

KENT COUNTY COUNCIL

POLICY AND RESOURCES CABINET COMMITTEE

MINUTES of a meeting of the Policy and Resources Cabinet Committee held in the Council Chamber - Sessions House on Tuesday, 20 November 2018

PRESENT: Mr B J Sweetland (Chairman), Mr P V Barrington-King, Mr T Bond, Mr D L Brazier (Substitute for Mr R A Marsh), Mr N J D Chard, Mr I S Chittenden (Substitute for Mr R H Bird), Mr G Cooke (Substitute for Mrs P T Cole), Mrs M E Crabtree, Mr D Farrell, Mr A J Hook (Substitute for Mrs T Dean, MBE), Mr P W A Lake, Mr D Murphy, Mr M D Payne, Mr H Rayner and Mr I Thomas

ALSO PRESENT: Miss S J Carey, Mr E E C Hotson and Mr R L H Long, TD

IN ATTENDANCE: Mr G Abi-Aad (Head of Health Intelligence), Mark Garbett (Portfolio Assurance Manager), Mr M Hyland (Project Co-ordinator – Kings Hill), Ms K Ripley (Head of Property Strategy and Commissioning), Mrs R Spore (Director of Infrastructure), Mr F Walker (Head of Health and Safety (KCC)), Mr B Watts (General Counsel), Mr D Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance), Mr T Woolmer (Policy & Partnerships Adviser - Kent Public Services) and Miss E West (Democratic Services Officer)

UNRESTRICTED ITEMS

110. Apologies and Substitutes

(Item 2)

Apologies for absence had been received from Mr R Bird, Mrs P Cole, Mrs T Dean, Mr A Marsh and Mr P Oakford.

Mr D Brazier, Mr I Chittenden, Mr G Cooke and Mr A Hook attended as substitutes.

111. Declarations of Interest by Members in items on the Agenda

(Item 3)

1. Mr Rayner declared an interest in relation to Item 8, as he was a Director and shareholder of a company that provided residential accommodation to people that were being relocated from London to Kent.
2. Mr Thomas declared an interest in relation to Item 8, as the landlord of tenants that were in receipt benefits. He was also a Member of the Planning Committee for Canterbury City Council.
3. Mrs Crabtree declared an interest in relation to Item 8, as she was a landlord.

112. Minutes of the meeting held on 13 September 2018

(Item 4)

RESOLVED that the minutes of the meeting held on 13 September 2018 are correctly recorded and that they be signed by the Chairman.

113. Minutes of the meeting of the Property Sub-Committee held on 17 July 2018

(Item 5)

RESOLVED that the minutes of the Property Sub-Committee meeting held on 17 July 2018 be noted.

114. Policy & Resources Cabinet Committee Meeting Dates for 2019/20 - For Information Only

(Item 6)

1. The Chairman introduced the report which set out the 2019/20 meeting dates for the Policy and Resources Cabinet Committee.
2. RESOLVED that the Policy and Resources Cabinet Committee meeting dates for 2019/20 be noted.

115. Legal Update

(Item 7)

Mr Watts (General Counsel) and Mr Walker (Head of Health and Safety) were in attendance for this item.

1. Mr Watts introduced the report which provided the details of a recently concluded Health and Safety Executive prosecution.

Mr Watts and Mr Walker then responded to comments and questions from Members, including the following: -

- a) Mr Watts said that a range of officers were undertaking work in relation to the Council's response to the Grenfell tragedy and the consequential issues for management of estates for organisations such as Kent County Council. It was confirmed that the learning from the case was being fed into the ongoing Grenfell work. He said that Kent County Council were reviewing the strategies that were currently in place in relation to how information was managed and how best to address health and safety related concerns.
- b) Mr Watts said that officers within Kent County Council's Education department were working closely with Health and Safety officers and in due course, with schools, in relation to the learning from this case. He said that officers would be reflecting on how the school's annual monitoring returns process could be improved to obtain an updated return on a variety of issues within schools.
- c) Mr Watts referred to the adoption of leases and said that work would be undertaken by officers to consider further Kent County Council's responsibilities and circumstances.
- d) Mr Walker referred to the court hearing in relation to the Asbestos exposure case and said that the Judge's decision stated that the

management system in Kent for Asbestos management was strong and robust. Mr Walker said that the linkage between Kent County Council as the legal duty holder and the school management as the designated responsible persons, could be improved. Mr Walker advised Members of the Committee of the positive steps that would be undertaken to mitigate future risks and cause for concern in relation to Asbestos. This included seeking legal advice across the property portfolio, and working in collaboration with colleagues in infrastructure and in the education sector.

