

**GROWTH, ECONOMIC DEVELOPMENT AND
COMMUNITIES CABINET COMMITTEE**

Wednesday, 17th November, 2021

10.00 am

Council Chamber





AGENDA

GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITIES CABINET COMMITTEE

Wednesday, 17 November 2021 at 10.00 am
Online

Ask for: **Emily Kennedy**
Telephone: **03000 419625**

Membership

Conservative	Sir Paul Carter, CBE (Chair), Mrs R Binks, Mr C Broadley, Mr J A Kite, MBE, Mr S C Manion, Mr S Webb and Mr J Wright	Mr Baker (Vice-Chairman), Mr T Cannon, Mr S Holden, Mr J Meade, Mr D Robey,
Labour	Ms M Dawkins and Ms J Meade	
Liberal Democrat	Mr M J Sole	
Green and Independent	Mr M A J Hood	

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

- 1 Introduction/Webcast announcements
- 2 Apologies and Substitutes
- 3 Declarations of Interest by Members in items on the Agenda
- 4 Verbal updates by the Cabinet Members and Corporate Director
- 5 Developer Contributions (Pages 1 - 12)
- 6 KCC's Infrastructure Funding Statement 2020-2021 (Pages 13 - 36)
- 7 Trading Standards Update (Pages 37 - 56)
- 8 'Project Gigabit' Broadband Programme (Pages 57 - 62)
- 9 Kent & Medway Business Fund New Loan Programme (Pages 63 - 78)
- 10 Contract extension for coroners' post mortem examinations (Pages 79 - 88)
- 11 Work Programme 2021/22 (Pages 89 - 92)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Benjamin Watts
General Counsel
03000 416814

Tuesday, 9 November 2021

From: **Derek Murphy, Cabinet Member for Economic Development**
Simon Jones, Corporate Director of Growth, Environment & Transport

To: **Growth, Economic Development and Communities Cabinet Committee**
– 17 November 2021

Subject: **Development Contributions**

Classification: **Unrestricted**

Past Pathway of report: **None**

Electoral Division: **All**

Summary: This paper explains the background to developer contributions and our approach along with outlining some of the challenges we face and emerging issues. It is intended to be an introductory paper for cabinet committee.

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to note this introductory paper and agree to receive future in-depth papers exploring challenges and opportunities for KCC regarding developer contributions, and KCC's existing and evolving approach.

1. Introduction

- 1.1 Since 2014 KCC has secured a total of £299,665,504 in contributions from developers towards a number of our specified services. This figure represents a cumulative achievement rate of 97% against KCC's asks for total contributions from developers (these figures are exclusive of the value of land transferred and Highways Section 278 agreements). However, this is not achieved without significant challenges as outlined later.
- 1.2 Performance is reported quarterly to Cabinet, but performance can fluctuate in year depending upon site specific issues. The appendices to this report show: 1) the ratio of amount sought and in turn agreed by individual Districts; 2) total amount agreed by District; and 3) amount agreed per KCC service, respectively.

2. Section 106 (s106) / Developer Contributions

- 2.1 Districts as the Local Planning Authorities have the statutory duty to balance competing considerations when determining planning applications. Therefore, in order to secure contributions, the County Council must set out evidence of our services' need and make a clear case that the development should not proceed without mitigation to the County Council through a S106 agreement.
- 2.2 There are three legal tests for determining when a s106 agreement can be used; the s106 must be:

- Necessary to make the development acceptable in planning terms
- Directly related to the development; and
- Fairly and reasonably related in scale and kind

2.3 Developer contributions are most commonly used by Kent County Council to secure financial contributions towards increasing infrastructure capacity to support services which we have a responsibility to provide. The County Council seeks to secure contributions primarily towards the following services:

- Highways
- Primary & Secondary Education¹
- Adult Social Care²
- Libraries
- Community Learning
- Youth Services
- Waste
- Broadband (mainly through planning conditions)

3. Community Infrastructure Levy (CIL)

3.1 The Community Infrastructure Levy (CIL) is a tariff-based system introduced by Government in 2010 intended to largely replace the existing s106 regime. Under CIL, the Local Planning Authority sets a contribution rate per m² which developers are obliged to pay without negotiation. The tariff is administered by the district authority which can choose to allocate the receipts to related infrastructure; under CIL the County Council will bid for funding from the district CIL funds rather than seeking contributions from individual planning applications. The districts which have adopted CIL are Dartford, Sevenoaks, Folkestone and Hythe, Maidstone, and Canterbury, although even where CIL has been introduced s106 agreements are still sometimes used for larger sites. The Government initially announced a review of how CIL operates in the Autumn budget of 2018, although there have been further announcements since then including, most recently, proposals within the Planning White Paper (August 2020) to replace the existing s106/CIL system with a new 'Infrastructure Levy'. See also under 'Challenges to securing development contributions' outlined in section 5 below.

4. Highways Section 278 (s278) Agreements

¹ The DfE allocates Basic Need funding each year to local authorities to ensure there are sufficient school places in areas of need. Local authorities are able to use this funding to expand existing schools, including maintained and non-maintained, and fund the establishment of new Free Schools in areas of need. This does not negate housing developers' responsibility to mitigate the impact of their development on education and developers are still expected to make an appropriate contribution to the cost of the project.

² The responsibility for seeking contributions for **health services** (including increasing capacity at Doctors' surgeries, hospitals etc.) lies primarily with the NHS/CCGs. The priority for Adult Social Care is to support people who need help with daily living to live as independently as possible in the place of their choice, within the resources available.

4.1 Highways s278 agreements allow developers to enter into a legal agreement to make alterations or improvements to a public highway as part of a planning application. Therefore, highways works associated with new development are largely subject to s278 agreements and provided as direct works by the developer rather than funded through s106 agreements, as the preferred mechanism to deliver infrastructure and minimise risk to the County Council. Therefore, whilst they provide for the delivery of essential highways infrastructure, the figures in this report are exclusive of s278 agreements.

5. Challenges to Securing Developer Contributions

5.1 A fundamental requirement of s106 contributions is that they must be used towards capital projects and cannot be applied as revenue. For many services this means that the true impact of additional demand from development can never be fully recovered through s106, which is also particularly important as some services providers move increasingly towards revenue-based service delivery models. Additionally, s106 monies cannot be used towards replacement or maintenance of existing assets, running costs or staffing. All projects where s106 monies are applied must demonstrate that they are providing additional capacity.

5.2 Development viability is the most common reason that the full amount requested by the County Council is not secured. This is when the developer makes a case to the Planning Authority that they cannot afford all the requests being made of them, planning regulations allow a prioritisation of requests to then take place by the Planning Authority. In such cases and where appropriate KCC will seek to mitigate impact through a number of potential measures including requesting viability assessments, considering deferred or overage payments (which provide for additional payment if viability improves) and, where appropriate, shared use of space (community hub for example). Major strategic sites and multiple sites present their own challenges. Often very significant up-front infrastructure costs create cash flow problems for the developer and can create viability issues particularly in the early stages where a development proposal is heavily reliant upon house sales for income.

5.3 Regulations relating to s106 agreements have become more and more complex in recent years; including (although not exclusively) the Community Infrastructure Levy (CIL) Regulations, which first came into force in April 2010 and have been subject to a number of amendments since then.

5.4 These regulations were introduced by Government to encourage districts to move towards charging the Community Infrastructure Levy; however, they have had a significant impact on authorities such as County Councils that deliver strategic infrastructure. The County Council has successfully limited the impact through a range of measures, including promoting the continued use of s106 agreements.

5.5 More recently the Planning White Paper (Aug 2020) introduces proposals to replace the existing s106/CIL system with a new 'Infrastructure Levy', see paragraph 7.2

6. Financial, Legal, Equalities and Data Protection Implications

- 6.1 As stated in paragraph 2.3 KCC seeks developer contributions to secure financial contributions towards increasing infrastructure capacity to support services which it has a responsibility to provide.
- 6.2 The s106 agreement is a formal document, a deed, which states that it is an obligation for planning purposes, identifies the relevant land, the person entering the obligation; it also becomes a land charge and the relevant local authority can enforce against it as a legal contract
- 6.3 There are no identified equality issues arising from the process for securing developer contributions.
- 6.4 There is no processing of personal data.

7 Looking Ahead

- 7.1 Kent has a growing population and KCC services continue to pursue projects to meet future demand across the whole of the county, including funding and provision at major development projects such as Ebbsfleet (Dartford/Gravesham), Chilmington Green (Ashford), Whitfield (Dover), Sturry/Broad oak (Canterbury) and Otterpool Park (Folkestone & Hythe). In this respect we will continue to maximise contributions for essential community infrastructure within the current system across the whole of the county, in order to improve outcomes for the people and communities of Kent and ensure the sustainability of delivery in the future.
- 7.2 However, the system remains imperfect currently and presents several significant challenges, as outlined above, including viability and planning policy restrictions such as the current Community Infrastructure Levy Regulations. Most recently the Planning White Paper (Aug 2020) introduced proposals to replace the existing s106/CIL system with a new 'Infrastructure Levy', which in-itself presented a multitude of potential issues/risks. The new Secretary of State is currently considering the extensive representations made in response to those proposals in summer of 2020, including by Kent County Council. We are currently awaiting further announcements from Central Government (expected later this year/2022) regarding revisions of the existing system.
- 7.3 We will continue to make representations and lobby Central Government in this respect towards implementing changes to current funding arrangements in the future, protecting the County Council's position and maintaining the significant level of infrastructure funding required, as outlined above.
- 7.4 In the meantime, all Local Authorities have a responsibility to provide a summary of all financial and non-financial developer contributions over the course of a given financial year. This summary is published annually in the form of an Infrastructure Funding Statement (IFS). Whilst this year's annual updated IFS is due to be published shortly, reference to the existing publication (for 2019/20) can be found at <https://www.kent.gov.uk/about-the-council/strategies-and-policies/environment-waste-and-planning-policies/infrastructure-funding-statement-2019-2020>. It is also the subject of a sister paper at today's Growth, Economic Development and Communities

Cabinet Committee Agenda Item 6.

8. Recommendations

Recommendation: The Growth, Economic Development and Communities Cabinet Committee is asked to note this introductory paper and agree to receive future in-depth papers exploring challenges and opportunities for KCC regarding developer contributions, and KCC's existing and evolving approach.

9. Background Documents

- 9.1 Appendix 1: Ratio of amount sought and in turn agreed by individual Districts
- Appendix 2 Total amount agreed by District
- Appendix 3: Amount agreed per KCC service, respectively.

