

## KENT COUNTY COUNCIL

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### **POLICY AND RESOURCES CABINET COMMITTEE**

MINUTES of a meeting of the Policy and Resources Cabinet Committee held in the Darent Room - Sessions House on Friday, 16 March 2018

PRESENT: Mr B J Sweetland (Chairman), Mr R A Marsh (Vice-Chairman), Mr P V Barrington-King, Mr R H Bird, Mrs T Dean, MBE, Mr D Farrell (Substitute for Ms K Constantine), Mr T Bond, Mr N J D Chard, Mrs P T Cole, Mrs M E Crabtree, Mr C Simkins (Substitute for Mr P W A Lake), Mr J P McInroy, Miss C Rankin, Mr H Rayner and Mr I Thomas

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

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services) and Miss G Little (Democratic Services Officer)

#### **UNRESTRICTED ITEMS**

##### **60. Apologies and Substitutes**

*(Item 2)*

Apologies were received from Mr P Lake and Ms K Constantine. Mr Simkins and Mr Farrell attended as substitutes respectively.

##### **61. Declarations of Interest by Members in items on the Agenda**

*(Item 3)*

None were declared

##### **62. Minutes of the meeting held on 2 February 2018**

*(Item 4)*

RESOLVED that the minutes of the meeting held on 2 February 2018 are correctly recorded and that they be signed by the Chairman.

##### **63. Update on Interim Hackitt Review**

*(Item 5)*

*Flavio Walker (Head of Health and Safety) and Karen Ripley (Strategic and Corporate Services) were in attendance for this item.*

1. Mrs Ripley provided an update on the key findings of the Hackitt Review Interim Report and how they affected the way in which Kent County Council managed its estate. The six areas for change included: regulation and guidance; roles and responsibilities; competence; process compliance and enforcement; residents' voice and raising concerns; and quality assurance. The Council had reviewed and progressed its implementation of the corporate landlord model which would provide the Council with the

ability to have a single view of all its asset holdings and ensure requirements could be met. Mrs Ripley assured Members that as the Hackitt review reached its final conclusions, Kent County Council would continue to review its approach and report to the Committee. The final publication of the Hackitt Review was planned for Spring 2018.

2. In response to Members' questions regarding whether Kent County Council had a specific provider to carry out building control, Mrs Ripley said that the Council used a range of auditors which were determined by the terms of the contract, however, they were usually local authority assessors or approved inspectors whose primary responsibility was the examination of building regulations, not Kent County Council's specifications.
3. Members queried the accountability of the architect responsible for the structure of buildings and Mrs Ripley said that it would depend on the contract whether they would be employed directly or procured by to carry out a specific piece of work. If the Council had a Design and Build contract the Council would do the initial work and the architect would work for the contractor. An independent certifier who would carry out an independent assessment to ensure any building met the required specification. All information relating to the architect responsible and the relevant specification would be retained for the purpose of potential defects as the Council would need to know who to address.
4. Mr Chard (who is also Chairman of the Fire Authority) assured the Committee that there would be a national response following the publication of the Hackitt Review.
5. RESOLVED that:
  - (1) The findings of the Hackitt Review Interim Report and how this might affect the way in which the Council manages its own estate be noted; and
  - (2) On publication of the final Hackitt Review Report planned for Spring 2018, a further paper making recommendations be presented to the Policy and Resources Cabinet Committee.

**64. 18/00142 Policy and Practice for the Management of Hot and Cold Water Systems**  
*(Item 6)*

*Flavio Walker (Head of Health and Safety) and Karen Ripley (Strategic and Corporate Services) were in attendance for this item.*

1. Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which outlined Kent County Council's strategy on the management of water systems across its property portfolio and asked the Committee to endorse the adoption of the Policy and Code of Practice for the Management of Hot and Cold-water Systems to ensure legislative requirements could be met.

