November and December).

The Safe Town Partnership's Business Crime Manager provided this local snapshot for October from retailers who are part of the Safe Town Partnership scheme October 2018:

An increase in reported shoplifting from members this month with 22 incidents reported to the Business Crime Manager. By comparison, seven incidents were reported in October 2017.

Week commencing 22 October 2018 was the busiest. The week also saw a good number of detections from the town team with one officer alone making seven arrests. Within that week, four offences were committed by one offender who was shoplifting daily.

On a positive note, a greater level of engagement between retailers and town centre police officers has resulted in an increased willingness for shop staff and security teams to be more proactive. This has led to more shopliftings being detected, and reported, by staff.

Sexual offences and violence against the person (VAP)

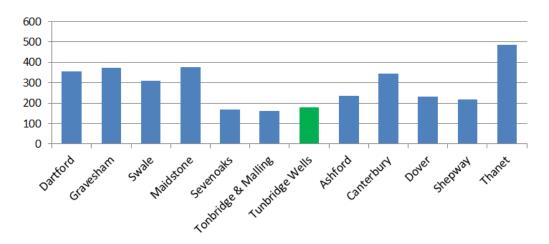
A number of wards have experienced a rise in these offences over the period. Culverden and Sherwood in particular have experienced a significant increase in recorded incidents.

Despite the higher than average increase when compared to other districts Tunbridge Wells remains third for VAP and sexual offences, behind Sevenoaks and Tonbridge and Malling.

Further analysis of the increase in sexual offences and VAP has been undertaken or is underway. A more detailed explanation was presented to attendees of the Community Safety Partnership meeting on 14 February 2019 and may be presented to other interested parties upon request and outside of this process. However, it is perhaps worth noting here that Pembury Hospital, a care home and one NTE venue account for 124 incidents of violence during a 13-month period ending 29 January 2019.

Hate Crime

The chart below shows the level of hate crime across Kent from November to October 2018 during which time 179 incidents were recorded in Tunbridge Wells. This is up on last year's total of 119 incidents.



A further breakdown of hate crime incidents in Tunbridge Wells shows race to be the predominant driving factor (Nov-Oct).

Year	Race	Disability	Religion/ faith/belief	Transgender	Gender	Sexual orientation	Age
2018	139	36	8	0	9	20	6
2017	103	17	6	0	0	12	1

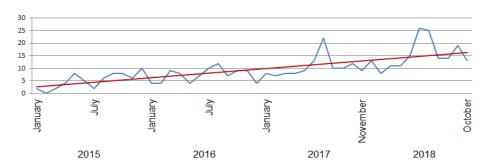
Kent Police's Community Liaison Officer (CLO) is based in the CSU and reviews all hate crimes within the borough putting into place suitable interventions, signposting and making referrals where appropriate.

The vast majority of these were racially motivated (131). Sexual orientation (36), disability (27) and religion (20) were also motivating factor in other cases. A number of these cases involve multiple motivations.

Repeat victims include neighbours, family members and current or former workmates. Repeat locations would tie in with the above and include a number of public areas such as supermarkets, taxis and night-time economy venues.

In some cases mental health is a factor for either, or both, victim and perpetrator.

Some common acts of abuse are directed towards traffic wardens, taxi drivers and security guards. Hate crime posters have been provided to taxi drivers to display on the rear of their seat publicising a zero-tolerance approach. Shops, pubs and clubs have also been asked to display hate crime posters.



HATE CRIME REPORTS JANUARY 2015 TO OCTOBER 2018

The chart above shows an overall trend over a near-four-year period. While an Office of National Statistics report of 2016 recommends caution when viewing long term trends it is interesting to note it is often the case that racially-motivated incidents increase following high-profile or local terrorist attacks, such as happened following the Borough Market attack in June 2017.

Nationally, some events that may have contributed to an increase in hate crime in 2018 include the National Day of Commemoration for Stephen Lawrence (April), one-year

anniversary of the Manchester Arena event, Royal Wedding, Paris knife attack, the Liege attack (all May).

Other incidents that may have contributed to heightened tensions across the country include the Windrush Scandal, Brexit negotiations, the World Cup and publicity surrounding the sentencing of Tommy Robinson.

While hate crime is not seen as a priority for Tunbridge Wells, Kent Police's CSU-based Community Liaison Officer has daily sight of all hate crime reports and is able to advise or initiate community-based responses following incidents that generate additional reports.

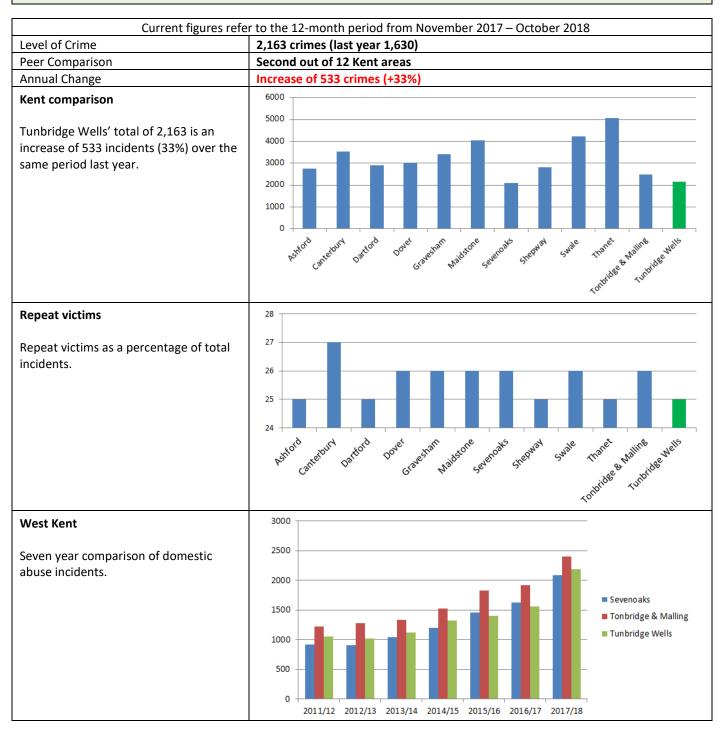
Other hate-related initiatives taking place this year

The Tunbridge Wells IPAG (Independent Police Advisory Group) will be studying several hate crime case studies in 2019 to provide feedback on lessons learned, victim updates and where improvements can be made to tackle perpetrators and support victims.

The CLO will also be attending two major events in Tunbridge Wells in 2019 – the Mela and Tunbridge Wells Pride – to promote hate crime awareness and providing appropriate advice and literature as necessary.

Op Blythe is the Kent Police countywide response to Brexit and will run from March 2019 – July 2019. It will include a Community Impact "Cell" at Maidstone Police HQ, Gold & Silver Command meetings, Community Impact Assessments for every Kent district and an embargo on all annual leave for police officers during this period. CLO's will also be on duty every day and will be working to 22:00hrs on some occasions to monitor hate crimes and to measure community tension.

Priority 1: Domestic abuse 🔨



The Government defines domestic abuse as 'Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between adults who are or have been intimate partners or family members, regardless of gender or sexuality.' This includes coercive and controlling behaviour, harassment and can include assault. Research shows domestic abuse has clear links with alcohol and, to a lesser extent, drug use.

During the 12 months from November 2017 to October 2018, there were 2,163 recorded incidents of domestic abuse in Tunbridge Wells reported to Kent Police. This is an increase of 33% against an 11% increase over the previous period. All districts in Kent experienced an increase in recorded domestic abuse offences over the 2017/18 period.

While we saw a 33% increase in recorded incidents, we have the second lowest recorded crimes per-1000 residents in Kent. Increases ranging from 19% to 30% have been recorded across other Kent districts during this period.

Repeat victims

Figures for the period November 2017 to October 2018 show repeat domestic abuse offences account for 24.8% of all reported domestic abuse crimes in Tunbridge Wells. The Kent average is 25.6%.

It should be noted that the repeat victimisation rate for DAVSS clients in West Kent is around 9% (2018).

Funded outcomes

Provider	Funding
Domestic Abuse Volunteers and Support Service (DAVSS)	£18,000 (PCC, TWBC)

Service: Provide domestic abuse support services to men and women at all levels of risk. Encourage early reporting by promoting the helpline and available services. Provide workshops and training to raise awareness and promote prevention.

Outcomes: DAVSS received 187 referrals in Q1-Q3 of which 28 were graded high risk and 159 standard or medium risk.

Service: Prioritise and refer all high risk cases to a Multi-Agency Risk Assessment Conference (MARAC), and regularly assess volatility of risk levels in all other cases, escalating to MARAC where necessary.

Outcomes: 88 cases were referred to MARAC during Q1-Q3; of which 18 were repeat cases.

Service: Refer women to the Freedom Programme for DA awareness and support.

Outcomes: During Q1-Q3 12 Tunbridge Wells' residents completed or were attending the Freedom Programme.

Further data and contextual information from DAVSS

A significant proportion of our clients self-refer, but we continue to receive a steady stream of referrals from a wide variety of sources, including Kent Police and Victim Support. It is also worth noting we have seen an increase in referrals from Primary Care.

West Kent CCG have offered their full support to our flagship Support Plus project and as a result invited DAVSS to deliver a series of targeted information and awareness raising sessions to GPs in Tunbridge Wells, Sevenoaks and Tonbridge and Malling. This resulted in 161 GPs, the Nursing Quality team and West Kent CCG receiving information and awareness raising sessions from DAVSS' CEO.

Going forward we are improving the way we capture referral information to enable us to deliver targeted training and awareness raising sessions to specific partner organisations.

The Support to Court project and the Support Plus projects are both in demand; we have seen an exponential rise in the number of clients requiring legal advice sessions. To meet this demand we now engage the professional services of two separate law firms thus doubling the number of legal advice sessions available to clients.

It is a particular concern that a high proportion of women ineligible for legal aid are also unable to access help for litigation because of low income. We continue to provide in-court advocacy services to clients under the supervision of our legally trained staff members and volunteers.

DAVSS also works in partnership with the Witness Care Service in connection with criminal court attendances.

Our service is well-received by both victim and referral agency. What is most noteworthy is our repeat victimisation rate which stands at 9%; in comparison with the national average of 24%-26%.

We continue to provide holistic wrap around support to our clients ensuring their safety; and that of their children remains our paramount consideration at all times.

One Stop Shop

DAVSS staffed 19 sessions at the One Stop Shop in Tonbridge during Q1-Q3. These sessions resulted in us taking on 22 clients for ongoing support and advice, four of whom are high risk.