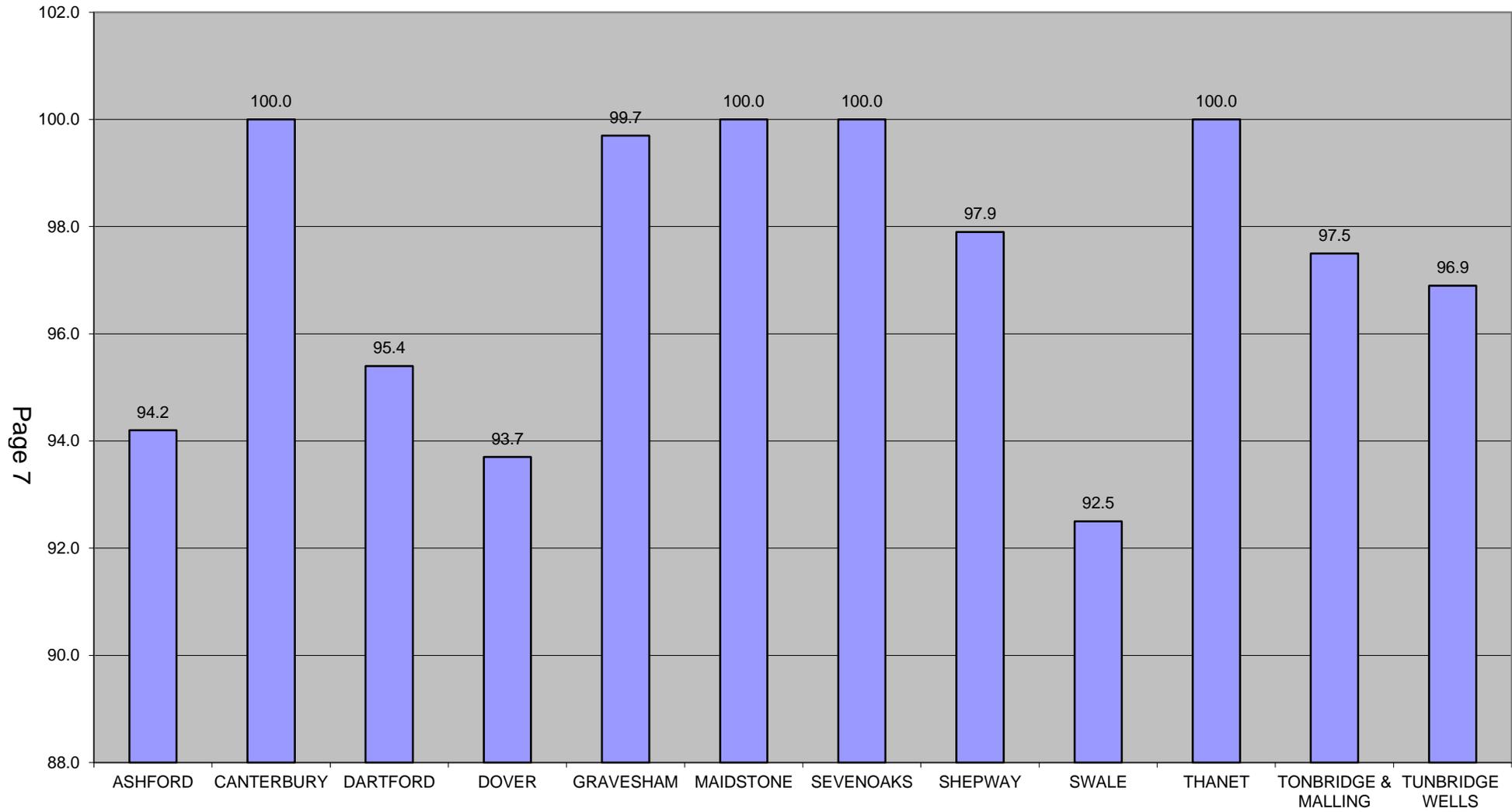
10. Contact details

Nigel Smith
Head of Development
Nigel.smth@kent.gov.uk

Relevant Director
Stephanie Holt-Castle
Director, Growth and Communities
Stephanie.holt-castle@kent.gov.uk

This page is intentionally left blank

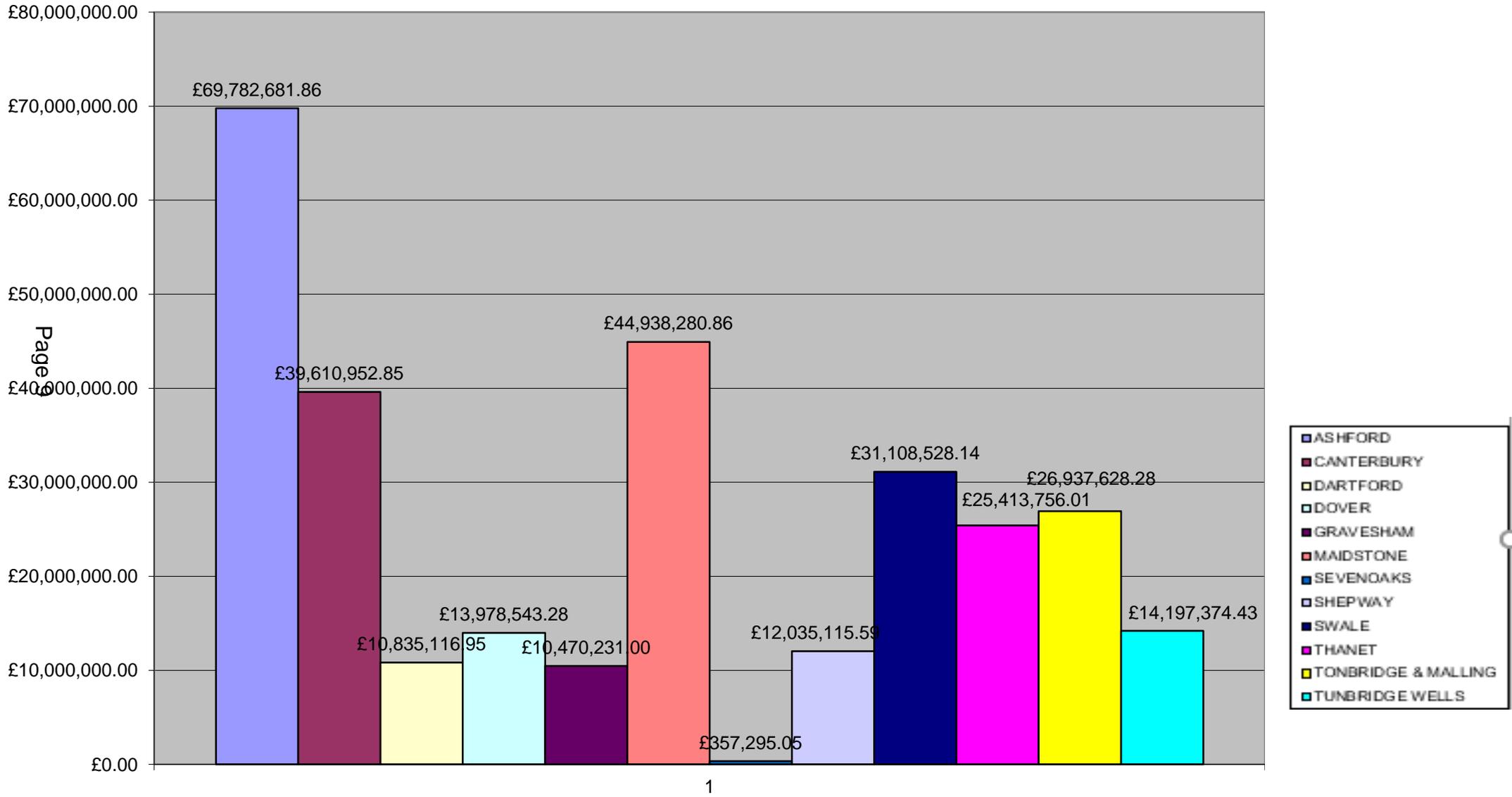
Ratio: £ Agreed/Sought, by District 2014 – 2021



This page is intentionally left blank

Appendix 2

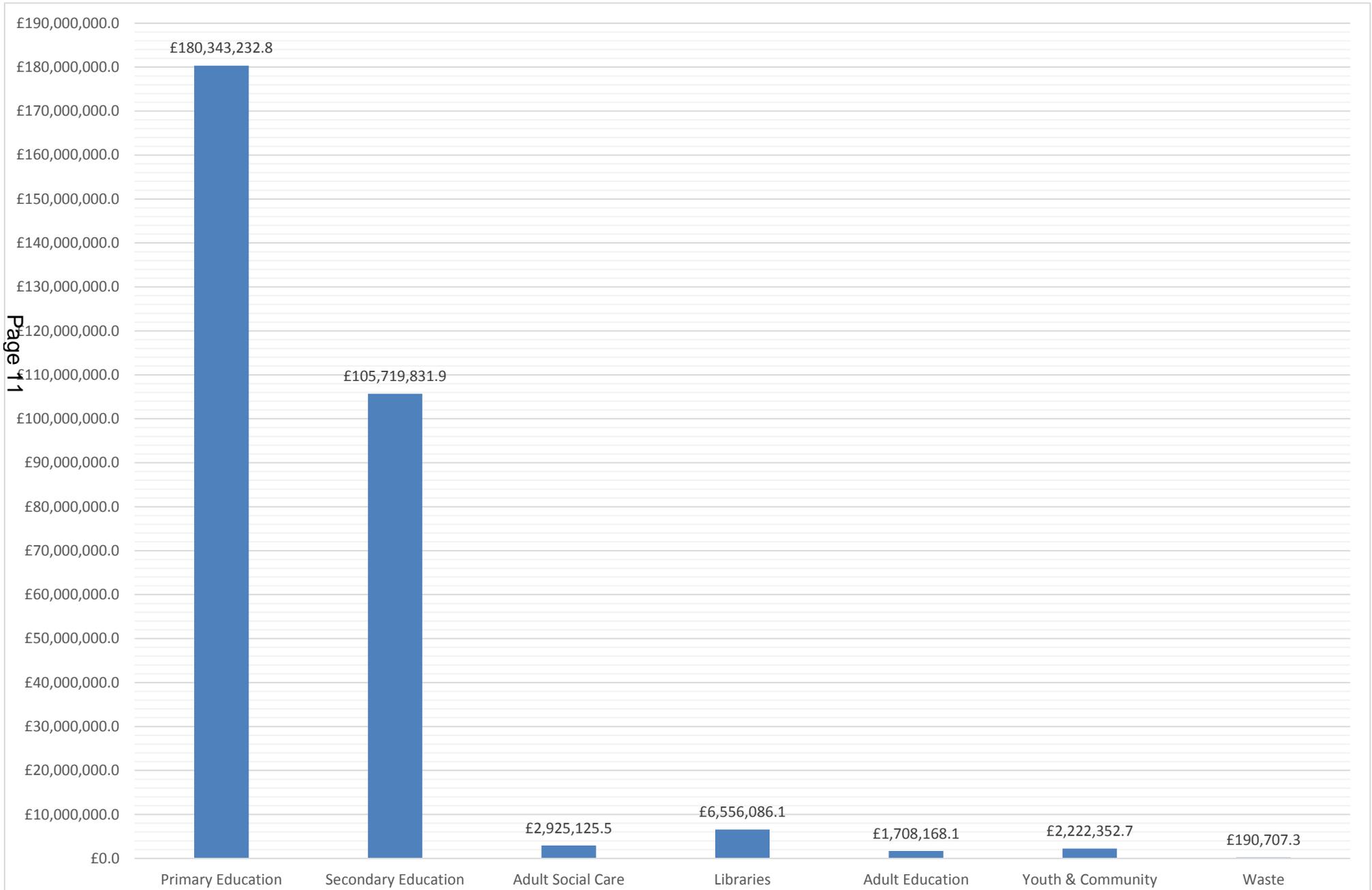
Development Contributions, £ Agreed by District 2014 -2021



This page is intentionally left blank

Appendix 3

Amount agreed per service 2014 – 2021



This page is intentionally left blank

From: **Derek Murphy, Cabinet Member for Economic Development**
Simon Jones, Corporate Director of Growth, Environment & Transport

To: **Growth, Economic Development and Communities Cabinet Committee - 17 November 2021**

Subject: **KCC's Infrastructure Funding Statement 2020 2021**

Classification: **Unrestricted**

Past Pathway of report: **None**

Future Pathway of report: **Publication**

Electoral Division: **All**

Summary: All Local Authorities have a responsibility to provide a summary of all financial and non-financial developer contributions that they have been involved with over the course of a given financial year. This summary is published annually in the form of an Infrastructure Funding Statement (IFS).