2. In addition to this, Mrs Ripley said the policy clearly defined Kent County Council's role, responsibility and commitment in preventing or minimising the risk from legionella bacteria. The policy also identified liability for the maintenance of non-KCC buildings and where liability could not be established, the Council carried out routine risks assessments to ensure that KCC staff who occupied that area were aware of the risks and could take appropriate steps to manage them as far as reasonably practicable.
3. In response to Members' enquiries, Mr Walker said that KCC had a range of buildings and that the audit remit did not currently cover academies or free schools. However, there had been a three-month assessment programme to ensure schools were compliant with KCC's practice standards for water hygiene and discussions had taken place between the Health & Safety Team and schools to ensure correct measures had been taken to prevent legionella. Kent County Council also provided statutory compliance training free of charge for site personnel who were responsible for carrying out monthly audits.
4. RESOLVED that:
  - (1) The adoption of the Code of Practice for the Management of Hot and Cold-Water Systems Policy be endorsed; and
  - (2) A written report be provided to the Committee following the SFA's response and a copy of this be sent to Mr Bird.

## **65. Senior Information Risk Owner Update**

*(Item 7)*

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

1. Mr Watts introduced the report which provided an update regarding the implementation of the forthcoming General Data Protection Regulation (GDPR) and advised Members that, as the newly proposed Senior Information Risk Owner (SIRO), he would be responsible for ensuring effective management of information in all its forms and locations. Following the enhanced obligations placed on Kent County Council by the GDPR, discussions had taken place with Members regarding the possibility of insurance against fines that could be imposed by the Information Commissioner's Office (ICO). Mr Watts informed Members that officers were looking into whether Kent County Council's existing policy covered indemnity for Members and that an email would be sent out in due course. Mr Watts said that Kent County Council was a Member-led authority and therefore, it was crucial that the correct advice and support was given to Members on managing sensitive data. He reminded Members that the GDPR was an EU regulation and that all officers and Members had a responsibility to manage and protect data. Mr Watts said that Information Governance Training should be the first piece of training any Member should complete upon starting their role within the Council and failure to complete it could leave them open to challenge. In order to strengthen data protection for individuals, all Members were required to complete the training by 25 May 2018. Mr Watts recognised that this was a challenging proposal, however, as the SIRO it was important to protect the authority.

2. In response to Members' concerns regarding the training dates, Mr Watts said that training would be pushed back by a week to ensure high attendance. He said that the training would also be extended to both District and Parish Town Council colleagues.
3. In response to questions Mr Watts said that it was not possible to identify the resources required at such an early stage.
4. In response to Members' enquiries Mr Watts said that whilst they were rightly concerned about the need for insurance in the event of a fine, the Information Commissioner's Office's approach had always been to recognise an individual's effort to comply with regulations; and therefore it was essential all Members completed the electronic training.
5. RESOLVED that the report be noted and the proposed decision that Members be required to complete the Information Governance, Data Protection and General Data Protection Regulation training be endorsed.

**66. Strategic and Corporate Services Directorate Business Plan 2018-19 (Draft)**  
*(Item 8)*

*David Whittle (Director, Strategy, Policy, Relationships and Corporate Assurance) and Liz Sanderson (Strategic Business Advisor, Corporate, Strategy Policy, Relationships and Corporate Assurance) were in attendance for this item.*

1. Mr Cockburn (Head of Paid Service & Corporate Director of Strategic and Corporate Services) introduced the report which set out the draft Strategic and Corporate Services Directorate Business Plan. The Business Plan set out the annual priorities as part of a rolling three-year plan. These included: modernisation of Kent County Council's constitution; ensuring the Council was compliant with the General Data Protection Regulations; responding to the Hackitt review; strategic commissioning; maximising opportunities for apprenticeships and the delivery of ICT, HR, OD and asset strategies to drive transformation and cultural change. Mr Cockburn drew Members' attention to the list of priorities set out on pages 88 and 89, the significant service activity set out on pages 94 to 96 and the significant commissioning activity set out on pages 97 and 98. The Committee was asked to consider and comment on the draft Strategic and Corporate Services Directorate Business Plan prior to its publication in April 2018.
2. Mr Whittle undertook to amend the Business Plan to reflect the continuing existence of the Commissioning Advisory Board.
3. Members enquired about whether a planned review of the SHQ buildings should be incorporated within the Corporate Services Directorate Business Plan. Mr Whittle undertook to consider how this could be reflected within the Corporate Services Directorate Business Plan.
4. In response to Members' enquiries regarding the quantitative and qualitative nature of the Key Performance Indicators, Mr Whittle agreed

that the report focused on quantitative rather than qualitative data and undertook to consider how qualitative information could be better reflected within the Corporate Services Directorate Business Plan.