During Q1-Q3 the following support was provided:

- 744 legal advice sessions
- 85 court attendances (70 to Civil Court and 15 to Criminal Court)
- 59 Solicitor meetings

This support work has achieved the following Protective Orders:

- 25 Non-molestation Orders
- 3 Prohibited Steps Orders
- 3 Occupation Orders

- 5 Restraining Orders (incl. one of indefinite duration)
- 37 Child Arrangement Orders
- 6 Prison sentences or other punitive measures

For young people the DAY Programme has been run in the following schools:

- Mascalls School 231 students
- West Kent College 32 students
- Benenden School 80 students
- Beechwood Sacred Heart 29 students
- St. Greg's School 23
- Bennett Memorial School 150 students

Provider	Funding
Community Domestic Abuse Programme (CDAP)	£3,000 (PCC)

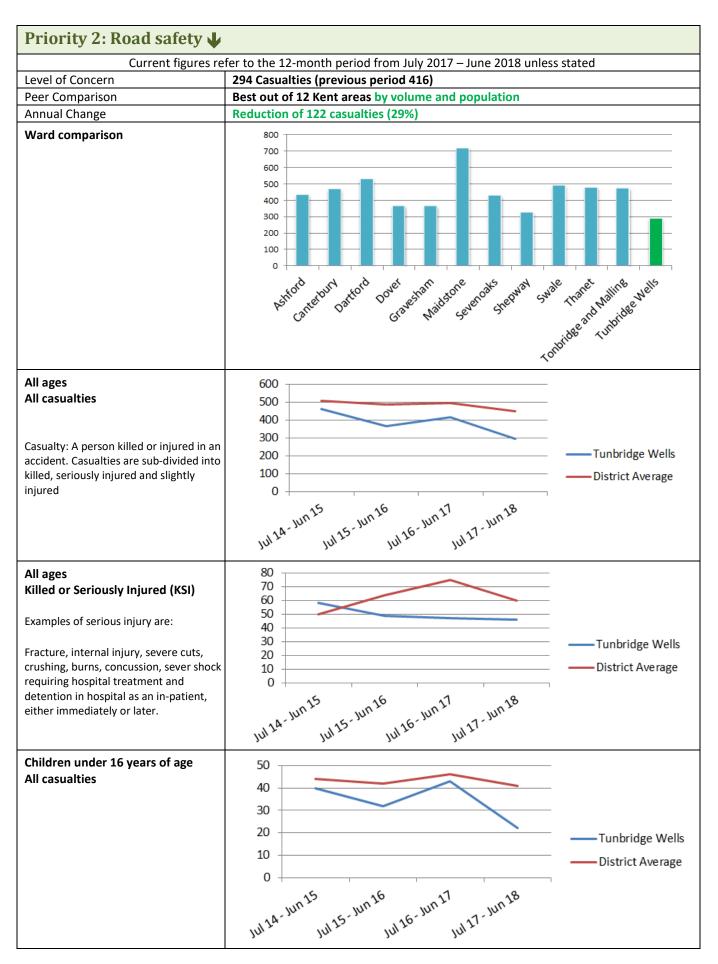
Service: Provide support to male perpetrators of domestic abuse to change their behaviour through the Community Domestic Abuse Programme (CDAP)

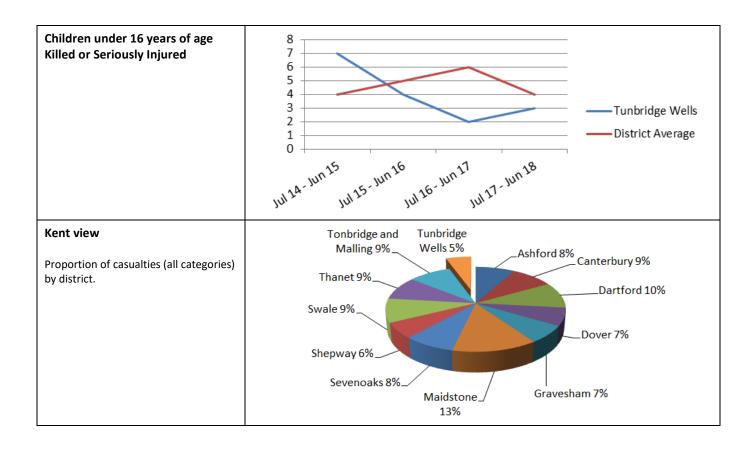
Outcomes: Five Tunbridge Wells residents were active on the 28-week programme as of Q3. The initiative to encourage men in custody who may be cautioned or released with no further action is yet to yield any referrals. A further meeting with senior police officers from across West Kent was held in February 2019 to drive this forward.

Provider	Funding
Family Matters	£2,000 (TWBC)

Service: Provide support to victims of sexual abuse through the Independent Sexual Violence Advisor.

Outcomes: 49 victims of domestic and sexual abuse were supported during the first three quarters of 2018.





Data from July 2017 – June 2018 saw a 29% reduction in casualties on top of last year's 13% reduction. That's 122 fewer casualties this year against the same period in 2016/17.

When calculated against population, Tunbridge Wells, at 2.53 casualties per 1000 residents is comfortably below the Kent average of 3.55.

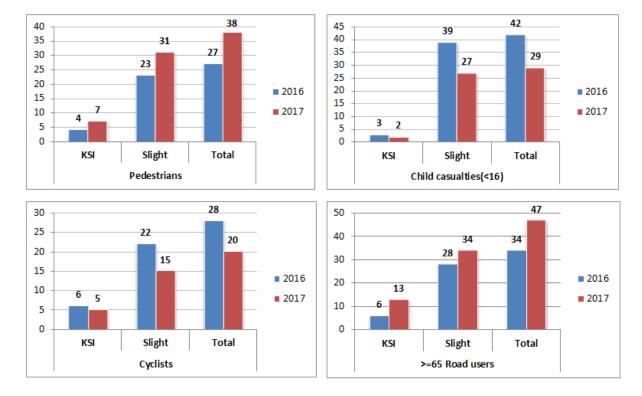
As with the ongoing improvements to the way Kent Police record crimes so too collision data is undergoing similar qualititive changes.

In January 2016 Kent Police adopted a new system for recording and reporting road traffic collision and casualty information called CRASH (Collision Recording and SHaring).

Since the roll out of CRASH a number of highway authorities using the system (including Kent) have seen an increase in the number of serious casualties. So while figures since 2016 may have seen a departure from previous serious injury trends, it is possibly a more accurate reflection of the severity of injuries suffered on the road network. The Department for Transport (DfT) have advised that part of the increase is likely to be related to the CRASH system where previous categorisation of some slight injuries may now mean they are recorded as serious injuries.

As a result of this, the collision and casualty figures recorded for Kent since 2016 are not directly comparable against figures recorded in previous years.

The charts below provide a breakdown of casualties amongst different categories of road user.



There are welcome reductions amongst the under-16s and cyclists while pedestrians and the over-65s have seen an increase, with more than twice as many KSIs in the over-65s category.

Ward reports

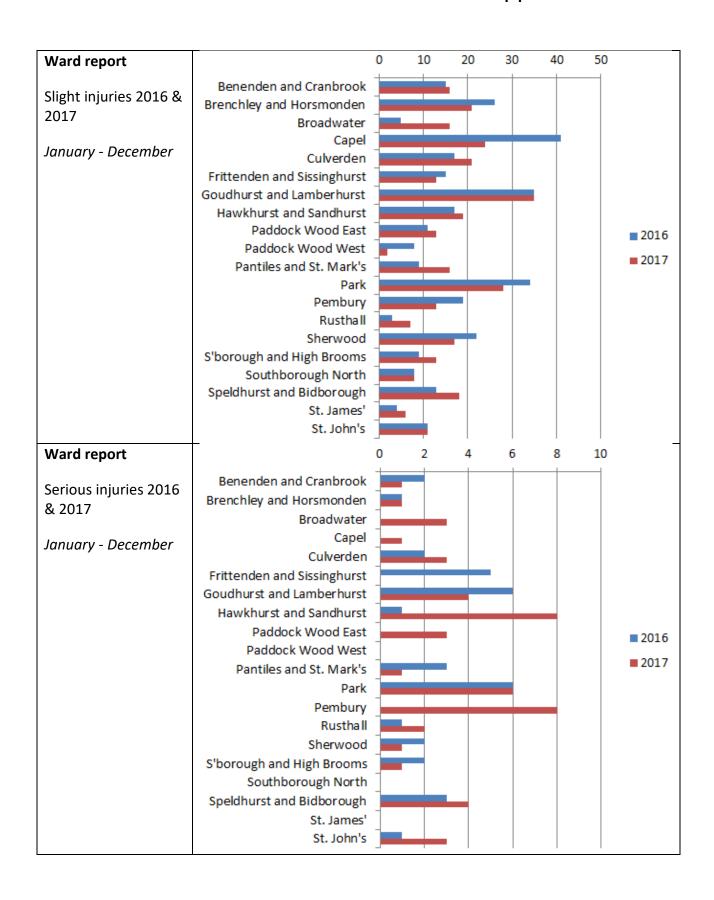
Ward-based datasets cover the calendar year 2017 so do not align precisely with district data which covers the later period, July 2017 – June 2018.

During the 2017 calendar year seven fatalities were recorded. Of these, six were car users (one listed as 'other') and one was over-65. There were no child, cyclist or pedestrian fatalities.

The number of fatalities was elevated by a single collision in Hawkhurst and Sandhurst which caused the deaths of three passengers and serious injuries to a minor, also a passenger. The incident was caused by excessive speed and the driver being over the legal drink-drive limit. The driver was sentenced in 2018.

On the A21 in Lamberhurst a man in his 30's died after his car hit a tree.

The charts below show the distribution of *slight* and *serious injuries* across Tunbridge Wells wards during 2016 calendar year.



Funded outcomes

Provider	Funding
Dave Allen, TWBC Community Safety Team	£700 (PCC, KFRS)

Service: The Captain Safety Show runs in November and is offered to primary schools for children in KS1 and KS2.

Outcome: Held in November at the Assembly Hall Theatre for urban schools and Sissinghurst Primary School for rural pupils. Around 850 children attended from across the borough.

CAPTAIN SAFETY ROAD SHOW 14TH NOVEMBER 2018

27 Primary schools were invited, 11 attended and 7 completed & returned the questionnaire

How satisfied were you with the event? (10 being excellent and 0 being poor)

	St Johns	St Augustines	Sissinghurst	Goudhurst	Rusthall	The Wells	St Marks
Location	10	10	10	10	9	10	10
Venue/Facilitiies	10	10	10	10	9	10	9
Length of Performance	10	10	10	10	8	10	9
Date and Time	10	10	10	10	9	7	10
Entertainer	10	10	10	10	9	9	9
Materials used of stage	10	10	10	10	6	9	8
Getting the Road Safety Message across	10	10	10	10	10	10	10
How likely is your school to attend a similar event in the future	9	10	10	10	7	10	9

Previous years

In 2015, 14 schools (10 urban / 4 rural) sent 675 children. The rural show was held at Hawkhurst Primary School.

In 2016, 13 schools (10 urban / 3 rural) sent 900 children. The rural show was held at Goudhurst and Kilndown Primary School.

In 2017, 12 schools (9 urban / 3 rural) sent 800 children. The rural show was held at Cranbrook Primary School.

Other outcomes

KCC Wardens continue to enforce road safety messages at schools, coffee mornings, residents groups, family fun days, youth clubs, social care groups and other gatherings and events throughout the year.