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to note Kent County Council's IFS for 2020/21, attached as Appendix A.

1. Introduction

- 1.1 All Local Authorities have a responsibility to provide a summary of all financial and non-financial developer contributions that they have been involved with over the course of a given financial year. This summary is published annually in the form of an Infrastructure Funding Statement (IFS).
- 1.2 Please find attached as Appendix A KCC's IFS 2020/2021 for noting. This year's statement builds on the [inaugural statement](#) published in December 2020.
- 1.3 A key purpose of the statement is to provide transparency and accountability on the infrastructure delivered through developer contributions.

2. The Data

- 2.1 The IFS provides simple, factual summary data. The background data has been extracted from MasterGov (KCC's Single Monitoring System for developer contributions) and KCC Finance (Oracle). This data was processed, analysed, checked, and shared in partnership with the relevant authorities including KCC services such as Highways (section 278 and section 106 payments) and Finance, as well as District colleagues. All other figures presented within the publication are direct reflections of the summary evidence.

- 2.2 KCC's IFS presents summary information per service (Education, Highways etc.) rather than per service per district. Further information will be presented within each District's own IFS.
- 2.3 This year's detail is broadly comparable to last year's. Please note Table 2 illustrates that contributions secured were significantly higher for Education and Highways. This was due to a range of large section 106 payments that were agreed in 2020/2021 including South Canterbury scheme (£28.7m for Education) and Sturry/ Broad Oak schemes (£17.5m for Highways).

3. Publication

- 3.1 The intention is to publish this statement by the end of November 2021. The publication will replace the current version (i.e., for 19/20) on kent.gov.uk but the current version will still remain available. As with last year, the press office, contact centre and FOI team will be made aware of this statement ahead of publication. Any enquiries will be directed to IFS@kent.gov.uk which will be monitored by the team.

4. Financial Implications

- 4.1 There are no financial implications with the Statement itself, it reflects the financial position in relation to those developer contributions that KCC has been involved with.

5. Legal Implications

- 5.1 There is a regulatory responsibility upon the County Council to publish an annual IFS under the *Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 Regulation 121A*. Schedule 2 of these regulations outlines matters to be included in the IFS. This statement is for noting only by Members, no decision is required.

6. Equalities implications

- 6.1 There is no proposed decision requiring an Equality Impact Assessment (EqIA).

7. Other corporate implications

- 7.1 The Infrastructure Funding Statement requires input from a range of services across KCC including Highways, Development Investment, Infrastructure and Finance. There are no further corporate implications.

8. Governance

- 8.1 There is no proposed decision requiring a scheme of delegation.

9. Conclusion

- 9.1 KCC's IFS provides a factual summary of all financial and non-financial developer contributions that the County Council has been involved with over the

course of the financial year (April 2020 to March 2021). It provides transparency and accountability on the infrastructure provided through developer contributions.

10. Recommendation:

10.1 The Growth, Economic Development and Communities Cabinet Committee is asked to note KCC's Infrastructure Funding Statement for 2020/21, attached as Appendix A.

11. Contact details

Report Author:
Katie Chantler
Programme Manager, Growth and
Communities
03000 417046
katie.chantler@kent.gov.uk

Relevant Director:
Stephanie Holt-Castle
Director, Growth and Communities
03000 412064
Stephanie.Holt-Castle@kent.gov.uk

This page is intentionally left blank

Infrastructure Funding Statement



2020-2021



Published November 2021

Contents

1. Introduction	3
2. Developer Contributions	4
Section 106 Planning Obligations	4
Community Infrastructure Levy (CIL)	4
Section 278 Highway Agreements	4
Forecasting	4
3. S106 Contributions	5
Contributions received or invoiced before the start of 2020/21 that had not been spent	5
Contributions agreed in 2020/21 through S106 Agreements	5
Contributions received in 2020/21 (regardless of S106 Date)	6
Contributions spent in 2020/21	6
Contributions returned in 2020/21	7
Non-monetary contributions agreed in 2020/21 through S106 Agreements	7
Money borrowed	7
Case Study: Tunbridge Wells Cultural Hub; The Amelia Scott	8
Case Study: Ebbsfleet Green Primary School; New Modular Primary School	11
4. Community infrastructure Levy (CIL) Contributions	15
Unallocated receipts from previous years	15
Total CIL receipts	15
CIL retained at end of year	15
CIL receipts allocated and spent in the year 2020/21	15
Amount of CIL spent on administrative expenses	15
5. S278 Contributions	16
Bonds agreed in 2020/21 through S278 Agreements	16
Fees received in 2020/21 (regardless of S278 Date)	16
Case Study: New Cut Road, Maidstone; Invicta Science and Technology School	17
6. CIL Spending Governance	18
7. Future Spending Priorities	19
8. Future Funding Priorities	20

1. Introduction

- 1.1. As part of changes in Central Government Planning Policy, Local Authorities have a responsibility to provide a summary of all financial and non-financial developer contributions that they have been involved with over the course of a given financial year. The Infrastructure Funding Statement (IFS) is the platform in which to do this and must include information on Section 106 (S106), Section 278 (S278) and legal agreements under the Community Infrastructure Levy (CIL).
- 1.2. Along with summary information, this IFS will also provide some examples of infrastructure projects that Kent County Council (KCC) has delivered, planned, or allocated contributions towards during 2020-21 as a means to demonstrate how developer contributions are an essential tool in unlocking and delivering growth across the county.
- 1.3. KCC is responsible for delivering and maintaining a wide range of strategic infrastructure such as roads, schools, and social care but it may not be the immediate Local Planning Authority for entering into legal agreements with developers. Thus, KCC works closely with its local District and Borough colleagues to ensure that its statutory responsibilities can be met and there is a smooth and timely transfer of developer contributions between the respective authorities. KCC will report the net result of such transfers within its IFS.
- 1.4. Throughout the IFS there will be references to the following definitions:
 - **Secured** – Contributions that have been included within a signed legal document for a planning application. These contributions have not been collected / delivered and if the planning application is not implemented, they will never be received.
 - **Received** – Contributions received, either monetary or non-monetary (in kind), that have been transferred to Kent County Council.
 - **Allocated** – Contributions that have been received and allocated to specific projects.
 - **Spent / Delivered** – Monetary or non-monetary contributions that have been spent or delivered.
 - **This Financial Year** - unless stated otherwise, this refers to the period 01/04/2020 – 31/03/2021.
 - **District** – unless stated otherwise, used to refer to one or more of Kent's District and Borough Councils.

2. Developer Contributions

Section 106 Planning Obligations

- 2.1. Section 106 Agreements, commonly referred to as S106 agreements, are a legal mechanism used to fund additional infrastructure needed as a result of increased demand caused by development within a local area.
- 2.2. Section 106 monies are secured for a range of infrastructure and can only be sought where they are directly related to the development, fairly and reasonably related in scale and kind to the development, and necessary to make the development acceptable in planning terms.
- 2.3. KCC secures contributions towards primary and secondary education, highways and transportation, adult social care, sustainable urban drainage, strategic waste services, libraries, adult education and youth and community facilities. Kent's District and Borough councils secure contributions towards infrastructure such as affordable housing, healthcare, local play areas and some aspects of further education. All of these items are essential in building and maintaining sustainable communities.
- 2.4. S106 agreements are secured on a site-by-site basis with payments typically being made in instalments as the development is built out. Contributions can only be spent against the purposes for which they are collected.
- 2.5. Unilateral Undertakings (UUs), which are a simplified version of a planning agreement entered into between the landowner and KCC will also be included within this section.

Community Infrastructure Levy (CIL)

- 2.6. Under CIL, each District is to create a charging schedule which is applied to the floor space of the development. The funding raised from CIL is collected by the Districts, pooled into a 'pot' and can be spent on a wide range of infrastructure types.
- 2.7. The infrastructure that receives CIL funding will be determined by the local Council. Whilst KCC is not directly responsible for collecting CIL, it is heavily involved in discussions about accessing these funds in order to deliver its statutory duties and ensure that all communities, both new and existing, within Kent benefit.

Section 278 Highway Agreements

- 2.8. Additional legal agreements that can fund infrastructure are Section 278 Agreements (S278). These are legally binding agreements made under the Highways Act 1990 between Local Highway Authorities and Developers. S278 agreements are required to secure alterations or improvements to the highway.

Forecasting

- 2.9. National guidance recommends that Councils should consider reporting on estimated future income where possible. KCC will look at incorporating forecasting of developer contributions within future versions of the IFS, although KCC will ultimately rely on information provided by Kent's Districts and Boroughs.

3. S106 Contributions

Contributions received or invoiced before the start of 2020/21 that had not been spent

- 3.1. Table 1 below shows the total amount of S106 money held or invoiced but not spent by KCC on 31st March 2020, the end of the previous financial year (2019/2020). Invoiced money has not necessarily been received.
- 3.2. It is important to note that large accumulations of contributions are not uncommon as some projects require a great deal of starting capital, plus the sums are spread across 12 Kent Districts and Boroughs.

Table 1 – Received or invoiced contributions yet to be spent and held by the Council at 31st March 2020

Service Area	Amount
Adult Social Care s106 agreements	£2,458,457
Adult Social Care UUs	£471,481
Community Services ¹ s106 agreements	£2,546,182
Community Services UUs	£770,016
Education ² s106 agreements	£27,351,521
Education UUs	£2,963,133
Highways ³ s106 agreements	£14,193,865
Highways UUs	£3,648,542
Kent Thameside s106 agreements	£3,352,216
Total	£57,755,412

- 3.3. The majority of the developer contributions held are in education and highways. To give some context, the timing of developer contributions rarely matches with when the spend is incurred. On some occasions KCC gets money in before the capital project and spend is due to take place; or KCC has to await match funding from other sources; but overwhelmingly KCC are asked to bear the risk on developer contributions by delivering schemes in advance and then having to wait and get in contributions over a number of years.

Contributions agreed in 2020/21 through S106 Agreements

- 3.4. Table 2 outlines the financial contributions that have been secured by KCC through signed S106 agreements this financial year. The majority of this will be transferred to KCC from Kent's Districts and Boroughs.
- 3.5. Whilst money may be secured through S106, it is not a guarantee that the money will ever be received. If the development does not go ahead or planning circumstances change through appeals, renegotiations etc., then the amounts of money that KCC actually receive will be different.

Table 2 – Contributions secured in 2020/21 through S106 Agreements

¹ Community services includes Community Learning and Skills, Libraries and Youth Services

² Education includes Primary and Secondary Educational facilities

³ Highways includes works to the road network, cycle lanes, pedestrian access, and public rights of way

Service Area	Amount
Community Services	£1,267,286
Education	£70,067,735
Highways	£21,419,086
Land (for Educational facilities)	£3,410,278
Social Care	£451,311
Strategic Waste Services	£142,364
Monitoring Fees	£1,422
Public Transport and Public Rights of Way	£1,526,287
Total	£98,285,768

Contributions received in 2020/21 (regardless of S106 Date)

- 3.6. Table 3 shows the total amount of money received by KCC from developer contributions this financial year. The majority of this money is transferred from Districts and Boroughs at KCC's request.
- 3.7. In many instances the money received was agreed and signed for in S106 agreements predating this financial year.

Table 3 – Total s106 contributions received this financial year by KCC

Service Area	Amount
Adult Social Care	£141,034
Community Facilities	£731,199
Education	£21,161,564
Highways	£1,349,358
Kent Thameside	£1,101,120
Strategic Waste Services	£0
Total	£24,484,276

Contributions spent in 2020/21

- 3.8. Table 4 provides details on the amount of S106 contributions spent by the KCC this financial year.
- 3.9. Some of this will be money that was received and allocated in previous years but could only be spent when sufficient sums were received to pay for a project in its entirety.