- e) Mr Walker said that within the last 18 months, all of Kent's community schools had been audited in relation to health and safety, and any issues or failings noted within the audits would be corrected. He said that up-to-date training and induction programmes were in place to ensure that responsibilities were clear.
- f) Mr Walker said that Kent County Council were working closely with the Education and Skill Funding Agency to address safeguarding in non-community schools. He said that the Health and Safety Executive had launched a new programme in relation to managing health and safety in the school sector, and therefore, Kent County Council expected the Health and Safety Executive to visit Kent's schools.
- g) Mr Watts said that where Kent County Council were the landlord for academies in Kent, provisions were limited in relation to the lease. Mr Walker added to Mr Watts' comments and said that governor training was offered to academies to address potential health and safety gaps and concerns.
- h) Mr Watts said that the legal advice that Kent County Council had sought covered many areas in relation to Health and Safety. He suggested organising an informal, confidential briefing for Members of the Committee on the legal advice that Kent County Council had sought.
- i) Mr Walker confirmed that the Asbestos breach had been discovered by a Swale Environmental Health officer and reported to the Health and Safety Executive. Within 24 hours of Kent County Council being informed of the Asbestos breach, corrective measures had been taken and the Asbestos rope had been removed.
- j) Mr Watts reassured Members of the Committee that a briefing note would be circulated outside of the meeting which would contain information relating to Kent County Council's defence costs.
- k) Mr Walker said that the prosecution was the first Health and Safety prosecution that Kent County Council had had in relation to Asbestos.
- l) Mr Watts confirmed that an in-depth report could be brought to a future meeting of the Committee which would provide detail on the responsibilities of the Council in relation to leases and the Council's policy in relation to the ongoing management of Asbestos.

2. Mr Hotson (Cabinet Member for Corporate and Democratic Services) thanked Members for their comments and undertook to ensure that a further report on the Council's approach to Asbestos management would be brought back to a future meeting of the Committee.
3. RESOLVED that the report be noted.

116. Placements of Homeless Households into Kent
(Item 8)

Mr Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance), Mr Woolmer (Policy & Partnerships Adviser - Kent Public Services) and Mr Abi-Aad (Head of Health Intelligence) were in attendance for this item.

1. Mr Whittle introduced the report which set out the current position in relation to placements of homeless families from London into large single sites in Kent.
2. Mr Woolmer presented a series of slides to the Committee which set out the analysis of separate communities in Maidstone Borough Council (two sites) and Canterbury City Council (Howe Barracks) which collectively encompassed the work to date on London Placements in Kent and the impact that these types of placements had on local public services.

Mr Whittle then responded to comments and questions from Members, including the following: -

- a) Mr Whittle emphasised the importance of gathering evidence relating to the impacts that additional placements in Kent had on local public services to be able to lobby to government successfully. He reassured Members of the Committee that the presentation slides would be circulated to Members outside of the meeting.
 - b) Mr Whittle said that Kent County Council were lobbying the lack of section 106 contributions of permitted development conversions with government regularly.
 - c) Mr Whittle referred to the additional purchasing power of London boroughs and how it impacted on the market. He referred to large-scale placements and said that Kent County Council were working closely with London boroughs to manage the pressures mitigated and evidence the impact that the large-scale placements into Kent had on public services.
 - d) Mr Whittle confirmed that families that were placed in temporary accommodation in Kent from London boroughs would become permanent Kent residents after two years.
 - e) Mr Whittle clarified the Article 4 planning provision within a district's area or the unitary area relating to the availability of commercial office space.
3. RESOLVED that the report be noted.

(Members of the Committee that had declared an interest in the item (see minute 111) remained in the meeting and took part in the discussion but did not vote.)

117. Freedom of Information update

(Item 9)

Mr Watts (General Counsel) was in attendance for this item.

1. Miss Carey (Cabinet Member for Customers, Communication and Performance) introduced the report which set out an update regarding the challenges faced by Kent County Council in relation to obligations to comply with the Freedom of Information Act 2000.
2. Mr Watts presented a series of slides to the Committee which included a range of information and data about the types of Freedom of Information requests that Kent County Council had received in recent times and the process that Kent County Council had adopted to respond to the requests. Mr Watts explained the importance of the Council continuing to discharge statutory liabilities in this area.
3. The Chairman registered his thanks to the staff within the Freedom of Information team for handling the vast number of Freedom of Information requests that were received so efficiently.

Mr Watts responded to comments and questions from Members, including the following: -

- a) Mr Watts said that accommodating the large amount of Freedom of Information requests that Kent County Council received proved challenging under a constrained budget.
 - b) Mr Watts reassured Members of the Committee that a briefing note would be circulated outside of the meeting which would contain information relating to the costs that were associated with Freedom of Information requests.
4. RESOLVED that the report be noted.

118. 18/00065 - SAN Replacement Programme

(Item 10)

Mrs Spore (Director of Infrastructure) and Mr Garbett (Portfolio Assurance Manager) were in attendance for this item.

1. Mrs Spore introduced the report which set out the requirement to deliver a new data storage infrastructure which would allow Kent County Council to replace the existing end of life hardware.

Mrs Spore and Mr Garbett responded to comments and questions from Members, including the following: -

- a) Mr Garbett confirmed that all of the data that Kent County Council held would be accessible after the hardware had been replaced.