Road safety advice to school children (and staff) at primary schools is of particular value and is often reinforced by advice to parents outside the schools gates where inconsiderate parking occasionally contributes to unsafe crossing conditions for pupils as well as increased danger to other road users.

Provider	Funding
Safety in Action, Project Salus	£1250 (PCC)

'Safety in Action' is an interactive event that runs in April/May. Year 6 children learn about some of the dangers they may face as they become more independent and prepare for transition to secondary school.

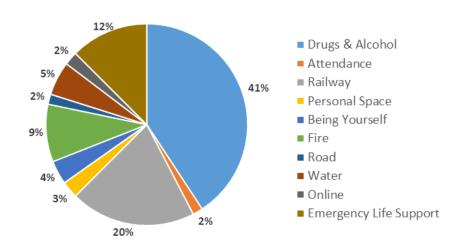
This event, which has been running in Kent since the early 1990's, is supported by many organisations including Salus, Kent Police, Kent Fire and Rescue Service, RNLI, KCC, British Transport Police and UK Power Networks.

Of the 1613 children that attended the event this year, 812 were from 15 Tunbridge Wells schools.

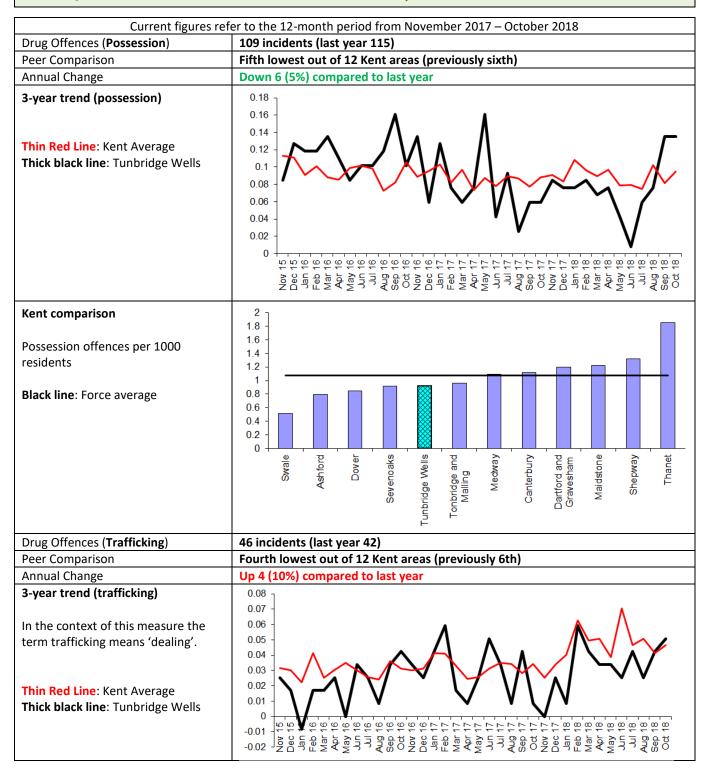
A number of scenarios were set up by different organisations, including drugs and alcohol, online safety, road safety and peer pressure.

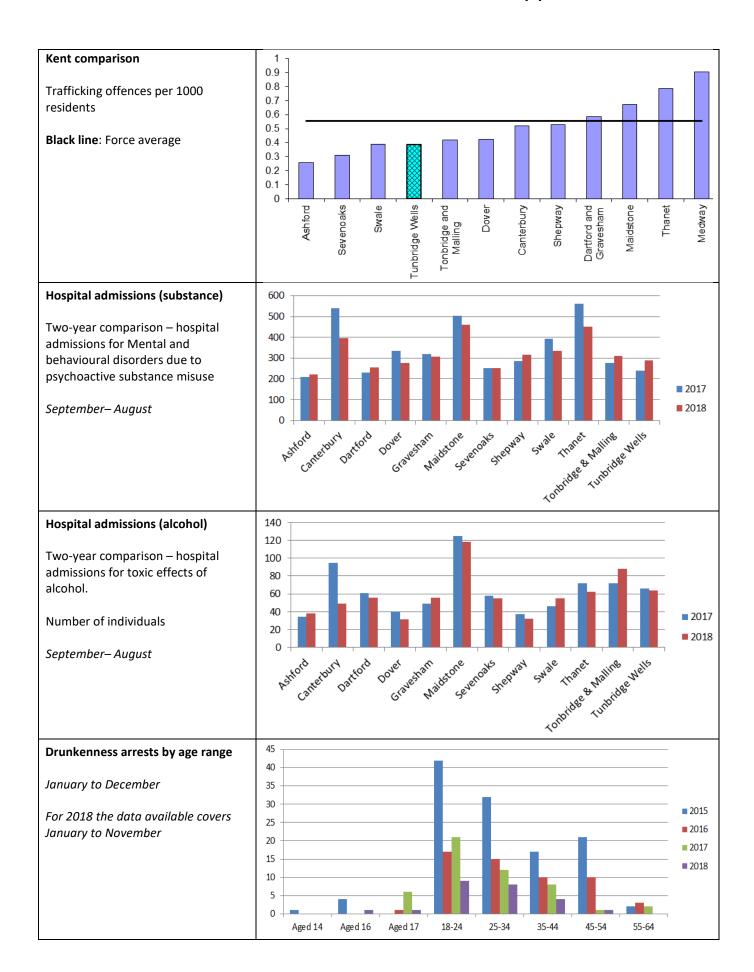
189 evaluation sheets were completed by children and 12 by staff. 51% of the children indicated that they felt that had learnt 'lots of things' to keep them safe, with 48% indicating they learnt 'a few things', and 1% 'not much'. 83% of the staff felt that the children had learnt 'lots of things'.

As part of the evaluation children were asked if they could choose one thing that they will remember about the day, what it would be. The chart below illustrates their combined answers.



Priority 3: Substance misuse and alcohol abuse \





Page 37

Arrests for drug offences (combined possession and trafficking offences)

Between November 2017 and October 2018, there were 1.3 recorded drug offences per 1,000 population in Tunbridge Wells. The Kent district average for the same period is 1.6.

This is no change from the same period last year and a slight improvement on 2015-16's 1.7 offences per 1000 population.

Tunbridge Wells remains 5th out of 12 Kent districts, a sustained improvement on the 10th and 9th positions of preceding years.

Trafficking

There was an increase in trafficking offences during the period, up from 42 to 46. Monthly fluctuations typically have seen Tunbridge Wells positioned variously above and below the Kent average. The past twelve months has seen Tunbridge Wells sit below the Kent average for all but the last two months of the given period. We are now 4th in Kent, faring slightly better than our 6th position last year.

It is worth noting that Tunbridge Wells Community Policing Team has a particular focus on substance misuse, particularly Class A drug dealing (trafficking) involving members of South London gangs.

Possession

Possession of drugs offences were down by 6 to 109 following a reduction of 58 offences last year. Tunbridge Wells is slightly below the Kent average and fifth lowest in the county (5th last year).

Arrests for drunkenness

Data for this category was available only to end November 2018 at the time this document was finalised for publication so we are unable to make a full calendar-year comparison. Of the 24 incidents recorded between January and November the town centre is the top location with isolated arrests in some residential areas and train stations.

Hospital admissions for toxic effects of alcohol

There were 70 hospital admissions due to the toxic effects of alcohol during the period September – August 2018. This is no change from the preceding period.

Culverden (10), St James' and Southborough and High Brooms (both seven) and Pembury and Hawkhurst and Sandhurst (both six) produced the highest admissions over the period. All other wards had less than five admissions (numbers less than five withheld to preserve anonymity of individuals).

Admissions for alcohol specific conditions in the under-18 age group remain similar in Tunbridge Wells to Kent as a whole.

The table on the following page lists the total number of hospital admissions (including repeat admissions) due to evidence of alcohol involvement by blood alcohol level or level of intoxication. These 70 admissions relate to 64 individuals.

Hospital admissions due to psychoactive substance misuse

There were 377 hospital admissions in 2017/18, an increase of 88 over the preceding period.

The table below lists the total number of hospital admissions (including repeat admissions) for mental and behavioural disorders due to psychoactive substance misuse. These 377 admissions relate to 288 individuals.

Hospital admissions - Sept 2017 - August 2018

For toxic effects of alcohol

10 Culverden 7 St James' Hawkhurst & Sandhurst 7 6 Southborough & High Brooms

6 Pembury Benenden & Cranbrook < 5 Rusthall < 5 < 5 Brenchley & Horsmonden < 5 Broadwater Goudhurst & Lamberhurst < 5 Paddock Wood West Pantiles & St Mark's < 5 Park < 5 < 5 St John's Sherwood < 5 Speldhurst & Bidborough < 5 Capel < 5 Frittenden & Sissinghurst < 5 Paddock Wood East < 5 Southborough North < 5

Due to psychoactive substance misuse

Culverden	41
St James'	41
Sherwood	35
Pantiles & St Mark's	30
Southborough & High Brooms	26
Brenchley & Horsmonden	25
Park	22
Benenden & Cranbrook	20
Rusthall	20
Pembury	17
Hawkhurst & Sandhurst	16
St John's	15
Goudhurst & Lamberhurst	15
Speldhurst & Bidborough	14
Broadwater	11
Southborough North	8
Paddock Wood East	7
Paddock Wood West	6
Capel	< 5
Frittenden & Sissinghurst	< 5

Funded outcomes

Provider	Funding
Kenward Trust	£7,000 (PCC)

Service: To deploy substance misuse workers to hotspots within the borough to carry out 1:1 and group work with adults and young people.

Outcomes: 26 sessions providing two or more outreach workers to locations identified with young people drinking alcohol and smoking cannabis where anti-social behaviour may also be a factor. There follows a snapshot of the work undertaken by Kenward in Q3.

Calverley Grounds and surrounding areas

15:30 to 17:00

We met some large and small groups who would gather for a short period of time. Cigarettes and cannabis were being smoked, not much evidence of alcohol at this time. Many of the young people knew the workers from school talks. This group is easy to engage and are very receptive to exploring their behaviour with some good discussions on the substances they were identified with. We see a bigger number of females during this period. Ages are around 13 to 17 and we do see some older males who are smoking cannabis mixing with the females.

19:00 to 21:00

The groups we meet are normally 3 to 10 young people, mainly males aged 14 to early 20s. Cannabis is the main substance used. Conversations with young people look at behaviour and risks. Our main difficulty is the lack of consequences they face when caught.

Currently we have two new workers who share their stories of alcohol-fuelled aggression and carrying drugs, which ultimately led to prison sentences. These stories are very powerful and do get young people thinking and talking.

Paddock wood

This area has been a bit hit and miss. We have tried a variation on times to engage young people who are seen to be causing anti-social behaviour in the area. We have come across small groups of two to seven young people, all males and approximately 13 to 16 years old.

There have been no real issues on substance misuse we have come across. The team shared information and education of positive choices. In January a team was deployed on Saturdays. We will report on this as part of Q4 reporting.

From our engagement with members of the public and retailers we can see there are some issues, but quite sporadic. I feel that sending workers there each week is not productive and it would be better to be reactive to CSU morning briefings on issues that arise.