Table 4 – Total contributions spent by KCC in 2020/21

Service Area	Amount
Adult Social Care	£186,005
Community Facilities	£426,897
Education	£21,115,305
Highways	£2,525,102
Kent Thameside	£526,254
Strategic Waste Services	£0
Total	£24,779,563

Contributions returned in 2020/21

- 3.10. Most s106 agreements come with a return clause where if contributions remain unspent after a certain period, then KCC is legally obliged to hand the contribution back to the developer.
- 3.11. No s106 contributions had a return clause triggered during 2020/21.

Non-monetary contributions agreed in 2020/21 through S106 Agreements

- 3.12. Table 5 provides a summary of the non-monetary (in kind) contributions that were agreed through S106 agreements in the financial year 2020/21. The non-monetary contributions include provision of ultra-fast broadband and land transfers for the provision of Primary and Secondary schools.

Table 5 – Non-monetary S106 contributions

Item	Amount
Broadband	41 applications
Land transfers (education)	6 applications

Money borrowed

- 3.13. In the last financial year, no S106 money was spent repaying money borrowed.

Case Study: Tunbridge Wells Cultural Hub; The Amelia Scott

Current RIBA Stage: 5 (Construction)

Expected Project Completion Date: November 2022

Project Forecast: circa £21 million

C1.1 Refurbishment of two grade 2 listed buildings formally used as a library, museum and adult education centre.



Project Background

C1.2 The Tunbridge Wells Cultural Hub now known as “The Amelia Scott” has been a long-term aspiration of Tunbridge Wells Borough Council and has been delivered in partnership with Kent County Council (KCC), to deliver a community facility for the people of Tunbridge Wells district and the wider Kent and South East region.

Project Deliverables

C1.3 The project includes the refurbishment and restoration of the grade II listed buildings, including key listed features such as a stained-glass window, hand carved stonework, terrazzo mosaic floors and art deco ceilings, glazed partitions, and doors. The construction of a new specialist archive and exhibition building and extension to the existing library. Once complete the facility will have a total floor area of 4,165m² and will contain the following accommodation:

- Library
- Adult Education Facility
- Gateway Service Centre & Call Centre
- Museum
- Quiet rooms, rest areas and private study areas
- Tourist Information Centre
- Print Studio, Pottery Studio and Silversmithing Studio
- Hireable rooms including an education space for young people
- New office space for staff

- Artwork restoration workshop
- Archive grade storage and archivist reading rooms
- Café and Outdoor courtyard and public realm area

C1.4 The project was funded with over £400k of Section 106 contributions and grants from Arts Council England, National Lottery Heritage Fund, Tunbridge Wells Borough Council, Kent County Council, fundraising and many other diverse grant pots and funding opportunities.

Project Timescales

- The project was initiated in 2014 by Tunbridge Wells Borough Council entering into a collaboration agreement with Kent County Council to deliver the project and join up public services in the district in the first of its kind across Kent
- Planning approval including listed building consent was then secured
- Willmott Dixon Interiors were awarded the traditional contract
- Works commenced on site in December 2019
- Contract completion date: Aug/Sep 2021
- Fit-out and specialist joinery commences September 2021
- Migration and scene setting December 2021 – March 2022
- Hub Launch April 2022

Current Project Challenges

C1.5 The grade two listed buildings have thrown up many surprises during construction including structural walls with no foundations, hazardous materials and contaminated land, World War 2 bomb shelter Ceilings, WW2 graffiti, the replacement of 80% of the original horsehair and lime plaster to ceilings and walls: all culminating in more than 200 changes in design. These were then on top of the impact of Covid, Brexit and the shortage of supplies when the world re-opened for business. Despite these issues, the building will shortly be ready for the installation of the specialist joinery and artworks.

Current Progress Project Photos

1. Archive reading room



2. Archive reading room



3. Library space



4. Library space



Case Study: Ebbsfleet Green Primary School; New Modular Primary School

Project Completion Date: August 2021

Project value: £8.8million to date

C2.1 Delivery of a new modular primary school at Ebbsfleet Garden City.



Project Background

C2.2 Ebbsfleet Garden City was announced as part of the Government's Garden City initiative in 2014. The vision is to create a modern development of 15,000 homes in the spirit of planned communities of the past, capitalising on good transport links to London, Kent, and Europe. The overall development comprises seven main areas; Eastern Quarry; Swanscombe Peninsula; Ebbsfleet Central; Northfleet Embankment West; Northfleet Embankment East, Springhead Park and Ebbsfleet Green. The development is being built mainly on brownfield sites from the former industries in the area; Ebbsfleet Green is being constructed on the site of a large National Grid Substation.

C2.3 Ebbsfleet Green is a development under construction by Redrow Homes; it was originally granted outline Planning Permission in March 2014 by Dartford Borough Council. The scheme consists of a mixed-use development of 950 residential dwellings, a village centre, primary school, pub, hotel, community centre, sports grounds, and green public space. Prior to the commencement of this scheme the site housed a large National Grid substation, with part of the site on the Southern boundary being retained for this purpose. The parcel of land for the school is situated in the centre of the Ebbsfleet Green development and borders the 'village centre' and green corridor.

C2.4 S106 monies have part funded Ebbsfleet Green Primary School. It was constructed by Kier to serve the wider and local community as surrounding houses are constructed and occupied. The school has initially opened as a one-form entry school (1FE), expanding to a two-form entry school (2FE) as the numbers of pupils in the area increases. The school also includes a specialist resource base provision for up to 15 pupils with a diagnosis of Autism Spectrum Disorder plus a 26-place nursery.

Project Deliverables

- C2.5 Construction of a modular new build primary school consisting of a variety of learning spaces including nursery, reception, infant and junior classrooms, food/science/ design technology area, library, special educational needs (SEN) resource base, SEN therapy / medical inspection room, food technology room, hall spaces, staff, and administration areas. External areas include a multi-use games area, sports field, playground, and parking and drop off area.

Project Timescales

- Kier Construction were awarded the Design and Build contract on 24th October 2019.
- Works commenced on site: 14th September 2020.
- Contract Completion date: 31st August 2021.

Construction Description

- **Foundations:** CFA piles, pile caps and ground beams
- **Structure:** 98No. Modular units fabricated off-site and lifted into position with 300t Mobile Crane
- **Roof:** Built-up felt and zinc roof sheeting, PV panels, Monodraught windcatchers, air conditioning condensers on roof
- **Façade:** Walls constructed offsite as part of the modular process, windows and doors fitted off-site.
- Brick Slip system and cement plank cladding and associated closures and flashings applied on site from MEWPS
- **Externals:** SUDS drainage system with permeable surfacing and attenuated sub-base. Attenuation tank, Detention Pond and Swale.
- Fenced hard court area.
- "Public Realm" Plaza Area at front of school - The school entrance was sited to create a focal point using the relationship with the adjacent green and soon to be built community centre to give a Village feel to the area.
- Staff and visitor's car park constructed of permeable paving and attenuated sub-base
- Cycle and scooter storage shelters
- Allotments and wildlife area forming Forest School
- Playing Field and extensive soft landscaping with planting

Project Challenges

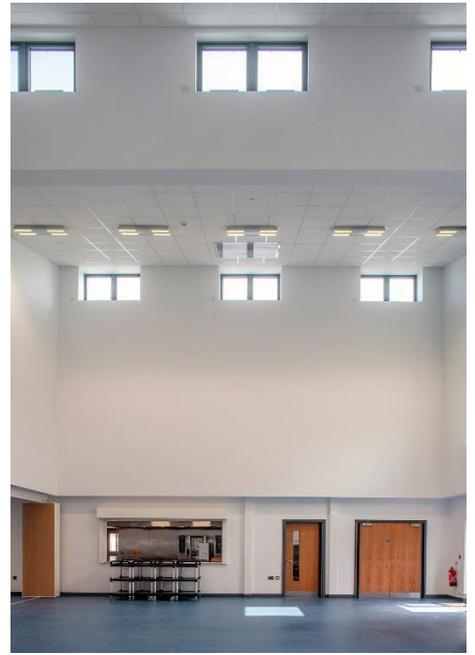
- C2.6 The school site is based within the Redrow housing site. Kier worked closely with Redrow homes to facilitate statutory services to the site and ensured logistic routes for the large modular units to be accommodated. Works were carried out during COVID-19 period.
- C2.7 This scheme had a complex drainage system, in order to fit in with the wider development at the Garden City. There were existing foul and surface water drainage systems around the site. Soakaways were not viable due to the depths of made ground being between 3m and 4m deep in the area of the development. There were existing ponds adjacent to the site, but these were at capacity from the other development and Highways works.
- C2.8 The site naturally falls from North to South towards the surface water sewer. A

pond was constructed at the top of the site. This was lined to ensure 50% of the water remained in the pond for teaching purposes and 50% was used as storage for rainfall. The MUGA was constructed with storage to hold some rainwater and there were tanks associated with the car parks. There is a controlled discharge from these holding tanks into the main existing surface water sewer as well as an unlined swale to allow a small amount of natural infiltration to reduce the load on the surface water system.

Environmental

- C2.9 The new building's form is designed to maximise natural light and natural ventilation and has achieved a BREEAM very good rating. Whilst ensuring that items such as timber for the construction was brought from a responsible source and enhancements to the site's ecology and long-term biodiversity were designed and implemented.

Completion Project Photos



4. Community infrastructure Levy (CIL) Contributions

- 4.1. As mentioned earlier, KCC is not responsible for collecting CIL. However, as part of ongoing negotiations between the County Council and those Districts and Boroughs charging CIL, governance exists or is in the process of being formed that sets out the requirements for KCC to access these funds.
- 4.2. The processes set out for KCC to access a District's CIL receipts varies between Districts. These processes may take the form of either a set percentage of CIL receipts transferred from a District to KCC annually, or a requirement to make bids against a District's CIL receipts. Further details can be found in Section 6.

Unallocated receipts from previous years

- 4.3. KCC has no unallocated CIL receipts from previous years.

Total CIL receipts

- 4.4. Table 6 outlines the CIL monies that KCC has received during 2020/21 and what it has been allocated to.

Table 6 – CIL Receipts transferred to KCC during 2020/21

Item	Amount
Swanley Train Station	£750,000

CIL retained at end of year

- 4.5. No CIL monies have been retained.

CIL receipts allocated and spent in the year 2020/21

- 4.6. The CIL received relating to Swanley train station was spent during 2020/21. No further CIL receipts were either allocated or spent by KCC in 2020/21.

Amount of CIL spent on administrative expenses

- 4.7. No CIL receipts were spent on administrative expenses by KCC in 2020/21.

5. S278 Contributions

- 5.1. KCC, as the local highways authority is responsible for the maintenance and development of the local road network within its borders. If planning permission has been granted for a development that requires changes or improvements to public highways, then KCC will often enter into a Section 278, or S278, Agreement with the developer. This agreement details and enables these changes to be made which the developer pays for and constructs. Examples of works that may be featured in a S278 include roundabouts, improved facilities for pedestrians and cyclists; and traffic calming measures.
- 5.2. The value of S278 agreements takes the form of a performance bond paid to KCC by the developer based on the cost of the highway works (including utility works). A performance bond protects KCC against the risk of unforeseen expenditure if the works are not completed by the developer. If the works are delivered, then the bond is repaid to the developer, generally in parts based on completion stages.
- 5.3. KCC can also request a commuted sum payment from the developer. A commuted sum covers the maintenance and renewal costs (for 30 years) of assets built by the developer as part of an S278 agreement and then adopted into public ownership by KCC.
- 5.4. S278 agreements are subject to reasonable and proportionate fees which KCC can charge as part of delivery and monitoring arrangements outlined within each agreement. These charges cover KCC costs associated with the necessary work involved for example commissioning road safety audits.