- b) Mrs Spore explained that although the Storage Area Network (SAN) Replacement Programme decision and the Data Centre Exit Strategy decision were interlinked in terms of timing of implementation, the decisions were separate.
 - c) Mrs Spore referred to the cost of the SAN Replacement Programme and said that it would not add to the cost of the Data Centre Exit Strategy.
 - d) Mr Garbett said that the SAN replacement programme would accommodate the services systematic requirements for approximately ten years.
2. RESOLVED that the decision proposed to be taken by the Cabinet Member for Corporate and Democratic Services to:
- (i) delegate the award of contracts with a provider for the purchase of new primary and secondary hardware, including the necessary contractual negotiations and enter into any subsequent necessary legal agreements, be endorsed.

119. Strategic and Corporate Services Performance Dashboard *(Item 11)*

Mr Fitzgerald (Business Intelligence Manager - Performance) was in attendance for this item.

- 1. Mr Fitzgerald introduced the report which set out the progress made against targets set for Key Performance Indicators.
- 2. In response to a question, Mr Fitzgerald said that more information would be provided to Members of the Committee by a Finance officer outside of the meeting in relation to the 'invoices received by accounts payable' delays. He said that although the indicator was red for the latest month, the indicator was green on a year-to-date basis.
- 3. A Member of the Committee thanked Kent County Council's ICT Service Desk for their speedy responses to queries and for providing constant support to Members. Members of the Committee generally supported this. Mr Hotson (Cabinet Member for Corporate and Democratic Services) advised that the Committee's thanks would be fed back to the ICT Service Desk.
- 4. In response to a question, Mr Hotson (Cabinet Member for Corporate and Democratic Services) referred to the annual net capital receipts target and explained the reason behind the red indicator.
- 5. RESOLVED that the report be noted.

120. Asset Management - Sessions House *(Item 12)*

Mrs Spore (Director of Infrastructure) was in attendance for this item.

1. Mrs Spore introduced the report which set out the current position of Sessions House within the context of the current office review.
2. Members of the Committee indicated that they would be referring to information contained with the exempt report and therefore consideration of this item was deferred to the exempt part of the meeting (Minute no 125 below refers).

121. Total Facilities Management - Bi-annual Review
(Item 13)

Mrs Spore (Director of Infrastructure) was in attendance for this item.

1. Mrs Spore introduced the report which set out performance levels of the Total Facilities Management Contracts - Mid Kent with Amey, West Kent with Skanska, and East Kent with Kier.
2. RESOLVED that the report be noted.

122. 18/00063 - Kings Hill: Phase 3 (Areas 10, 11 & 15) Freehold Disposal
(Item 14)

Mr Hyland (Project Co-ordinator – Kings Hill) and Ms Ripley (Head of Property Strategy and Commissioning) were in attendance for this item.

1. Mr Hyland introduced the report which set out the proposal to draw-down and sell Phase 3 Land areas 10, 11 and 15.

Mr Hyland responded to comments and questions from Members, including the following: -

- a) Mr Hyland explained the restrictive covenants of the contractual arrangements, sale and purchase agreement for the land transaction.
 - b) Mr Hyland confirmed that the plans would be implemented almost immediately upon legal completion.
 - c) Mr Hyland referred to the figures within the report and said that Phase 3 provided a total of 635 houses.
2. RESOLVED that the decision proposed to be taken by the Cabinet Member for Corporate and Democratic Services, to:
 - a) note the terms of the disposal proposed by the partnership;
 - b) agree to the draw-down of land areas 10, 11 and 15 in accordance with the Kings Hill Partnership 1989 and subsequent agreements; and
 - c) delegate to the Director of Infrastructure, in consultation with the Head of Paid Service and General Counsel, the finalisation of the process for draw-down in accordance with the provisions set out in the Kings Hill provisions

within the Constitution's Property Management Protocol and the Kings Hill Partnership Agreement,

be endorsed.

123. Work Programme 2019/20

(Item 15)

RESOLVED that the work programme for 2019/20 be noted.

124. Exclusion of the Press and Public

(Item)

RESOLVED that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business as it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

Exempt Items

(open access to minutes)

125. Asset Management - Sessions House

1. Members of the Committee discussed the information contained in the exempt report and exempt appendices.

Mrs Spore responded to comments and questions from Members, including the following: -

- a) Mrs Spore explained that a further report relating to Asset Management in Sessions House would be submitted to the Committee to ensure that all of the Member's comments were taken on board.
 - b) Mrs Spore said that building developments were taking place in Maidstone.
 - c) Mrs Spore clarified the annual maintenance spend for all of Kent County Council's buildings and confirmed that urgent maintenance jobs were prioritised.
2. Mr Hotson (Cabinet Member for Corporate and Democratic Services) informed the Committee of the current usage of Sessions House.
 3. RESOLVED that the report be noted.

126. Review of KCC Company Ownership and Governance

(Item 16)

1. Mr Long (Cabinet Lead for Traded Services) introduced the report which provided an update in relation to the governance, management and development of the proposed holding company for Kent County Council's wholly-owned trading vehicles.

2. RESOLVED that the report be noted.