Other work

In December we started to look at St John's Park due to an increase in daily briefing reports. This area is seeing large numbers of young people mainly smoking tobacco and cannabis. There are two main schools that use this area, the Boys' Grammar and Two Bridges pupil referral unit. There is a perception that a lot of cannabis smoking goes on here. This appears to be primarily cigarettes during the day and cannabis after school hours. During the early evening we are seeing alcohol litter and signs of cannabis use. We are planning to engage with schools through our Think Differently programme. We will continue to focus on the behaviour in and around the schools in the St John's area.

Kent College, Pembury

The team spent a day at the college talking to all year groups about drugs and alcohol and positive choices. The team saw 150+ students.

Provider	Funding
Churches Together Winter Shelter, TWBC (Jan-Feb 2018)	£3,000 (PCC)

Service: Support the Winter Shelter, and in particular, clients who attend who are sleeping rough and have needs around substance misuse and maybe offending to support their habit.

Outcomes: Number of offenders and individuals with substance misuse issues using shelter: three. Number with positive outcomes: seven rough sleepers were housed (one into rehab).

Other work is undertaken by the Shelter Manager in respect of moving clients towards employment and attaining important documentation in respect of benefits and banking.

Provider	Funding
Street Pastors Tunbridge Wells	£2,500 (PCC)

Service: Provide a positive presence in the night time economy.

Outcomes: Last year's figures for the same period in brackets. During Q1-Q3 street pastors engaged with just under 1,500 (2,000+) people during weekend evenings (Thurs-Sat) and into the early hours of the morning. As well as providing advice and, in some cases, comfort to late night revellers, street pastors helped keep people safe by calling for an ambulance on five (six) occasions and the police five (19) times. They enlisted the help of CCTV Operators on 12 (14) occasions using the two 2-way radios provided free of charge by the Safe Town Partnership.

Part 2 - Conclusion

This strategic assessment (SA) sets out the priorities that the Community Safety Partnership (CSP) should focus on for the forthcoming financial year (2019/20) and determines what service should be funded to address those priorities.

As has been the case over several years, crime figures are presented with a number of caveats; particularly with respect to long-term trends. However, all things being equal we would expect the data to show that Tunbridge Wells remains one of the safest places in Kent. The *County Positions* column of the table on page 3 demonstrates this to be so.

Despite this, the graphs on page 4 show Tunbridge Wells experienced a more pronounced rise in the catch-all categories of *all crime*, *victim-based crime* and *violent crime* than other local authority areas in Kent. Where previously we were first, first and second, we are now second, second and third, respectively.

There is clearly some work to be done to determine if improvements to the way crime is recorded can account for these unusual increases in our borough. That said, it is encouraging to note that an initial analyst enquiry made by senior police officers based in the CSU suggests there are no causes for concern and no crime series has been highlighted for specific attention or additional resources.

The Crime Survey of England and Wales (CSEW)

The CSEW seeks to measure the amount of crime by interviewing around 50,000 adults and 4,000 children and offers a further means of determining a fuller picture of crime across the country. The survey is unaffected by changes in levels of reporting to the police or police recording practices.

The CSEW report of September 2018 draws attention to these familiar points about levels of crime:

- An increase in the number of crimes recorded by the police does not necessarily mean the level of crime has increased.
- For many types of crime, police recorded crime statistics do not provide a reliable measure of levels or trends in crime as they only cover crimes that come to the attention of the police.
- Police recorded crime can be affected by changes in policing activity and recording practice and by the willingness of victims to report.

I have extracted some detail about specific crime types and presented them on the following pages.

Criminal damage and arson

CSEW: No change in overall criminal damage and arson offences

Locally, we have seen an increase of 17% for criminal damage offences and 39% for arson. There are a range of increases and reductions across the county, with Tunbridge Wells having the lowest number of incidents per 1000 residents. The increase in arson amounts to nine more incidents over the preceding period.

Public order offences

CSEW: 24% increase in police recorded public order offences. A large part of this increase is likely to reflect improvements and changes to recording practices. For example, an incident that may have previously been recorded as anti-social behaviour may now be recorded as a public order offence.

Tunbridge Wells has seen a 130% increase over the preceding period. This is not dissimilar to increases in other Kent local authority areas. We rate second best for public order offences.

Robbery

CSEW: 17% increase in police recorded robbery offences. Recording improvements are likely to have contributed to this rise, but the impact is thought to be less pronounced than for some other crime types. The CSEW does not provide a robust measure of short-term trends in robbery as it is a relatively low-volume crime.

Locally, an increase of 156% in the category 'robbery of personal property' amounts to an additional 28 incidents. There are a range of increases and reductions across Kent. We rate second best in Kent.

Sexual offences

CSEW: The number of sexual assaults picked up by the CSEW is unreliable due to high levels of non-response to the specific question. There has been increased public awareness and discussion about these types of crimes due to high-profile cases and social media campaigns. This may mean people are more likely to report such offences in the survey. Therefore, it's difficult to tell if this is a genuine increase.

Locally, we have seen an increase of 56%. In terms of volume other local authorities have experienced bigger increases. We rate third best in Kent.

Theft

CSEW: The CSEW provides the better indication of overall trends in theft offences. However, police recorded crime data can help identify short-term changes.

Locally, we have experienced a rise in vehicle offences and a reduction in residential burglaries. The rates of change, particularly in respect of volume, are not too dissimilar to those experienced by other Kent areas.

Violence

CSEW: No change in overall violence offences estimated by the CSEW. The CSEW provides the better indication of overall trends in violent crime, providing a good measure of the more common but less harmful offences.

Locally, an increase of 55% has moved Tunbridge Wells down from second to third in Kent. Countywide, the increase is not dissimilar to other Kent areas and in some cases the increase is smaller by volume.

Road safety

The latest official release of collision data covers the period July 2017 – June 2018 (district data) and January – December 2017 (ward data). Data recording underwent significant changes in 2016. The Department of Transport state "It has long been known that non-fatal (and particularly slight) casualties are underreported to the police and therefore this figure is likely to be an underestimate of the total."

In terms of the reported data Tunbridge Wells is well-placed in terms of road safety when compared to other Kent local authorities. Data for the period shows an appreciable reduction in casualties amongst cyclists and under-16s and an increase of a similar scale for pedestrians and over-65s.

More recently, a series of collisions (six) in October and November 2018 involving pedestrians has been reported locally. In January an elderly man died while crossing North Farm Road.

Despite the recent spate of casualties, data from 2017 and 2018 (which is believed to be more reliable than 2016 and earlier) would suggest that Tunbridge Wells is well-placed in terms of road safety, particularly when compared to other Kent local authorities.

Recommended priorities

Domestic Abuse

Tunbridge Wells is well-placed amongst Kent local authorities in terms of numbers of incidents, and repeats, and we benefit from an excellent West Kent DA service provided by Domestic Abuse Volunteer Support Services (DAVSS).

We will continue to fund DAVSS from the PCC grant and TWBC community safety contribution to provide support for victims under a combined service level agreement with Sevenoaks District Council and Tonbridge and Malling Borough Council.

Last year we undertook to combine local authority DA Forums into a West Kent model. We will strengthen this further over the next 12 months with a combined action plan that seeks to provide value for money by pooling resources and drawing closer working practices from

combined West Kent services, such as DAVSS, CDAP, the Tonbridge-based One-Stop-Shop and Kent Police.

Also last year, Tunbridge Wells Borough Council and DAVSS secured a further £10,000 from the Home Office's Violence Against Women and Girls (VAWG) fund to provide additional services to children affected by domestic abuse. This is in addition to the £130,000 secured in 2017 for the three-year Support Plus Transformation project co-commissioned with Sevenoaks and Tonbridge & Malling councils.

Work to address repeat offenders in West Kent through Kent Police and CDAP initiatives is ongoing.

Substance Misuse and Alcohol Abuse

While the data suggests there has been an overall reduction in drug offences in Tunbridge Wells over the past two years, local information suggests cannabis and alcohol use among young people is still prevalent in public places, such as parks and town centre car parks. Similarly, reports of alcohol and cannabis use amongst young people in Paddock Wood often are associated with anti-social behaviour.

An active night time economy, exclusive to a degree in the west of Kent, also brings an element of alcohol abuse into the town centre.

Anti-social Behaviour

Although the table shown on page three suggests Tunbridge Wells has experienced a 30% reduction in ASB we are cognisant of the fact that this is not a true reduction but a result of new recording methods.

Over the past year or so the Council's Community Safety Officer and Kent Police's ASB Officer have placed a heavy focus on youth ASB. This was initiated, in part, due to persistent issues in parks and open spaces and frequent criminal damage to public property.

The multi-agency youth project, which drew widespread positive feedback, extended beyond the town centre into Southborough, Rusthall and Paddock Wood and the results have been extremely positive.

It's pleasing to note that the Early Help team have now adopted and extended the programme to include a number of safeguarding strands, including drug misuse, domestic abuse and a variety of exploitation issues that young people can face.

Nevertheless, anti-social behaviour persists in our public spaces and often this is combined with risky behaviour involving drugs and alcohol. Evidence for this comes from calls and complaints from residents to the CSU, local councillors and police. Research for the morning briefings often highlights issues in Paddock Wood and Tunbridge Wells town centre, amongst other locations. A snapshot from a randomly selected briefing agenda in February 2019 illustrates this:

"Large group of teenagers shouting and swearing and smashing bottles onto pavement and road." Friday, 21:46, Rusthall.

"10 youths drinking and taking drugs, they are being loud and playing music." Friday 21:20, The Grove.

"Four youths, two in the park and two in the car park, shouting and being a nuisance." Friday, 21:09, Southborough.

"Three youths throwing coins at cars and filming it as the cars exit the car park." Saturday, 15:16, Tunbridge Wells town centre.

It should be noted that there are often groups of young people 'hanging around' in parks, car parks and near the train station in Paddock Wood and they are not always 'up to no good.' However, we feel it would be helpful to retain a focus on this area of community safety through 2019 and into 2020. Further, work that can be undertaken in this regard will support the Police and Crime Commissioner's violence reduction initiative, particularly the prevention and engagement strands as exploitation by adults is known to occur where drug use is an established 'pastime' and amongst disaffected youths on the fringes of criminality.

Road Safety

The Community Safety Partnership will continue to support road safety in a number of ways, such as: organising the annual Captain Safety roadshow; promoting road safety messages during Road Safety Week in support of KFRS and the Brake Organisation; and supporting councillors and residents to form Community Speed Watch Groups. Our KCC Wardens are also committed to working with community groups and schools to deliver positive messages to residents and pupils and to support schools when parent parking becomes a safety issue.

Further, the Council is currently preparing a Local Cycling & Walking Infrastructure Plan (LCWIP). Central to this is a necessity to improve the safety of key routes to encourage shorter journeys to be made on foot or by bike. The types of design measures that will be required to make a real difference will include:

- New and improved road crossings
- Better lighting and signing
- Slower traffic speeds (e.g. 20mph schemes)

It is intended that the LCWIP will be brought forward alongside the review of the Transport Strategy and the new Local Plan.