Bonds agreed in 2020/21 through S278 Agreements

- 5.5. Table 7 outlines the value of bonds within signed S278 agreements this financial year.

Table 7 – Total value of S278 bonds signed in 2020/21

Item	Amount
S278 bonds signed with KCC	£9,938,038

Fees received in 2020/21 (regardless of S278 Date)

- 5.6. Table 8 outlines the total value of fees that have been paid to KCC as part of S278 agreements this financial year.

Table 8 – Total value of S278 fees received in 2020/21

Item	Amount
S278 fees received by KCC	£1,113,635

Case Study: New Cut Road, Maidstone; Invicta Science and Technology School

S278 bond value: £1,262,970

- C3.1 The works comprised of a new four-arm roundabout with shared cycleway / footway facility along the western side of the roundabout and a toucan crossing to promote sustainable access to and from the school.
- C3.2 Alterations were made to the existing footways to widen them to accommodate a 3.0m wide cycle way/footway facility. A roundabout was used to facilitate continual traffic flow through New Cut Road. Further enhancements to the network, such as splitter islands to further promote footfall around the site with ease, were put in place along with new footways to mitigate the impact of the development. The works included new carriageway surfacing, kerbing, and white lining.
- C3.3 The design review and approval were conducted from December 2018 to November 2019 and the works were delivered between March and May 2020 and adopted in May 2021.



6. CIL Spending Governance

- 6.1. KCC's process for receiving CIL is determined at District level. It is important to note that not all Districts have adopted a CIL. Table 9 below summarises the current position of local planning authorities with regards to a CIL charging regime; and how these funds can be accessed.

Table 9 – District CIL regimes and access to CIL funding

District	CIL Position	Process for accessing CIL funds
Ashford	No CIL	-
Canterbury	Adopted Apr 2020	Bidding process under development
Dartford	Adopted Apr 2014	Representation within Leader's Advisory Group and projects within Dartford's Infrastructure Delivery Plan
Dover	No CIL	-
Folkestone and Hythe	Adopted Jul 2016	Set proportion of funds passed to KCC annually to spend on CIL infrastructure priorities
Gravesham	No CIL	-
Maidstone	Adopted Oct 2017	Application to annual bidding process
Sevenoaks	Adopted Feb 2014	Application to CIL Spending Board
Swale	No CIL	-
Thanet	No CIL	-
Tonbridge and Malling	No CIL	-
Tunbridge Wells	No CIL	-

- 6.2. Future IFS publications will update this CIL information. Given consultations held in Autumn 2020 by Central Government on reforms to the planning system including CIL, this is subject to change.
- 6.3. KCC has created a CIL working group which includes representation from all of KCC's infrastructure services that make use of developer contributions including Highways, Education, Adult Social Care, Libraries, Youth Services, Community Learning and Skills, Sustainable Urban Drainage; and Strategic Waste Services. The role of this group will be to consider how to bid for and spend any CIL receipts it receives.

7. Future Spending Priorities

7.1. Table 10 – Received or invoiced contributions yet to be spent and held by the Council at 31st March 2021 (Year-end position)

Service Area	Amount
Adult Social Care	£2,884,967
Community Facilities	£3,620,501
Education	£30,360,912
Highways	£16,666,662
Kent Thameside	£3,927,082
Total	£57,460,125

7.2. During the financial year 2020/21, KCC's position with unspent contributions has moved from £57,755,412 to £57,460,125. This is a net reduction of £295,287 (-0.5%). i.e., KCC has spent more contributions during 2020/21 than it has received.

7.3. The largest planned infrastructure projects that monies are allocated towards are summarised in Table 11. The delivery schedule of these infrastructure projects is down to a number of factors, including whether sufficient finance is available but also land availability and Central Government policy.

Table 11 – Largest planned infrastructure projects with unspent contributions

Project	Unspent Monies (Allocated) £m	Timescales ⁴	Potential additional funding
St. James Lane Primary School	£3.5	2023/24 onwards	
Garrison Primary School	£3.3	Beyond 3 years	
Hermitage Lane Primary School	£3.2	Within 5 years	
Herne Bay Primary School	£2.7	5 to 10 years	
Cornwallis Academy	£1.6	Within 5 years	
Marden Primary School	£1.0	Within 5 years	
Pilgrims' Way Primary School	£1.0	2024	DfE funding ⁵
A228 and B2160 junction improvements with B2017 Badsell Road Paddock Wood	£1.5	3 to 5 years	
Maidstone Integrated Transport	£2.9	3 to 5 years	Part funded by LGF ⁶
Sturry Link Road	£1.1	5 years	Part funded by LGF
Strategic Transport Infrastructure Programme (formerly Kent Thameside Strategic Transport Programme)	£4.3	3 to 5 years	
Total	£26.1		

⁴ Project timescales are estimated and will be subject to a range of factors.

⁵ Department for Education Building Programme Funding

⁶ Local Growth Fund (LGF)

8. Future Funding Priorities

- 8.1. KCC remains committed to seeking developer contributions across the County to ensure that development pays a fair proportion for its impact on Kent's infrastructure, both existing and new.
- 8.2. Kent County Council emphasises the importance on taking an 'Infrastructure First' approach, reflected in KCCs Interim Strategic Plan (December 2020):
 - 8.2.1. *"Kent's population is growing quickly, and it is essential that development is well-planned and well-supported to protect and enhance the unique identity of local areas and quality of life. We need to use our influence to improve the planning system, so it better meets the needs of local areas. There are also opportunities to work more closely with our partners to take a strategic approach to planning across the county. Growth requires investment in infrastructure and there is a gap of around £4 billion for essential infrastructure to support the necessary housing growth in Kent and Medway to 2031. This is why we are taking an 'infrastructure first' approach, to allow us to secure funding to put necessary infrastructure, like road improvements, more school places and broadband, in place before housing is completed. There are also current opportunities to bring forward investment in new infrastructure to stimulate economic growth and instill confidence in key sectors like construction."*
- 8.3. Districts' Infrastructure Delivery Plans (IDP) provide a long-term plan of infrastructure requirements arising from the allocation of housing within their Local Plans. These IDPs set out what is needed, where it is needed and when it is needed. These plans include KCC services.
- 8.4. KCC will continue to work in partnership with those Districts that are CIL charging authorities and set out governance arrangements in order to comply with their bidding processes. Regardless of the bidding requirements, KCC will prioritise the infrastructure projects that should be delivered first given the possible CIL monies available for KCC to bid for or spend.

From: Mike Hill, Cabinet Member for Community and Regulatory Services
Simon Jones, Corporate Director Growth, Environment and Transport

To: Growth, Economic Development and Communities Cabinet Committee – 17 November 2021

Subject: **Trading Standards Update on current and future work activity, including EU Exit**

Classification: **Unrestricted**

Past Pathway of report: N/A

Future Pathway of report: N/A

Summary: This report covers the work of Trading Standards from January to October 2021 and focuses on current work and future challenges to the service, including preparation for full import checks for goods arriving via or from mainland Europe.

Recommendation(s): The Cabinet Committee is asked to note and discuss the report.

1. Introduction

1.1 This report covers the work of Trading Standards from January to October 2021 and focuses on current work and future challenges to the Service.

2. Background

2.1 Kent County Council Trading Standards Service is a statutory service that enforces over 200 Acts of Parliament and Regulations covering the trading environment in consumer goods and services, most of which impose a specific statutory duty of enforcement in Kent. The subject areas covered are diverse, ranging from counterfeiting and unfair practices to food standards, and explosive licensing

2.2 The service's current objectives are listed in **Appendix A**.

2.3 Trading Standards has seen extensive enforcement work during the pandemic and whilst a return to more business-as-usual, the changes that the pandemic has brought about, such as remote working, means that the way the service operates is also evolving. Furthermore, the conclusion of EU transition and introduction of full controls at the border from the 1st of January and the 1st of July 2022 will be placing new and extended burdens upon the service.

2.4 This requires the service to consider both its primary areas of focus and its future needs. We have started to address this by a significant recruitment campaign to provide capacity and capability.

3. Outcomes for 2021

3.1 Financial Year 20/21

3.2 During the pandemic the service has provided a diverse range of support to residents and businesses. Appendix B includes a synopsis of work delivered during the financial year 2021.22.

3.3 Achievements since April 2021

- Doorstep Crime Safeguarding – The Victim Safeguarding Officer has carried out 87 safeguarding interventions where those 87 households have lost £1.1 million to fraudsters. These safeguarding interventions prevented a further £117,000 going to criminals.
- Growth Hub Advice: 74 Businesses have been supported with a total of 274 hours delivered.
- Operation Astra – Following convictions in 2019 for supplying counterfeit goods, a proceeds of crime prosecution concluded with the two defendants receiving confiscation orders totalling £136,476 payable within 3 months.
- Illicit tobacco operations - so far this year, 102,803 Cigarettes and 40.4Kg of Hand Rolling Tobacco have been seized with an estimated total value £30,536
- Partnership working with Thanet District Council has seen the closure of seven premises persistently selling illicit tobacco
- Safety of Imported Goods – 103 referrals totalling 936,122 goods of which 337,047 were prevented from entering the supply chain and which could have resulted in £11.2m of consumer detriment

3.3.1 A full overview is included at **Appendix C**

4. Protecting the Vulnerable

4.1 Doorstep Crime and Scams

4.1.1 Doorstep crime and scams continue to dominate the criminal activity investigated by the service. This requires a significant amount of resource to investigate, which is why we have established close working relationships with Kent Police in tackling Doorstep Crime.

4.1.2 While investigations continue, our Victim Safeguarding Officer has conducted safeguarding interventions with 87 households since April. The victims lost in total £1.1 million to fraud. Her involvement has prevented a further £117,000 of victim money going to criminals

4.1.3 We saw a significant increase in scams during Covid and we continue to work in this expanding area of consumer detriment, with fraud forming the biggest crime in the UK. In 2021 we dealt with over £1million in scams related criminal activity with 144 victims. We continue to publicise and educate through media campaigns and radio appearances.

4.1.4 Our Victim Safeguarding Officer is also responsible for coordinating the work of the KCC Community Wardens who visit and work with scam victims, identified by the National Trading Standards Scams Team (NTSST). This provides the Wardens with up-to-date information and training to enable them to be as effective as possible during their victim visits. So far this year the wardens have engaged with 216 households flagged as potential scam victims.

4.2 Allergens

4.2.1 Another area of vulnerability is around allergens in foods, where our statutory role is ensuring food standards are met. The service has seen a significant rise in complaints on suspected allergens in food. Food officers have been working with identified businesses providing advice on changing and strengthening operating procedures so that they are effective in supporting consumers who suffer with allergies. We are focusing on this area as part of our annual retail surveillance programme, where samples of identified products are taken and analysed at Kent Scientific Services to determine levels of compliance, then formally followed up.

4.2.2 On 1st October a change in the law, known as “Natasha’s Law”, was implemented for foods that are pre-packed for direct sale, which previously were not required to carry a full list of ingredients.

4.2.3 Training has been provided inhouse to all food qualified officers so that both enforcement and advice to businesses can be effectively delivered.