5. Mr Whittle agreed to liaise with Mr Fitzgerald on the potential to include an additional column within the report stating the rationale for performance targets. Mr Whittle stated this should have been included in the draft report and would be included in future years.
6. In response to Members' queries, Mr Whittle agreed to include reference to National Education Schools Funding Formula funding in the Corporate Services Directorate Business Plan.
7. With regard to Key Performance Indicators FN07 and FN08 on page 101 of the report, Mr Whittle agreed to review the wording which was unnecessarily complicated.
8. RESOLVED that the Cabinet Committee endorsed the proposed decision to note that the final Directorate Business Plan 2018-19 would be published online in April 2018.

## **67. Risk Management: Strategic and Corporate Services**

*(Item 9)*

*David Whittle (Director, Strategy, Policy, Relationships and Corporate Assurance) and Mark Scrivener (Corporate Risk Manager) were in attendance for this item.*

1. Mr Whittle introduced the report which presented the strategic risks relating to the Strategic and Corporate Services directorate in addition to the risks that already featured within the Corporate Risk Register for which the Corporate Directors were designated 'Risk Owners.' The report also explained the management process for the review of key risks. Mr Whittle explained that the investigation and scrutiny of the Risk Registers was important to the risk framework and that risk scores were changed in accordance to the feedback received from Members.
2. In response to Members' questions, Mr Scrivener said that risks relating to a supplier collapse within private schools or private care providers were built into the Business Continuity Plan and were different from 'supplier failure.' Exit strategies and controls had been added to the Corporate Risk Register to manage supplier failure.
3. Mr Scrivener said the Risk Register was a living document which reflected the dynamic nature of risk management and as risks changed constantly it was difficult to capture it within a report. Mr Whittle said that the report had focused on Members ability to look at the efficiency, actions and controls however he agreed to review the covering paper with a view to provide more context.
4. Ms Carey said a seminar had been held recently that focused on risk management, how the risk profile had changed over the years and how this compared with other local authorities.

5. RESOLVED that the directorate risk register and the corporate risks outlined in appendices 1 and 2, be noted.

**68. Work Programme 2018/19**  
*(Item 10)*

RESOLVED that the work programme for 2018/19 be noted.

**Exclusion of the Press and Public**

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

**69. 18/00008 Review of KCC Company Ownership and Governance**  
*(Item 11)*

*Ben Watts (General Counsel) and Andy Woods (Corporate Director of Finance) were in attendance for this item.*

1. Richard Long (Cabinet Lead for Traded Services) introduced the report which provided an update on the governance, management and development of the proposed holding company for KCC's wholly-owned trading vehicles.
2. Mr Watts provided a brief summary regarding the proposed arrangements for Member scrutiny and the governance arrangements for the Holding Company. He said that following previous discussions a Member panel would be created and would be included in the Council's informal governance framework as part of the Council's revised Constitution that would go to full County Council in May 2018.
3. In response to a question, Mr Wood said a decision had yet to be taken regarding the format of accounts.
4. RESOLVED that the report be noted.

**70. Contract Management Review- Agilisys**  
*(Item 12)*

*Vincent Godfrey (Strategic Commissioner) was in attendance for this item.*

1. Ms Carey (Cabinet Member for Customers, Communications and Performance) introduced the report which set out details of a review of the Agilisys contract which had been conducted using the National Audit Office Framework. The contract was first reviewed in October 2016 and again in January 2018 and the report set out the comparison of both reviews and provided details of high-level findings.

2. Mr Godfrey said that contract management was a key component of the commissioning cycle and that a sub-group of the Budget and Programme Delivery Board had been convened to review contracts with the objective of disseminating best practice, which in turn improved value for money and the management of risks. The sub-group to date had considered twenty-six contracts from various services.
3. RESOLVED that the report be noted.