Part 3 - Actions and recommendations for 2019/20

Priority 1: Domestic abuse

Action	Primary agency/agencies	Measure
Provide DA support services to men and women at all levels of risk. Encourage early reporting by promoting the helpline and available services. Provide training aimed at awareness raising and prevention.	DAVSS	Number of referrals. Number of high, medium and standard risk referrals dealt with. Number/types of training provided.
Prioritise and refer all high-risk cases to a Multi-Agency Risk Assessment Conference (MARAC), and regularly assess volatility of risk levels in all other cases and refer to MARAC as necessary.	DAVSS, Kent Police, West Kent MARAC Co-ordinator	Number of cases referred to/supported at MARAC number of repeat cases.
Refer women to the Freedom programme for domestic abuse awareness and support.	DAVSS, DA Forum	Number of programmes run.
Provide support to perpetrators of domestic abuse to change their behaviour through the Community Domestic Abuse Programme (CDAP).	Kent CDAP	Number of men supported through CDAP.
Provide support to victims of sexual abuse through the independent sexual violence advisor.	Family Matters	Number of victims supported.
Work with shared services and other local authorities to ensure joined up working, value for money and positive outcome for victims through the WK DA Forum.	WK DA Forum	Joint West Kent action plan.
Provide the sanctuary scheme to victims of DA, securing properties to allow them to remain in their own home.	TWBC Housing, Look Ahead	Number of properties secured.

Other recommendations

- Raise awareness of DA with partners and continue to ensure signposting information is current
- Work to increase numbers attending CDAP and Freedom programmes
- Work with Offender Management (Probation, KSSCRC) to address DA related issues while an offender is under sentence
- Work with Kent Police and CDAP to ensure un-charged or cautioned perpetrators are offered support to change
- Work with DAVSS to ensure as much of the 3-year Home Office funded VAWG (Violence against Women and Girls) project is mainstreamed by project-end (2020)

Overall target: To reduce the harm caused by domestic abuse incidents.

Specific target: To see a reduction in the number of repeat cases of domestic abuse.

Priority 2: Substance misuse and supply, and alcohol abuse (including violence-related issues)

Action	Primary agency/agencies	Measure
To deploy substance misuse workers to hotspots within the borough to carry out one-to-one and group work with young people.	Kenward Trust	Number of individuals engaged with.
Work with Trading Standards on a Community Alcohol Partnership (CAP) to identify and address issues around underage drinking in Tunbridge Wells and other areas.	Trading Standards, CAP CIC, TWBC (CSU, Health), Kenward Trust, KCC Wardens, Kent Police	Identification and location of issues. Programs in place to address hotpots and relevant cohorts.
Support the Winter Shelter, in particular those clients with needs around substance misuse and offending.	Churches for Tunbridge Wells, TWBC, CSU	Number of positive outcomes and engagements related to clients' substance misuse issues.
Provide a positive presence in the night time economy.	Street Pastors	Number of people engaged. Number of services called.
Carry out targeted work for those identified with substance-related offending/ASB.	CGL	Individuals engaged through group and one-to-one work.
Provide drug and alcohol misuse services for 10-17-year olds including 1:1 and group work.	Addaction, Kent Police	Number of young people worked with.
Deliver Drug Use Screening Tool (DUST) training to professionals.	Addaction, Early Help	Number of professionals trained.
Ensure frontline officers access IBA (Identification and Brief Advice) training to reduce risky drinking amongst client groups.	Various providers	Number of professionals trained.
Exclude individuals convicted of violence offences from Pubwatch members' licensed premises.	Safe Town Partnership (STP), CCTV, Kent Police	Number of exclusions in force.
Use Safe Town radios to prevent and detect violent crime, by sharing intelligence between licensees/retailers, CCTV control room and police.	STP, TWBC CCTV, Kent Police	Pubwatch instigated incidents monitored by CCTV.
Use CCTV to assist with detecting violent crime.	TWBC, Kent Police	Violent offences monitored.
Tackle criminal gangs that target Tunbridge Wells residents.	Kent Police	Number of arrests and prosecutions of gang members.
Provide licensing training to staff around responsibilities when serving alcohol, including: making sure they adhere to the licensing act, under-age sales, and drug use.	Kent Police, STP	Number of training sessions offered by Kent Police.

Other recommendations

- Link in with Licensing team to promote zero-tolerance of sexual harassment in NTE venues
- Promote Alcohol Awareness week
- Police, Wardens and PCSOs to continue to gather intelligence on underage and proxy sales
- Encourage frontline professionals to promote the Know Your Score online evaluation tool for alcohol consumption for over-18

Specific target: Reduction in alcohol and substance related crimes and anti-social behaviour in affected areas.

Priority 3: Anti-social behaviour (incl. risk reductions in CSE and gangs)

Action	Proposed primary agency* / Other agencies	Outcome/measure
Scope agency knowledge and awareness of CSE and Gang issues, reporting routes and safeguarding lead.	Community Safety Team* (CST), statutory partners, key agencies	An understanding of agency needs/gaps and relevant contacts established with key agencies.
Identify graffiti-taggers through improved overt surveillance.	CST*, local agencies	Strategic camera deployments, stronger links to CCTV Control Room through briefings
Encourage speedier removal of graffiti; providing cleaning kits where appropriate.	CST*, Street Scene, developers, property owners	Tags in high profile locations identified; landowners encouraged to remove them within the shortest possible timeframe.
Acquire promotional materials to support CSE and related campaigns, action days; and other agency engagement opportunities.	CST*, police, KCC	The CSU already has a variety of posters and leaflets that cover some of these themes. Others will be sought.
Drive to raise awareness in schools, pupil referral units and other YP educators (ie. Horizon Project, YMCA).	CST*, Early Help, KCC, key agencies	CSE/Gangs training delivered or offered.
Ensure agencies attend or link in with local Vulnerability and OCG Boards and to refer victims and perpetrators.	CST*, police	Partner attendance at, and relevant referrals made to, either of these monthly meetings.
Regular attendance at county/regional CSE/Vulnerability meetings.	Community Safety Manager, Community Safety Officer	To feed into the national picture, pick up best practice from around Kent and to seek support for local projects.
Exclude individuals, incl. YP, from Safe Town members' retail premises where anti-social behaviour is a factor.	Business Crime Co-ordinator	Number of YP excluded through the use of evidence provided by retailers, CCTV Ops and our Community Safety Officer.
Consider a West Kent approach to these thematic areas.	West Kent Community Safety Managers	To improve work streams and make better use of resources.
Target specific individuals causing ASB in TW and Paddock Wood.	Community Safety Officer	Warning Letters and Acceptable Behaviour Agreements etc served on repeat offenders.

Other recommendations

- Consider a buddy system for people with mental health issues to reduce ASB at their home address and to provide a level of protection against those who might wish to use their address for drug supply
- Form stronger links with Youth Service providers to encourage zero tolerance of ASB in the neighbourhoods in which they work
- More frequent 'all out' events in key areas in Tunbridge Wells and towns/villages
- Focus on prevention of gang involvement, risk of exploitation, danger of county lines etc through small workshops at schools
- Collate requirements for structured youth programmes in urban and rural communities through liaison with KCC Early Help and commissioned providers
- Consider a video project for 16 to 18-year-olds illustrating the negative impact of alcohol on communities to tie in with the launch of the Community Alcohol Programme

Overall target: To reduce the effects of anti-social behaviour in town centre open spaces and specific rural areas; and address situations where repeat offenders cause an imbalance in perception.

Priority 4: Road safety

Action	Primary agency/agencies	Measure
Convene a Task and Finish group to better understand the rise in casualties among the over-65s and children.	CSU, KFRS, KCC, Kent Police	Group convened on one or more occasions. Underlying data establishes a focus.
Education in schools and community groups to include various KFRS-led programs.	KFRS, KCC Wardens	Projects completed and feedback provided.
Work with KCC and KFRS to promote messages locally and link in with national and local campaigns including Road Safety Week.	CSU	Number of campaigns supported.
Involve Tunbridge Wells students in innovative new Road Safety Experience (RSE) at Rochester.	KFRS, CSU	Number of sessions held.
CSU to support efforts to engage schools.		Sessions held and feedback received.
During Road Safety Week: Provide safety message to primary school children. Organise activity with partners to tackle all road users.	CSU, KRFS	Number of presentations/activities.
Direct KCC Warden public engagement opportunities on road safety topics, particularly around schools.	CSU, KCC Wardens	Number and type of engagements, attendee numbers.
Run Captain Safety event during Road Safety Week for KS1 and KS2 students.	CSU, Dave Allen	Number of schools/students attends. Student/school feedback.
Contribute funding for Safety in Action event for Yr 6 students transitioning to high school.	CSU, Project Salus	Number of Tunbridge Wells students attending.
Direct KCC Warden service to engage with over-65s at appropriate clubs and coffee mornings etc.	KCC Wardens and other partners	Attendance at suitable gatherings.
Use Highways resources and publically available crash data to identify accident 'hotspots'.	CSU and partners	Better identification of repeat of vulnerable locations.

Other recommendations

- Investigate programs such as 'Good Egg Guide' and 'Beep Beep Day' for young people to address child casualties.
- Engage Tunbridge Wells' residents locally with RSE resources (Engagement Van, Seatbelt Slide demo).
- Consider public engagements targeted at pedestrians and over-65 road safety

Overall target: Increase road safety for all road users and contribute to KCC's 2020 target to reduce killed and seriously injured casualties.

Specific target: To see a reduction in pedestrian casualties and over-65s.