4.2.4 Trader guidance notes and a video (viewed 6,350 times) have been produced by our food principal trading standards officer and the Public Protection Communications Team. The film is accessible through the KCC Trading Standards website. In addition, businesses were targeted through social media advertising (which has so far reached over 53, 000 people) and a direct email opened by 424 businesses.

5. Public Protection

5.1 Petroleum and Explosives Licencing

5.1.1 The service has responsibility for the licensing of petroleum sites in Kent, including conducting inspections to ensure these dangerous substances are stored correctly and the sites meets regulatory and licencing standards.

5.1.2 During the pandemic, changes were made regarding how we conducted inspections, By introducing initial offsite paper checks, this has led to quicker, safer, and more focused physical checks on site. This has been very successful in reducing business burden and increasing officer capacity. We have continued to operate this way and so far, have visited 66 of the 99 planned site visits.

5.1.3 Our licencing responsibility means we are also part of the emergency fuel plan. Whilst this was not stood up in the recent fuel shortages, it is important to note that should it be invoked officers would be required to be present at the

seven designated sites (i.e., fuel garages). We will be contributing to the lessons learnt to continue to improve the future fuel plan.

- 5.1.4 The service is responsible for licensing firework storage. In autumn, we inspect premises checking for safe storage. We focus on priority sellers (mainly new applicants) and high-risk premises (due to amount stored, location or previous history). We actively monitor (through the directorate's public protection intelligence unit) and respond to any reports of the illegal storage or sale of fireworks from unlicensed premises or to children. This carries risk to harm to public and is happening more frequently particularly through social media sales.

5.2 Safety of Sportsgrounds

- 5.2.1 In March KCC were asked to take responsibility back from Kent Fire and Rescue Service of overseeing safety at sportsgrounds. This is a new burden and has increased the workload of three officers and accounts for seven Kent sportsgrounds falling within jurisdiction of the Act. At each ground we are responsible for the annual inspection and certification of the stands, organising a Risk Advisory Group, inspecting grounds on match days, visiting to sign off agreed amendments to certification and the enforcement of fire safety.

- 5.2.2 The officers are receiving training in the legislation and practical experience from an external expert. All seven grounds have engaged and are working effectively with the service.

6. Partnership Working

- 6.1.1 The service has a long history of partnership working within KCC, Districts and National Agencies. Throughout the pandemic we had joint enforcement responsibility with Kent Police and District Environmental Health services. More recently in July we were part of the multi-agency approach in covering potential counterfeiting and ticket touting issues at the Open Golf at Sandwich.

6.2 Community Alcohol Partnerships

- 6.2.1 Community Alcohol Partnerships bring together a wide variety of partners, including enforcement, local councils, community leaders, schools, and retailers, to change attitudes to alcohol, tackling specific issues in an area such as antisocial behaviour or underage drinking.

- 6.2.2 Kent has nine Community Alcohol Partnerships, which is one of the largest numbers in the country, and as such we help ensure that the interest in these partnerships is maintained, providing advice, training, and guidance to local representatives

- 6.2.3 on July the 9th, the Kent Community Alcohol Partnership was launched in Deal with a well-attended virtual Teams event. The need for the partnership in the area was highlighted with a subsequent 'Challenge 25' operation (where an 18-year-old volunteer buys alcohol to audit the retailers' request for ID) in September, with 8 out of 18 premises making sales without asking for ID. Deal is also considering engaging with the Kent Youth Hub to feed into the Community Alcohol Partnership.

6.3 Illicit Tobacco

- 6.3.1 Illicit tobacco remains a significant issue in Kent. This is serious and organised criminal activity with the perpetrators engaged in other criminal enterprises and has a huge impact on communities.
- 6.3.2 This year saw a series of joint enforcement work between the service, Kent Police, Home Office Immigration and Thanet District Council to targeted premises.
- 6.3.3 Initial visits were carried out in Ramsgate and Margate in April over four days by 66 officers from the four agencies involved, resulting in the seizure of 53,260 cigarettes and 35.5kg of hand rolling tobacco by Trading Standards and £4,000 cash by the police, with five shops forced to close as they were staffed by workers without leave to work in the UK.
- 6.3.4 A follow up operation in June on the same premises resulted in Thanet District Council obtaining seven closure orders through Sevenoaks Magistrates Court. The shops were forced to close immediately for three months. This was a first for Kent and highlighted effective partnership working, which continues. This activity also received a Highly Commended Heroes Awards from the Chartered Trading Standards Institute.
- 6.3.5 Following this success, a similar operation was carried out in October with Gravesham and Kent Police with the seizure of 48,263 cigarettes and 12.25kg of hand rolling tobacco from nine shops in Gravesend.

6.4 Primary Authority Partnerships

- 6.4.1 The service is one of the largest Primary Authority Partnership providers to businesses in the country, and currently has 55 partner businesses. This is a statutory based and legally recognised partnership providing chargeable business advice (on a cost recovery basis) through a single Regulator. This provides certainty and allows us to build a good relationship to support business to grow and develop.
- 6.4.2 The quality of the service we provide attracts not only well-known local businesses such as Brake Brothers, Keel Toys and Wahl, but also National companies such as Tapi Carpets, ABTA, and Gumtree.
- 6.4.3 Since the beginning of this year, we have provided more support for our Primary Authority businesses in their preparations for the end of transition, providing bespoke training and seminar support. The team providing this service are fully qualified Trading Standards Officers, however the volume and complexity of all this activity does impact on their capacity and is an area we need to continually review.

6.5 Advice through the Kent and Medway Growth Hub.

- 6.5.1 At the beginning of 2021 the service formed a partnership with the Kent and Medway Growth Hub to provide a standby advice service for their business clients. The partnership was established from our efforts to support businesses during the early months of the COVID crisis (as to what they were permitted and not permitted to do and sell during the changing periods) and

has allowed us to provide fully funded advice to 74 Kent businesses in 2021 while earning £22,000 of income. Importantly, it strengthened our relationship with a key service delivery partner and cemented our reputation within the business community as trusted advisors.

- 6.5.2 By working with the directorate's Public Protection social media reach to publicise the Business Recovery Helpline we were able to introduce more customers to the service and provide benefit. This is an innovative approach to the delivery of business advice; we are one of only four Trading Standards departments in the country who work in partnership with their local Growth Hub.

7. EU Exit

- 7.1.1 As we are still in a transition and full customs controls have not yet come into force, there is a degree of uncertainty over the final impact that this will have on the service. Considerable officer capacity is dedicated to leading and participating in a range of groups examining known and forecast data and modelling likely impacts. Additionally, a large amount of legislation enforced by the service originated in the EU, and this legislation has started to change ahead of 1st July 2022.

- 7.1.2 As a result, we have had an increase in demand for our advice from Kent businesses, shifting focus from the pandemic to EU Exit, and have delivered a range of EU Exit related free webinar Q&A sessions over the summer. Advice is also provided through the KCC website at [Brexit information for businesses](#) - Kent County Council

7.2 Import Controls

- 7.2.1 The impact of leaving the EU and Single Market on specifically the service's duty to check the safety of imports of consumer goods is significant. This has been recognised with the creation of the Ports Team in 2019 (to meet the original EU Exit intended date), based in Dover, to cover at that time the Port of Dover, Eurotunnel, and the Fast Parcel Hub at Dartford.

- 7.2.2 Since then, the development of the Government's Border Operating Model and close working with the Cabinet Office has provided a better understanding and greater clarity of what has become an increasing demand with the establishment of Inland Border Facilities (IBFs) at Sevington (Ashford) and Ebbsfleet, with a planned IBF at Dover. In addition, Sheerness Port is now operating a ferry service bringing in unaccompanied freight.

- 7.2.3 These six (seven next year) additional areas where loads are examined will add significant demands on the capacity of the service, requiring further officers for the ports team. We currently have nine staff (Manager, Supervisor, and seven officers), who will now be split to cover the main hubs of activity at Sevington and Dover. This will be reassessed after January 2022 to consider an increase to 12.

- 7.2.4 In the meantime, the team continues to develop its partnership working with HM Revenue and Customs and with Border Force at Sevington IBF to ensure good access and working arrangements are in place for January.

7.3 Animal Health

- 7.3.1 The service enforces animal health provisions to prevent the spread of disease in the county and across the UK while ensuring that farm animal welfare standards are maintained. The service routinely visits farms, slaughterhouses (working with the Animal and Plant Health Agency and the Food Standards Agency) and the Ashford animal market (covering sales of animals from across the Southeast and beyond) as parts of its checks on compliance.
- 7.3.2 With the end of transition there are additional risks for the farming community, as any congestion on the roads caused by potential disruption at the ports could impact animal journey times and affect welfare in transit. If disruption is experienced, this will also cause delays in the delivery of feed and veterinary medicines to farms, or the removal of fallen stock, which increases both disease and welfare risks.
- 7.3.3 This, linked with rising feed prices and the removal of subsidies from the EU, will have an impact on the local farming community. We recognise and understand that support is needed to ensure farmers are meeting the welfare needs of their animals. As such, it is a priority for us that we maintain a presence and continue to visit farms to not only check, but also help and advise during this transitional time.
- 7.3.4 The new Border Control Post at Sevington will also have an impact on the Service. It is staffed by Officers and Vets of the Animal and Plant Health Agency who are responsible for ensuring that the animals in transit meet welfare standards in legislation. However, where there are breaches, the service, as the enforcement authority, is responsible for investigating, reporting and (where required) prosecuting these offences.
- 7.3.5 As this increases the work for the service, impacting on its capacity to deliver, we have recruited four additional Animal Health Officers, who will be in place and trained for January 2022.

7.4 Feed

- 7.4.1 The service is also the Feed Authority for Kent and has a statutory duty to enforce feed controls, delivered through visits to feed manufacturers, producers, and farmers to check, sample and advise on compliance. Our feed work is crucial, covering a complex subject that impacts both animal and human health, such as with the disease risk posed by raw pet food and the recent concern over the risk of salmonella in mice fed to pet snakes.
- 7.4.2 With the end of transition, this role will now include checks on imported feeds, a new responsibility that comes with the creation of the Border Control Post at Sevington, and in due course Dover. This allows the import of high-risk feed and organic feed through Kent on route to the rest of the UK.
- 7.4.3 This is of significant concern as the work must be carried out by qualified staff holding the statutory feed qualification. We currently have two competent qualified feed officers, who have capacity to cover local enforcement and the programme of annual inspections required by the Food Standards Agency.

8. Pressure on the Service

8.1.1 During the response to Covid, the service prioritised front line work to deal with consumer and business enquiries, along with the frequently changing Emergency Regulations.

8.2 Potential Covid Resurgence

8.2.1 The emergency response to Covid has not finished, and the service is still engaged with the Public Health Board as part of its watching brief. We still have an enforcement role under the two remaining Regulations and continue to monitor the national and local response to currently rising cases. If Plan B, or any other plan is implemented, Trading Standards may have to focus again on this area, disrupting our business-as-usual activities.

8.3 Casework

8.3.1 Our serious criminal investigations and cases had to continue throughout the pandemic, in addition to the pandemic response and disruption. Such work might include the execution of a warrant, arrest and interview of a suspect and the seizure of hundreds of documents, with social distancing and Covid controls to minimise infection risk.

8.3.2 We currently have 14 live investigations covering fraud, money laundering, animal welfare on farms, counterfeiting and intellectual property, Illicit tobacco, and Doorstep Crime. Four are currently listed with the Crown Court.

8.3.3 These cases take a significant time to conclude. For example, Operation Astra involving the sale of counterfeit goods at Leysdown Boot Fair in 2017 led to the defendants being prosecuted and convicted in 2019, followed by confiscation proceedings under the Proceeds of Crime Act, which only concluded in April 2021 (with orders for the confiscation of just over £136, 000 in criminal assets) This four-year timeframe is typical of the serious and complex criminal cases sent for trial in the Crown Court.