Full Council

24 April 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Review of the Constitution April 2019

Final Decision-Maker	Full Council
Portfolio Holder(s)	Councillor David Reilly – Portfolio Holder for Finance and Governance
Lead Director	Lee Colyer – Director of Finance, Policy and Governance
Head of Service	Patricia Narebor – Head of Legal Partnership
Lead Officer/Author	Estelle Culligan – Principal Solicitor, Contentious and Corporate Governance
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

- 1. That Part 2, Article 10 (Suspension, Interpretation and Publication of the Constitution), Paragraph 10.3 be amended so that the words: "The Monitoring Officer will give a printed copy of this Constitution to each member of the Council upon delivery to him of that individual's declaration of acceptance of office on the member first being elected to the Council" be replaced with: "All members are referred to the up to date version of the Constitution, which is maintained online. The Monitoring Officer will give a printed copy of the Constitution to a member of the Council if that member requests a copy";
- 2. That Part 3, Section 7 (Audit and Governance Committee), Paragraph 7.1 be amended so that the words "5 independent members" be replaced with: "2 independent members";
- 3. That Part 3, Annex C (Officer Scheme of Delegations), Table 1 (General Delegations to All Chief Officers), Paragraph 13 be amended so that the words: "Monitoring Officer £250" be replaced with: "Monitoring Officer £500";
- 4. That Part 3, Annex C (Officer Scheme of Delegations), Table 2 (Delegations to the Chief Officers) be amended to add a new clause after paragraph 51 that reads: "To settle employment claims and other staff related payments in consultation with the Head of Paid Service and the Head of Human Resources, Customer Services and Culture, where it is in the best interests of the Council to do so." and the subsequent paragraphs be renumbered as appropriate;

(Continued overleaf)

Agenda Item 8

- 5. That Part 3, Annex C (Officer Scheme of Delegations), Table 2 (Delegations to the Chief Officers), Paragraph 60 be amended so that the words: "exceeding £50,000" be replaced with: "between £50,000 and £250,000";
- 6. That Part 5, Annex 4 to the Code of Conduct (Code of Conduct for Employees) be amended to add a new clause after paragraph 11.4.2 that reads: "Any gift up to a de minimis equivalent financial value of £25, which can be accepted and does not need to be declared, up to a cumulative maximum of £100 in any one financial year."
- 7. That Part 3, Section 9 (Investigatory Committee) be amended as set out at Appendix A to the report;
- 8. That an Independent Panel be established and the terms of reference as set out at Appendix B to the report be agreed. Said terms of reference to be added to Part 3 after section 10 and the subsequent sections be renumbered as appropriate; and
- 9. That the minor amendments made under the Monitoring Officers delegated authority set out at Appendix C to the report be noted.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

• Providing Value – A Constitution that is regularly reviewed and up-to-date enables efficiency and efficacy across a range of Council services.

Timetable			
Meeting	Date		
Management Board	16 January 2019		
Constitution Review Working Party	13 March 2019		
Agreed for publication by Portfolio Holder	20 March 2019		
Agreed for publication by Head of Service	20 March 2019		
Constitution Review Working Party	21 March 2019		
Audit and Governance Committee	2 April 2019		
Full Council	24 April 2019		

Tunbridge Wells Committee Report, version: March 2019

Review of the Constitution April 2019

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report sets out and recommends several amendments to the Constitution following consultation with the Constitution Review Working Party.
- 1.2 The proposed amendments fall into two categories: firstly from the outcome of a 'page-turn' exercise which will help the Council operate more smoothly; the second are related to the disciplinary policy for senior statutory officers, which come about at a result of legislative changes.

2. INTRODUCTION AND BACKGROUND

- 2.1 Under the Tunbridge Wells Constitution, the Audit and Governance Committee is responsible for "oversight of the effectiveness of the Constitution and making recommendations for change. The Constitution Review Working Party meets as an when required to assist the Audit and Governance Committee with considerations of reviews of the Constitution prior to recommendations to Full Council and to act as a sounding board for the delegated decision making powers of the Monitoring Officer.
- 2.2 The CRWP met on 13 March 2019 in an informal capacity primarily to receive a briefing on a number of changes to be made under the Monitoring Officer's delegated authority; the other changes requiring approval were also touched on at that time. The CRWP further met on 21 March 2019 to discuss the specific proposals set out in this report.
- 2.3 The senior statutory officers are the Head of Paid Service, the Section 151 Officer (The Director of Finance, Policy and Development) and the Monitoring Officer (The Head of the Legal Partnership). They are subject to a statutory disciplinary and dismissal scheme contained within the Local Authorities (Standing Orders) (England) Regulations 2001. These regulations set out a procedure for disciplinary action and stated that dismissal of the statutory officers could only be in accordance with a recommendation in a report made by a Designated Independent Person (DIP). For TWBC, the procedure only affects the Chief Executive and the Section 151 Financial Officer as the Monitoring Officer is employed by Swale BC.
- 2.4 On 11 May 2015, the Local Authorities (Standing Orders) (Amendment) Regulations 2015 replaced the Designated Independent Person (DIP) provisions with a Panel process. Following this, the Joint Negotiating Committee (JNC) published an updated edition of the Chief Executives' Handbook in which the model procedure for dealing with matters of discipline incorporates the new statutory process.

- 2.5 In summary, the changes to the procedure are:
 - that the final decision to dismiss any of the senior statutory officers must be by resolution of full Council.
 - that the Council appoints a standing Investigatory Committee to investigate all disciplinary issues involving any of the three statutory officers.
 - that the Council appoints an Appeals Panel which can deal with all appeals on disciplinary decisions short of dismissal involving the statutory officers.
 - that the Council appoints an Independent Panel which must include two Independent Persons. This Panel reviews and comments on any recommendation of the Investigatory Committee to dismiss a statutory officer.
 - that, before taking a vote on whether to approve such a dismissal, full Council must take into account, in particular:
 - o any advice, views or recommendations of the Independent Panel
 - the conclusions of any investigation into the proposed dismissal;
 and
 - any representations from the statutory officer who is the subject of the proposed dismissal
- 2.6 Although full Council must take the issues stated above into account, it is not bound by them. This is different to the current procedure, whereby the Council must appoint a DIP and must act in accordance with the DIP's report and recommendation.
- 2.7 TWBC's HR team is currently working to update the Council's Disciplinary Policy, which incorporates the model procedures.

3. PROPOSED CHANGES FROM THE PAGE-TURN EXERCISE

Printed copies of the Constitution (Recommendation 1)

- 3.1 <u>Description:</u> The Constitution currently requires that all new members be issued with a printed copy of the Constitution which is currently 348 pages long. This becomes out of date as soon as any amendments are approved and results in an unmanageable number of Constitutions in various degrees of completeness being in circulation. The Constitution is now available online which provides a definitive and always current version. Furthermore, all members have either a Council issued tablet or have opted to use their own device which will become mandatory for all meeting agenda, reports and minutes etc. in the new municipal year. The Constitution is also already available through the same devices. It is proposed that printed copies of the Constitution will only be issued on request.
- 3.2 <u>Amendment:</u> Part 2, Article 10 Suspension, Interpretation and Publication of the Constitution, Paragraph 10.3:

"10.3 Publication

The Monitoring Officer will give a printed copy of this Constitution to each member of the Council upon delivery to him of that individual's declaration of

acceptance of office on the member first being elected to the Council. All members are referred to the up to date version of the Constitution, which is maintained online. The Monitoring Officer will give a printed copy of the Constitution to a member of the Council if that member requests a copy."

Independent Members (Recommendation 2)

- 3.3 <u>Description:</u> Full Council on 23 May 2018 agreed in principle (FC8/18) to reduce the number of independent members on the Audit and Governance Committee. The Committee has functioned well with only two independent members since. Therefore it is proposed to make this change permanent. This type of change could ordinarily be made under the Monitoring Officer's delegated authority. However, the report to Full Council specifically set out that the decision was to come back to Full Council.
- 3.4 <u>Amendment:</u> Part 3, Section 7 Audit and Governance Committee, Paragraph 7.1:

"7.1 Membership:

8 members of the Council

5 2 independent members

2 members of a parish or town council wholly or mainly in the Council's area"

Monitoring Officer's approval limit in cases of maladministration (Recommendation 3)

- 3.5 <u>Description:</u> Increases the limit to which the Monitoring Officer may make payments or provide other benefits in cases of maladministration from £250 to £500. The requested change is to bring the approval limit in line with that of other senior officers.
- 3.6 Amendment: Part 3, Annex C Officer Scheme of Delegations, Table 1 General Delegations to All Chief Officers, Paragraph 13:
 - "13. To make payments or provide other benefits in cases of maladministration in accordance with Section 92 of the Local Government Act 2000 (as amended) as follows:

Chief Executive £1,500
Directors £1,000
Monitoring Officer £250 $\underline{500}$ Heads of Service £500"

Section 151 Officer's approval of staff related payments (Recommendation 4)

3.7 <u>Description:</u> Adds delegated authority for the Section 151 Officer to settle employment claims and other staff related payments and renumbers the subsequent paragraphs as appropriate. Requested change is within the normal responsibilities of a Finance Director.

- 3.8 <u>Amendment:</u> Part 3, Annex C Officer Scheme of Delegations, Table 2 Delegations to Chief Officers, New paragraph 52:
 - "52. To settle employment claims and other staff related payments in consultation with the Head of Paid Service and the Head of Human Resources, Customer Services and Culture, where it is in the best interests of the Council to do so."

Monitoring Officer's approval limit to settle court proceedings (Recommendation 5)

- 3.9 <u>Description:</u> Changes the limit to which the Monitoring Officer may settle court or tribunal proceedings. Settlements between 50,000 and £250,000 require that the Section 151 Officer and the Leader or Deputy Leader be consulted. Settlements above £250,000 would, by default, be key decisions and only decided by Cabinet except in cases of urgency. Requested change reflects the seniority of the Head of Legal and Monitoring Officer and allows flexibility to take decisions in a wider variety of legal cases.
- 3.10 <u>Amendment:</u> Part 3, Annex C Officer Scheme of Delegations, Table 2 Delegations to Chief Officers, Paragraph 60:
 - ****60.** To settle any action in any court or tribunal in which the Council is a party or where legal proceedings are indicated providing that any settlement exceeding £50,000 between £50,000 and £250,000 will be subject to prior consultation with the S151 Officer, and the Leader or Deputy Leader of the Council except in cases of urgency where the settlement is made on the advice of Counsel."

Value of disclosable gifts for officers (Recommendation 6)

- 3.11 <u>Description:</u> Adds an exception to declarable gifts for officers where the value is less than £25. Approving and recording all trivial gifts is time consuming and an unnecessary control. Items of a token value and promotional nature are already exceptions to declaration and this statement of equivalent financial value helps to clarify the code.
- 3.12 <u>Amendment:</u> Part 5, Annex 4 to the Code of Conduct Code of Conduct for Employees, New paragraph 11.4.3:
 - "11.4.3 Any gift up to a de minimis equivalent financial value of £25 does not need to be declared, up to a cumulative maximum of £100 in any one financial year."

4. PROPOSED CHANGES FROM LEGISLATIVE CHANGES

Investigatory Committee (Recommendation 7)

4.1 <u>Description:</u> The regulations state that the Investigating and Disciplinary Committee must be a politically balanced committee. The model procedure suggests that it comprises five members. The committee may need to meet at

Agenda Item 8

short notice to consider allegations and take decisions urgently, including whether there is a clear case to answer and whether there is a need to suspend a statutory officer immediately. The committee has an important role in considering the report of any independent investigator which it might appoint to carry out the initial investigation. The committee will also be making recommendations directly to Council, therefore it is important that it is not a sub committee of any other committee, but is a standing committee in its own right. The model procedure states, that where a Council operates a Cabinet and Leader model of governance, a member of Cabinet should sit on the Investigatory Committee. The Council already has a standing Investigatory Committee, set out in Part 3 of the Constitution, but the committee requires some amendments to its terms of reference.

4.2 <u>Amendment:</u> Part 3, Section 9 Investigatory Committee:

Section to be amended, details as set out at Appendix A to the report.