8.3.4 However, with the pandemic, there are now significant delays to trials of up to two years. This pushes our expected cases back, adding pressure to the workload of the team and reducing capacity to take on new cases. It also adds pressure to our budget as the expected single case a year is now three cases for each of the next two years with the additional costs a Crown Court case carries.

8.4 New Burdens Legislation

8.4.1 As we reach the end of transition, new legislation is being implemented with further legislation under consideration to address the specific needs of the UK.

8.4.2 This has an impact on the capacity of the service as officers spend time away from front line delivery, training to familiarise themselves with the changing legislation and associated guidance before they can effectively enforce it and provide suitable advice and guidance to business.

8.4.3 For example, the Animal Welfare (Kept Animals) Bill is anticipated to see both a ban on live exports of animals for fattening or slaughter from UK ports and

new powers to deal with the increasing issue of puppy smuggling by reducing the number of pets (dogs, cats, and ferrets) that can travel under pet travel rules.

8.5 Staff Retention and Recruitment

8.5.1 The duty to enforce statutory functions requires professionally qualified Officers (food standards, feeding stuffs and weights and measures work). This professional qualification takes three years.

8.5.2 This has led to the current recognised national shortage of qualified staff who are able to carry out these roles. This has meant that neighbouring Authorities, other Agencies, and the private sector are all paying a premium to attract qualified staff.

8.5.3 Furthermore, several staff are able to seek retirement in the next five years.

8.5.4 In response to these two critical issues, the service working with KCC Organisational Development has increased the grade of our qualified staff, in line with the current commercial rates of competitors to retain existing staff and provide more opportunity to recruit qualified officers when posts become available. We have also recruited three new Trainee Trading Standards Officers to take the professional qualification to increase capacity and fulfil the statutory roles.

8.5.5 We will also develop the Ports Team by offering the Regulatory Officer Apprenticeship (a 2-year qualification) to grow and develop their skills. This experience provides the potential for these officers to go on to take the statutory qualification, continuing to grow and develop the service.

9. Financial Implications

9.1 This additional expenditure does place pressure on the service's existing budget. However, we are carrying several vacancies that have been filled or used to facilitate some of the changes set out above.

9.2 In addition, we continue to seek additional funding for specific operations (e.g., funding from National Trading Standards for a national reach investigation), activities (e.g., Grant funding from Office for Product Safety and Standards) to assist with Ports Work) or duties (e.g., Food Standards Agency funding for Natasha's Law enforcement and education).

9.3 However, the additional responsibilities imposed on the service through EU Exit due to Kent's unique position does require additional investment from Government which is currently being formally requested.

10. Legal implications

10.1 We continue to engage with the Government Departments on any changes that may impact on the Service's activities.

11. Equalities implications

11.1 The existing Equality Impact Assessments underpinning the breadth of the service's work apply to the work and roles described in this paper

12. Conclusions

12.1 The service is a dynamic service of 35.6 (soon to be 40.6) frontline full time-equivalent staff which faces increasing demands for its services.

12.2 Last year, through the challenges of the pandemic and the imposition of new duties, the staff showed that they were flexible, adaptable, and innovative in ensuring that they continued to deliver effective results for the benefit of the residents and businesses of Kent

12.3 As we head into the uncertainty of the future, facing the pressures set out above, our continued engagement with Government and continued budgetary support give us the ability to plan and adapt to provide an effective Service for the residents and business of Kent

13. Recommendations

Recommendation(s):

The Cabinet Committee is asked to note and discuss the report.

14. Appendices

- Appendix A - Service's current objectives
- Appendix B - Figures for achievements in 20/21
- Appendix C – Figures for achievements April – Oct 21

15. Background Documents

15.1 None

16. Contact details

Report Author:
Steve Rock, Head of Trading Standards
Tel 03000 414137
Email: steve.rock@kent.gov.uk

Relevant Director:
Stephanie Holt Castle, Director for
Growth and Communities
Tel: 03000 412064
Email:
Stephanie.Holt-Castle@kent.gov.uk

This page is intentionally left blank

Trading Standards Priorities 2021/22

1. Investigate persistent and/or serious criminal activities in particular fraud, counterfeiting, scams, doorstep crime & persistent consumer detriment
2. Safeguard vulnerable adults from financial abuse
3. Support businesses by offering professional business advice and guidance including Primary Authority
4. Provide animal health & disease outbreak advice, guidance, and intervention as necessary
5. Conduct regular market surveillance at ports and high-risk premises for food, feed, and product safety
6. Reduce illegal sale of tobacco, alcohol and knives to young people and reduce the sale of illicit tobacco

General Trading Standards Work

- 157 identified non-compliant food businesses
- 382 businesses found breaching animal health and welfare standards
- 147 visits to businesses
- 133 compliant businesses
- 11 visits resulting in minor non-compliances
- 2 visits requiring further action

Goods removed from the market by trading standards

- 6,129 counterfeit goods value £133,360
- 53,260 Cigarettes value £11,983
- 35.5 kg hand rolling tobacco value £6,507
- 635,645 unsafe/non-compliant imports value £21,166,978

Total value £21,318,828

Comparison with 19/20 data

Area	2019/20	2020/21	Change
Income	£272,534	£284,434	+ 4.4%
Referrals	17,254	21,000	+ 21%
non-compliant business	342	182	- 47%
Visits and checks on premises	1,004	2,165	+ 115%
Requests for Business Advice (non-Primary Authority)	75	658	+ 777%

Figures for since April 2021

Doorstep Crime Safeguarding –

- 87 safeguarding interventions by Victim Safeguarding Officer
- £1.1 m lost to fraudsters.
- £117,000 prevented from going to criminals
- 216 Community Warden visits
- BBC Radio Kent on scams Mar <https://www.bbc.co.uk/sounds/play/p09918tv>.
And Jun <https://www.bbc.co.uk/sounds/play/p09fszvq>

Operation Astra

- Defendant B
 - £101,558.24 identified as criminal benefit
 - £79,476.83 to pay in 3 months
 - 10 months Default prison sentence for failure to pay
- Defendant N:
 - £57,000.00 Benefit figure with 3 months to pay.
 - £6,903 in costs
- **Total confiscation £136,476**
- Media: <https://www.kentonline.co.uk/sheerness/news/boot-fair-traders-told-to-pay-back-136-476-243811/>

Illicit Tobacco Seizures (Apr – Oct)

- | | |
|-------------------------------|---------------------------------|
| • 102,803 Cigarettes | Value* £23,130.68 |
| • 40.4Kg Hand-rolling tobacco | Value* £ £7,405.32 |
| | Total Value* £ 30,603.32 |

*Value based on figures from HMRC

Business Advice

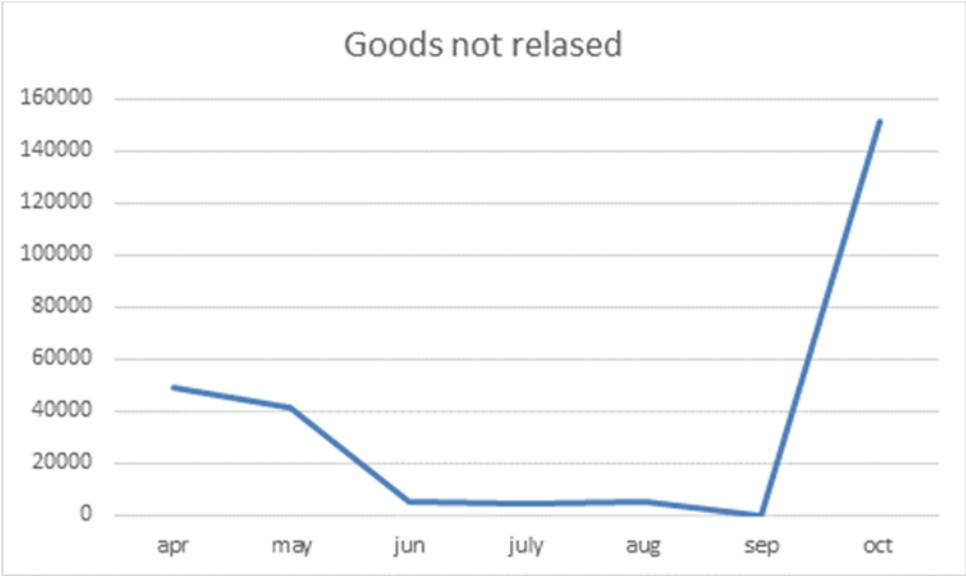
- **Kent and Medway Growth Hub**
 - 74 Business advised representing
 - 274 Hours of advice
- **Brexit Business Advice Webinars** (Jun) [Brexit import changes: Kent Trading Standards to host series of free webinars this summer ahead of October 1 changes \(kentonline.co.uk\)](#)
- **Natasha's Law (October 21)**
 - 6,350 views of the advice video
 - 53,257 hits on the social media advertisement
 - 424 targeted business opened the email
 - Website - <https://mailchi.mp/kent.gov.uk/natashas-law>
 - Media <https://kccmediahub.net/kent-food-firms-get-set-for-natashas-law745>

Imports April to October 21

- 103 referrals to the team



- 936,122 total number of goods
- 337,047 not released



£11,223,665 Consumer detriment prevented*

*Using National Trading Standards Figures for consumer detriment caused by each unsafe item.

Figures for since April 2021

Doorstep Crime Safeguarding –

- 87 safeguarding interventions by Victim Safeguarding Officer
- £1.1 m lost to fraudsters.
- £117,000 prevented from going to criminals
- 216 Community Warden visits
- BBC Radio Kent on scams Mar <https://www.bbc.co.uk/sounds/play/p09918tv>.
And Jun <https://www.bbc.co.uk/sounds/play/p09fszvq>

Operation Astra

- Defendant B
 - £101,558.24 identified as criminal benefit
 - £79,476.83 to pay in 3 months
 - 10 months Default prison sentence for failure to pay
- Defendant N:
 - £57,000.00 Benefit figure with 3 months to pay.
 - £6,903 in costs
- **Total confiscation £136,476**
- Media: <https://www.kentonline.co.uk/sheerness/news/boot-fair-traders-told-to-pay-back-136-476-243811/>

Illicit Tobacco Seizures (Apr – Oct)

- | | |
|-------------------------------|---------------------------------|
| • 102,803 Cigarettes | Value* £23,130.68 |
| • 40.4Kg Hand-rolling tobacco | Value* £ £7,405.32 |
| | Total Value* £ 30,603.32 |