Independent Panel (Recommendation 8)

- 4.3 <u>Description:</u> The regulations state that the Independent Panel must comprise at least two independent persons who must be the Independent Person appointed to oversee code of conduct complaints for the Council and at least one other Independent Person. This other Independent Person can be appointed by the Council or could be someone who carries out the same function for a neighbouring authority. It is proposed that Michael O'Higgins, the Council's Independent Person and Barbara Varney (Independent Person for both Swale BC and Maidstone BC) are asked to comprise the panel, and that the requirement to sit on the panel is included in the role description for any future recruitment of the Independent Person.
- 4.4 Amendment: Part 3, New section 11:

Section to be added, details as set out at Appendix B to the report.

Other minor changes made under the Monitoring Officer's delegated authority for noting (Recommendation 9)

4.5 Article 9 of the Constitution - Legislative Changes - states that any part of the Constitution may be amended by the Monitoring Officer where such amendment is required to be made so as to comply with any legislative provision. Such amendments shall take effect when the Monitoring Officer so decides or the legislation (where relevant) so provides. Details of further minor changes necessary to implement the changes in legislation are set out in Appendix C to the report for noting. These changes will come into effect at the same time as recommendations 7 and 8.

5. AVAILABLE OPTIONS

- 5.1 Approve the changes
- 5.2 Decline some or all the proposed changes.

5.3 Recommendations 7, 8 and 9 are deemed to be in accordance with best practice in implementing the legislation. Failure to agree these items would require an alternative proposal which satisfies the statutory process.

6. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

6.1 It is recommended that all the aforementioned proposals are approved. The proposed changes have been put forward by the relevant service area as being necessary or desirable to facilitate more efficient processes or to comply with statutory changes.

7. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 7.1 The Constitution Review Working Party considered the proposals on 21 March 2019 and all bar one recommendation was supported. Recommendation 5 (Monitoring Officer's approval limit to settle court proceedings) was not supported due to the apparent size of the increase and a lack of consultation on the proposal.
- 7.2 At the Audit and Governance Committee on 2 April 2019, the background to recommendation 5 was explained in more detail and evidence was provided of procedures and limits at other local authorities. The committee was reassured that any approvals under the power would be subject to consultation with the Section 151 Officer and either the Leader or Deputy Leader of the Council. Following consideration of this and the other proposals members supported all the recommendations.
- 7.3 The wording of recommendation 5 as set out in this report has been slightly amended from the version that was presented to the Audit and Governance Committee papers to more closely reflect the intention of the membership of the meeting.

8. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

8.1 If Full Council is minded to approve the changes, the Constitution will be deemed to have been amended with immediate effect. The relevant documents will be updated and published on the website in due course.

9. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The Monitoring Officer has authority to periodically review and suggest changes to the Constitution under Article 9 of the Constitution. The review has been	Estelle Culligan, Principal Solicitor Corporate

		T
	undertaken with the input of the Chief	Governance
	Executive and the Director of Finance	21 March 2019
Finance and other resources	There are no significant implications in relation to Environment and Sustainability as a result of the recommendations set out in this report.	
Staffing establishment	There are no significant implications in relation to Staffing, beyond those identified in the body of the report, as a result of the recommendations set out in this report	
Risk Management	There are no significant implications in relation to Risk Management as a result of the recommendations set out in this report.	
Data Protection	There are no significant implications in relation to Data Protection as a result of the recommendations set out in this report.	
Environment and Sustainability	There are no significant implications in relation to Environment and Sustainability as a result of the recommendations set out in this report.	
Community Safety	There are no significant implications in relation to Community Safety as a result of the recommendations set out in this report.	
Health and Safety	There are no significant implications in relation to Health and Safety as a result of the recommendations set out in this report.	
Health and Wellbeing	There are no significant implications in relation to Health and Wellbeing as a result of the recommendations set out in this report.	
Equalities	There are no significant implications in relation to Equalities as a result of the recommendations set out in this report.	

10. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- Appendix A: Proposed amendments to the terms of reference for the Investigatory and Disciplinary Committee.
- Appendix B: Proposes new terms of reference for the Independent Panel.
- Appendix C: Other minor amendments to the Constitution made under the Monitoring Officer's delegated authority and required to be reported to Full Council on account of them being due to legislative changes (Article 9.3.4).

11. BACKGROUND PAPERS

 Chief Executives' Handbook in which the model procedure for dealing with matters of discipline incorporates the new statutory process: http://www.emcouncils.gov.uk/write/Chf_Exec_Handbook_13Oct16.pdf



9 INVESTIGATORY INVESTIGATING AND DISCIPLINARY COMMITTEE

Delegated Matters:-

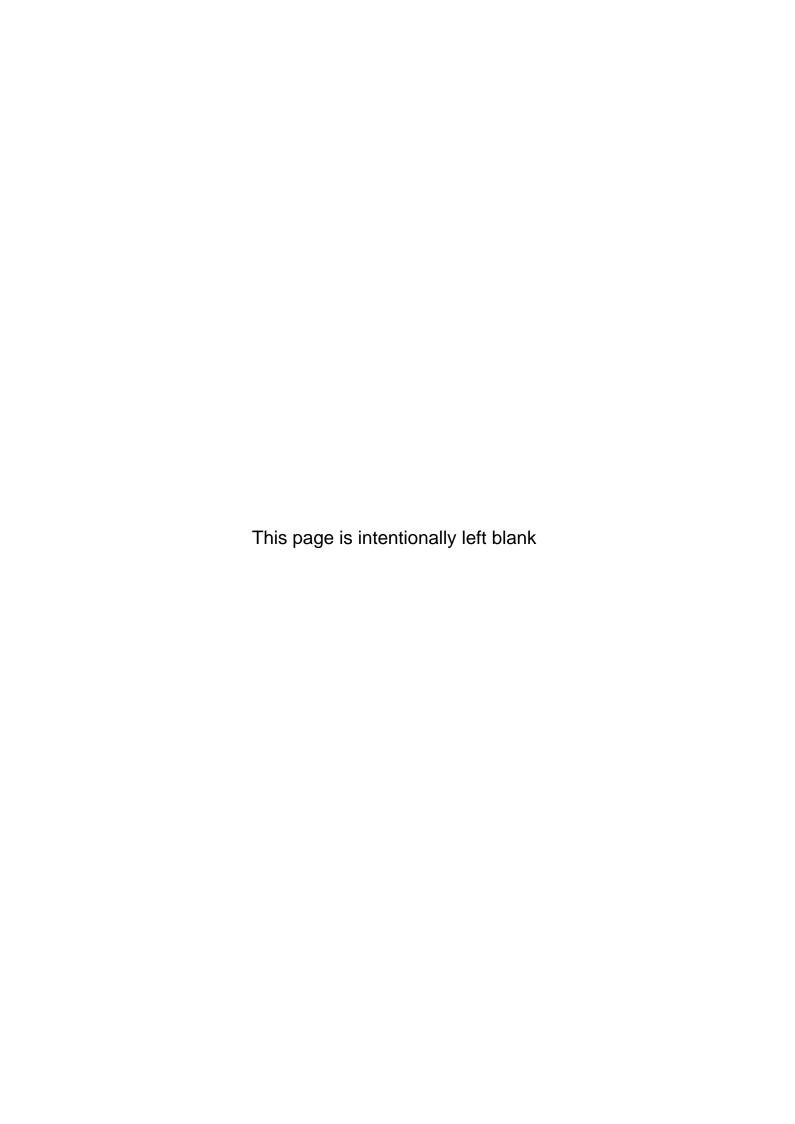
To carry out the following functions in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

- To discharge the functions of the "Investigating <u>and Disciplinary</u> Committee/<u>Investigating Panel</u>" as set out in the JNC Conditions of Service.
- ii. To consider any allegations made against the Head of Paid Service, Monitoring Officer or Chief Finance Officer and decide if further investigation is required.
- iii. To hear evidence and representations from the Head of Paid Service, Monitoring Officer or Chief Finance Officer in order to decide if a case exists.
- iv. To carry out a preliminary investigation and determine if a question of discipline exists which requires investigation by a Designated Independent Person an Independent Investigator and to appoint such an investigator.
- v. To receive any reports from the Independent Investigator and consider recommendations arising from the report.
- vi. Subject to the Local Authority (Standing Orders) (England) Regulations 2001, as amended by the Local Authority (Standing Orders) (England) (Amendment) Regulations 2015, and to the extent not already delegated to an officer of the Council, to suspend the relevant officer under the terms of the relevant National Agreements..
- <u>vii.</u> To hear evidence and representations from the Head of Paid Service, Monitoring Officers or Chief Financial Officers in order to decide if a case existsTo take any disciplinary action short of dismissal against the Head of Paid Service, Monitoring Officer or Chief Finance Officer, following, if necessary, the consideration of the report of the Independent Investigator.
- <u>viii.</u> In the case of a proposal to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer, To appoint an independent person to refer the matter to the Independent Panel, further to statutory provisions and relevant national agreements.
- ix. To receive any reports from the Designated Independent Person Panel and, subject to the Regulations, implement any recommendations arising from such a report refer those recommendations to Full Council for consideration.
- <u>x.</u> To compromise any claims or agree terms for the settlement of any disputes arising as between the Statutory Officers and the Council.

Membership: 5 members of the authority (including at least one member of the Executive)

Quorum: 3 (to include at least one member of the Executive)

Substitute members: 3



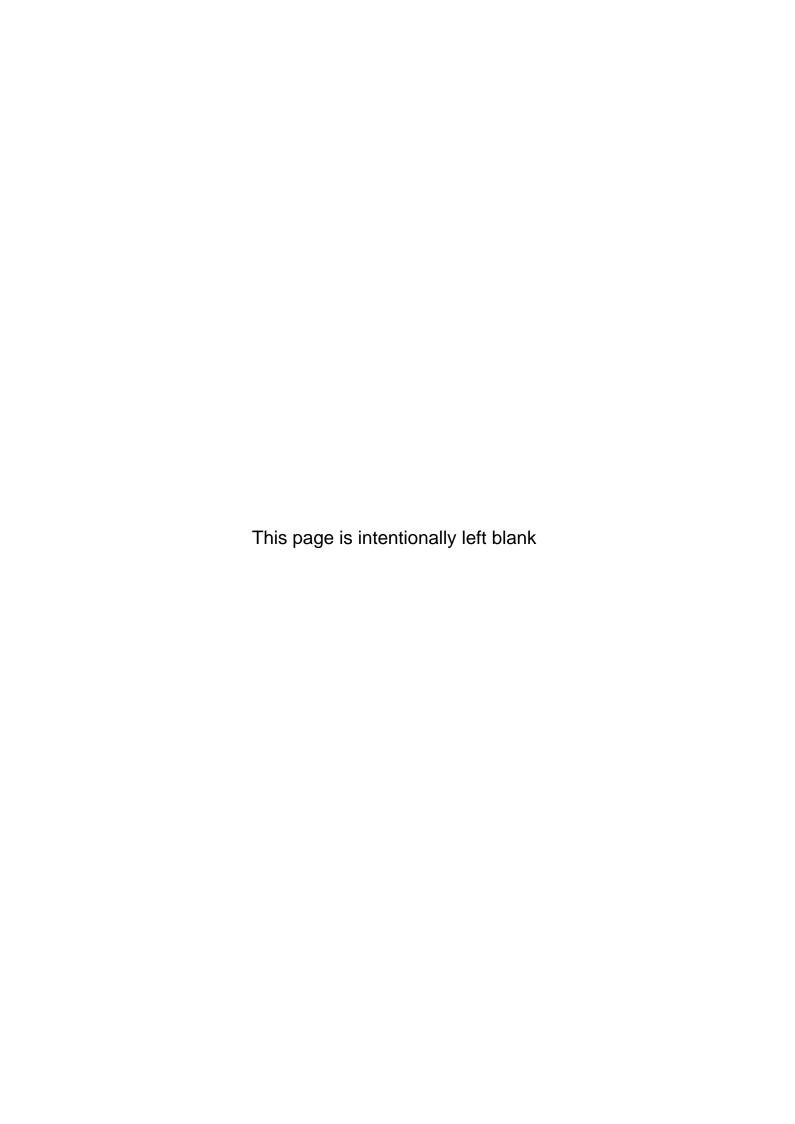
11 <u>INDEPENDENT PANEL</u>

Delegated Matters:-

To carry out the following functions in relation to the Head of Paid Service, Monitoring Officer and Chief Finance Officer.

- i. To consider any proposal from the Investigatory Committee to dismiss any of the Statutory Officers
- ii. To hear representations from the relevant Statutory Officer and the Investigatory Committee and to ask questions of either party
- iii. To review the decision of the Investigatory Committee and prepare a report for Full Council, stating clearly, with reasons whether the Panel agreed or disagrees with the recommendation to dismiss.

Membership: 2 Independent Persons, one of whom is the Independent Person appointed by the Council to oversee complaints under the Code of Conduct. The second member shall be the Independent Person of a neighbouring Council, who has been appointed for a similar purpose.



Minor Change to the Constitution

Title:

Disciplinary proceedings for senior statutory officers

Relevant section of the Constitution (including page/paragraph number):

- a) Part 2, (Page 12) Article 4 Full Council, New paragraph 4.5.28
- b) Part 3. (Page 8). Regulatory and Other Committees
- c) Part 4, (Page 103) Officer Employment Procedure Rules, Paragraph 7.2

Description of proposed change:

(Please show the tracked changes here or attached as a separate word document)

- a) New paragraph. Adds the responsibility for dismissing the senior chief officers to the functions of Full Council.
- b) Amends the existing section. Changes the name of the Investigatory Committee to Investigating and Disciplinary Committee and adds the Independent Panel to the list of committees referred to in the subsequent section.
- c) Amends the existing section. Adds a requirement that any disciplinary action will be in accordance with the statutory procedure.

Reason, including referenced documents/acts, for proposed change:

Necessary changes to implement new procedures relating to disciplinary proceedings for senior statutory officers in based on requirement introduced by the Local Authorities (Standing Orders) (England) Regulations 2001 as amended by the Local Authorities (Standing Orders) (Amendment) Regulations 2015. The new procedures are based on and in accordance with the model procedures formulated by the Joint Negotiating Committee.

Part 2, Article 9, Paragraph 9.3 authorises the MO to amend the Constitution so as to comply with any legislative provision with any such changes being reported to Full Council for information.

Timescale:

Implementation is immediate following approval of the main recommendations.

Proposer:

Name:	Estelle Culligan
Title:	Principal Solicitor, Contentious and Corporate Governance
Date:	8 March 2019

Approval: (to be completed by Democratic Services)

*Changes approved by the Monitoring Officer under delegated authority

*Proposed major changes to be submitted to Audit and Governance Committee for approval

Signature of Monitoring Officer:

Date:

Amendment No: 2018/01 Page & incorporated:



Full Council

24 April 2019

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

Appointment of Parish Representatives to the Audit and Governance Committee

Final Decision-Maker	Full Council
Portfolio Holder(s)	Councillor Riley – Portfolio Holder for Finance and Governance
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Finbar Gibbons – Head of Policy and Governance
Lead Officer/Author	Cheryl Clark – Democratic Services Officer
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

- 1. That Parish Councillor Barry Edwards (Chairman, Rusthall Parish Council) be appointed as one of the parish/town council representatives on the Audit and Governance Committee, for a four-year term of office, ending on 24 May 2023; and
- 2. That Parish Councillor Charles Mackonochie (Capel Parish Council) be appointed as one of the parish/town council representatives on the Audit and Governance Committee, for a four-year term of office, ending on 24 May 2023.

Explain how this report relates to the Corporate Priorities in the Five Year Plan:

 Operate in a business-like way – This decision supports the Council's commitment to ensure that the authority is well managed, open, transparent and accountable.

Timetable	
Meeting	Date
Council	24 April 2019

Tunbridge Wells Committee Report, version: March 2019

Appointment of Parish Representatives to the Audit and Governance Committee

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report sets out a recommendation in respect of the appointment of parish/town council representatives on the Council's Audit and Governance Committee.

2. INTRODUCTION AND BACKGROUND

- 2.1 The membership of the Council's Audit and Governance Committee consists of eight Borough Council representatives, two parish/town council members and two independent members.
- 2.2 Both of the current parish/town council representatives, Councillor David Coleman and Councillor David Henshaw are standing down as local council members on 2 May 2019. It is necessary, therefore to make replacement appointments, for a four-year term of office. The formal appointment will run from the date of the Annual Meeting of the Council ie 22 May 2019.
- 2.3 As is the usual practice, the Tunbridge Wells branch of the Kent Association of Local Councils has been consulted on this vacancy. Councillor Barry Edwards (current Chairman of Rusthall Parish Council) and Councillor Charles Mackonochie (Capel Parish Council) have been nominated for these positions.

3. AVAILABLE OPTIONS

3.1 The appointment of local council members is a requirement of the Council's Constitution. There is, therefore, no alternative option.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That Councillor Barry Edwards (current Chairman of Rusthall Parish Council) and Councillor Charles Mackonochie (Capel Parish Council) be appointed as the local council representatives on the Audit and Governance Committee, in accordance with the Borough Council's Constitution.
- 4.2 The purpose of having local council representatives on the Committee is to provide greater public confidence and credibility to the work of the Committee.

5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

5.1 As is the usual practice, the Borough Council has consulted with the Tunbridge Wells branch of the Kent Association of Local Councils (KALC) and the nominations have been received in accordance with their feedback.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 Once a decision has been made by the Borough Council, an appointment letter will be sent to Parish Councillors Edwards and Mackonochie. This decision will also be recorded in the minutes of the meeting of this meeting.

7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	Approval of the appointment of Parish and Town Council representatives is a function of Full Council. The appointment will be consistent with the provisions of the Council's Constitution and will be for a fixed period of four years starting on the date of appointment.	Keith Trowell Team Leader (Corporate Governance) and Deputy Monitoring Officer 10 April 2019
Finance and other resources	The allowances payable are in accordance with the provisions of the Council's Constitution and there are no additional financial implications.	Jane Fineman, Head of Finance and Procurement 9 April 2019
Staffing establishment	No issues identified	Report Author
Risk Management	There are no specific risk management issues to address. It should be noted that the Audit and Governance Committee has, within its remit, responsibility for overseeing risk management arrangements within the Council, which contributes to the overall control environment of the authority.	Report Author
Data Protection	No issues identified.	Report Author
Environment and Sustainability	No issues identified.	Report Author
Community Safety	No issues identified.	Report Author
Health and Safety	No issues identified.	Report Author

Agenda Item 9

Health and Wellbeing	No issues identified.	Report Author
Equalities	The decision recommended has a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	Sarah Lavallie Corporate Governance Officer 10 April 2019

8. REPORT APPENDICES

None.

9. BACKGROUND PAPERS

None.

Full Council 24 April 2019 Is the final decision on the recommendations in this report to be made at this meeting? Yes

Appointment of Deputy Mayor 2019/20

Final Decision-Maker	Full Council
Portfolio Holder(s)	Councillor David Jukes – Leader of the Council
Lead Director	Lee Colyer – Director of Finance, Policy and Development
Head of Service	Finbar Gibbons – Head of Policy and Governance
Lead Officer/Author	Mark O'Callaghan – Democratic Services Officer
Classification	Non-exempt
Wards affected	All

This report makes the following recommendations to the final decision-maker:

That Councillor Podbury be appointed as Deputy Mayor for the municipal year 2019/20.

This report relates to the following Five Year Plan Key Objectives:

• A Confident Borough – This decision supports the Council's commitment to ensure that the authority is well-managed, open, transparent and accountable.

Timetable	
Meeting	Date
Council	25 April 2018

Appointment of Deputy Mayor 2019/20

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 This report sets out a recommendation in respect of the appointment of a Deputy Mayor for 2019/20.

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is required each year by the Constitution to appoint a Deputy Mayor for the following municipal year.
- 2.2 Following this decision, the new Deputy Mayor will formally take up their position during the Annual Meeting of the Council on 22 May 2019.
- 2.3 The Deputy Mayor must be able to deputise for the Mayor and fulfil the following responsibilities as set out in the Constitution:

Extract from Article 5 of the Constitution -

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- to preside over meetings of Full Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- to ensure that Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account;
- to promote public involvement in the Council's activities;
- to be the conscience of the Council:
- to attend or be represented at such civic and ceremonial functions as the Council and he determines appropriate;
- to determine any matter referred to him under the urgency provisions of the Access to Information Procedure Rules or the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution; and
- to be consulted on any matter to which consultation with the Mayor of the Council is required under this Constitution.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

3.1 That Councillor Podbury be appointed as the Deputy Mayor for 2019/20, in accordance with the Borough Council's Constitution.

4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

4.1 The nomination has been reached following informal consultation within the Council. As the nominee must be a member who serves at the discretion of the Council it is not usual for the process to include public or formal consultation.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

5.1 This decision will be recorded in the minutes of the meeting. The formal appointment will be taken up at the next Annual Meeting of the Council.

6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Legal including Human Rights Act	The requirement to appoint a Deputy Mayor from amongst the membership of the Council is set out under Section 5 of the Local Government Act 1972, and within the Council's Constitution.	Patricia Narebor, Head of Legal Partnership
Finance and other resources	There are no specific finance issues to address.	Jane Fineman, Head of Finance and Procurement
Staffing establishment	There are no specific staffing issues to address.	Mark O'Callaghan
Risk management	There are no specific risk management issues to address.	Democratic Services Officer 11 April 2019
Environment and sustainability	There are no specific environmental issues to address.	
Community safety	There are no specific community safety implications from the recommendations set out in this report.	
Health and Safety	There are no specific health and safety issues to address.	
Health and wellbeing	There are no specific health and wellbeing issues to address.	
Equalities	The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no apparent equality impact on end users.	

Agenda Item 10

7. REPORT APPENDICES

None

8. BACKGROUND PAPERS

None

Agenda Item 11

MOTIONS ON NOTICE

MOTION

Submitted by: Councillor Mark Ellis

"The new Cultural and Learning Hub be officially named, in full, the Amelia Scott."