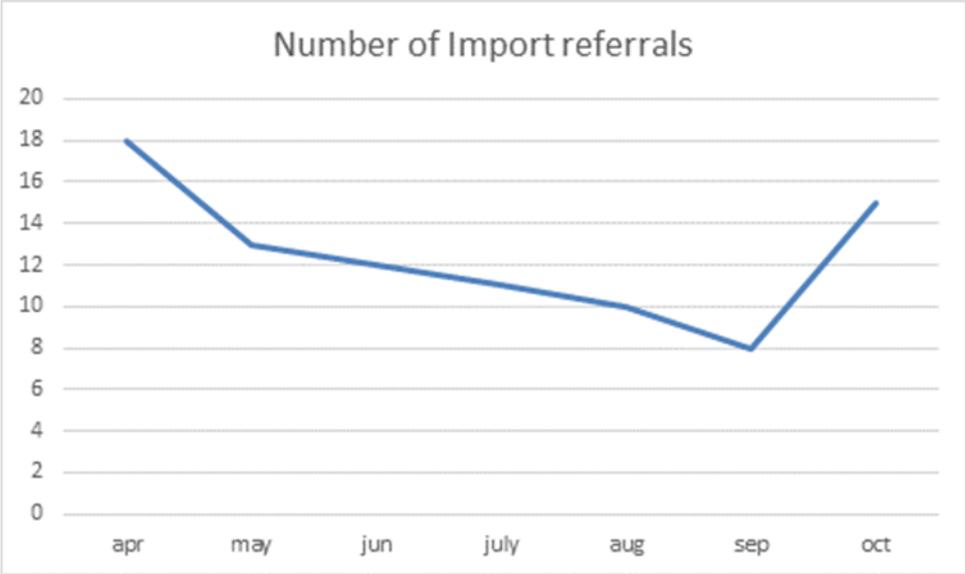
*Value based on figures from HMRC

Business Advice

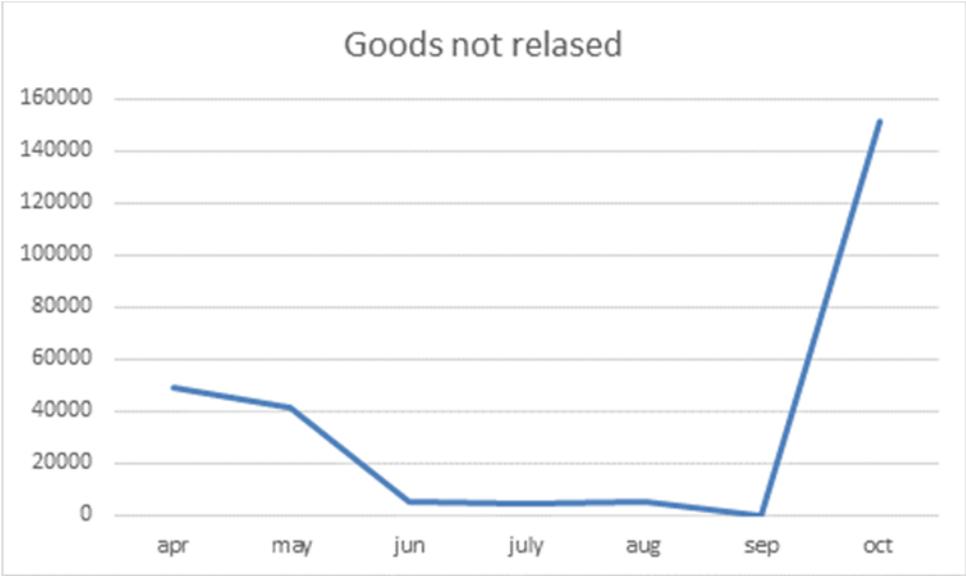
- **Kent and Medway Growth Hub**
 - 74 Business advised representing
 - 274 Hours of advice
- **Brexit Business Advice Webinars** (Jun) [Brexit import changes: Kent Trading Standards to host series of free webinars this summer ahead of October 1 changes \(kentonline.co.uk\)](#)
- **Natasha's Law (October 21)**
 - 6,350 views of the advice video
 - 53,257 hits on the social media advertisement
 - 424 targeted business opened the email
 - Website - <https://mailchi.mp/kent.gov.uk/natashas-law>
 - Media <https://kccmediahub.net/kent-food-firms-get-set-for-natashas-law745>

Imports April to October 21

- 103 referrals to the team



- 936,122 total number of goods
- 337,047 not released



£11,223,665 Consumer detriment prevented*

*Using National Trading Standards Figures for consumer detriment caused by each unsafe item.

From: Derek Murphy, Cabinet Member for Economic Development
Simon Jones, Corporate Director for Growth, Environment & Transport

To: Growth, Economic Development and Communities Cabinet Committee - 17 November 2021

Subject: **'Project Gigabit' Broadband Programme**

Classification: Unrestricted

Past Pathway of report: None

Future Pathway of report: Publication

Electoral divisions: All

Summary: The purpose of this paper is to update Cabinet Committee Members on:

i) the Government's new national 'Project Gigabit' broadband programme – including the proposal to allocate up to £203 million of new capital funding to improve broadband connectivity across Kent and Medway.

ii) how the Project Gigabit programme will be delivered across Kent.

Recommendation

Cabinet Committee Members are asked to note the current position and support the proposed approach.

1. Introduction

- 1.1 On the 2nd of August 2021, the Government published further information on their new 'Project Gigabit' broadband programme (formerly known as the 'Outside-In Programme').
- 1.2 The Project Gigabit programme seeks to deliver future-proofed gigabit-capable broadband connections across the UK. Gigabit capable connections offer download speeds of at least 1 gigabit-per-second (1 Gbps) or 1000 megabits per second (Mbps) and are usually delivered through full-fibre connections (i.e., fibre-to-the-premise). Increasingly, these faster and higher capacity connections will be required to ensure that Kent's digital infrastructure is able to meet future demand.
- 1.3 The national targets and objectives for the Project Gigabit Programme, (which is being led by Building Digital UK¹ (BDUK)), are as follows:

¹ This is part of the Department for Digital, Culture, Media & and Sport (DCMS)

- 85% of UK premises to have gigabit coverage by 2025 with the aim of achieving ‘near universal coverage as soon as possible’ but before the end of the decade.
 - Commercial investment (i.e., upgrades funded by telecoms providers) to provide gigabit capable connections to 80% of homes and businesses across the UK.
 - The remaining 20% of properties that remain outside the scope of commercial investment to be connected via new government-funded programmes. £5 billion has currently been allocated to fund these connections – and the Government’s intention is for properties that cannot currently access a superfast broadband connection to be prioritised wherever possible within the new programme.
- 1.4 The new Project Gigabit Programme will build upon the work of the Kent BDUK Superfast Project which, since 2013, has connected over 143,000 homes and businesses across Kent with faster broadband connections. As a result of this work, 96% of homes and businesses in Kent now have access to a broadband service of at least 24megabits per second.

2.0 Delivering Project Gigabit in Kent.

- 2.1 Under the Government’s current plans, the Project Gigabit programme targets will be delivered via three workstreams. These are explained in more detail below.

Workstream 1: Commercial build programme

- 2.2 BDUK expect the majority of gigabit connections (at least 80%) to be funded by telecoms operators and not require public subsidy. These market-led investments are known as commercial build.
- 2.3 Over the past year, we have seen a significant increase in telecoms providers announcing upgrade programmes across Kent for gigabit capable connections. The availability of gigabit-capable connections across Kent is currently 44.0% (compared to 7.8% in January 2020). Operators such as Trooli, Virgin, City Fibre, Neotomia and Openreach have already announced substantial further investments in Kent.
- 2.4 BDUK is currently consulting with operators to understand the exact extent and detail of telecoms providers’ plans to connect local areas with gigabit connectivity. They are also encouraging local authorities to provide support to telecoms operators, where required, to help overcome any barriers encountered during network build. Examples include providing support where wayleaves (i.e., legal agreements to cross private land and property) prove challenging to obtain and ensuring that operators understand and are able to comply with the national requirements for street works.

Workstream 2: Project Gigabit Procurement for Kent

- 2.5 BDUK have announced that they have allocated between £119- £203 million to deliver gigabit-capable connections to parts of Kent and Medway that are not expected to benefit from the above market-led investments. (Please see paragraph 2.9 for detail on how the final size of the investment will be determined).
- 2.6 BDUK's current intention is that a single contract will be established to deliver these new connections across Kent. The procurement will be led by BDUK. Kent County Council's broadband team has been asked by BDUK to partner with BDUK and support the local delivery across Kent.
- 2.7 BDUK estimate that the Kent and Medway project will cover circa 122,000 properties. They have also announced that the formal procurement will start in May 2022, with the contracted work commencing in April 2023.
- 2.8 BDUK has already started progressing the pre-procurement work (which is required to meet current subsidy control and procurement legislation) with Kent County Council and Medway Council. This work includes the formal Open Market Review Process, which will identify those areas which are expected to benefit from commercial build plans.
- 2.9 It is important to note that if the Open Market Review work identifies more commercial investment than anticipated, it is likely that BDUK will reduce the project size and the proposed funding allocation. This is because under current subsidy control legislation, public funding can only be invested in areas where telecoms operators have no coverage plans.
- 2.10 BDUK and the KCC broadband team are meeting regularly and the pre-procurement work is proceeding to plan. BDUK are also publishing quarterly updates on the national progress of their Project Gigabit Programme.

Workstream 3: New national voucher scheme

- 2.11 The Government launched a new national rural broadband voucher scheme in April 2021 to replace the former Rural Gigabit Voucher scheme.
- 2.12 BDUK UK expect to deliver most publicly funded connections through the above Project Gigabit procurements (workstream 2). However, national broadband vouchers will remain available for rural communities² wishing to take forward small community-led broadband schemes, where these are identified and agreed by BDUK in advance of the launch of the Project Gigabit procurement Invitation to Tender.
- 2.13 The new national voucher schemes offers eligible rural businesses up to £3,500 and rural homes up to £1,500 towards the costs of a broadband connection (the same as under the previous scheme). To qualify for funding,

² BDUK use the Defra/ONS rural classifications to determine whether a property is rural.

homes and businesses must not be in line to receive a broadband connection from any telecoms provider or other publicly funded programme.

- 2.14 Demand for broadband vouchers in Kent has been extremely high and Kent has had one of the highest take-up of national broadband vouchers of any county in England. Up to April 2021, 3,699 vouchers worth £6.14 million were taken up by Kent homes and businesses, accounting for 9% of all BDUK vouchers issued in England. In comparison, total voucher requests for Scotland and Wales, accounted for £3.54 million and £3.35 million of spend respectively.
- 2.15 This take-up has been boosted by the Kent County Council broadband voucher top-up scheme. Phase 1 offered a top-up of up to £1,000 for residential properties applying to the BDUK national voucher scheme that could not get a superfast broadband service. One-off funding from the Getting Britain Building Fund was secured in September 2020 (Phase 2) which enabled an exceptional enhancement with the aim of connecting some of Kent's hardest-to-reach rural properties that could still not be fully funded by the existing Government and Kent voucher schemes.
- 2.16 We have agreed with BDUK to continue with the original Kent top-up voucher scheme of up to £1,000 per residential premise. £1.5 million is being made available to further assist hard-to-reach properties with poor connectivity that cannot be fully funded by the Government's standard voucher scheme.

3.0 Connecting 'Very Hard to Reach Premises'

- 3.1 The Government has indicated some of the UK's most expensive and difficult to connect premises (known as 'Very Hard to Reach') may fall outside of the scope of the Project Gigabit procurement programme where the connection costs become 'prohibitive'.
- 3.2 We understand that the Government intends to announce later this year further details on their plans to connect 'Very Hard to Reach' premises – including clarifying the 'Very Hard to Reach' definition. At present, it is not known what premises could fall into this category and what the national policy and delivery approach for connecting these premises will be until this announcement. Kent County Council has already written to the Minister requesting that a higher value national broadband voucher scheme is introduced to help connect very-hard-to-reach areas.

4.0 Financial Implications

- 4.1 In contrast to the previous programme, local authorities are not being required to provide any new capital match funding for the new £119-£203 million 'Project Gigabit' procurement. However, local authority broadband teams are expected to work in partnership with BDUK and support the procurement and local operational delivery of the Project Gigabit Workstreams.

- 4.2 To date, £3.19 million of capital funding from Kent County Council has been committed to projects in Phase 1 and Phase 2 of the Kent Top-Up Voucher. This includes £2.29 million of 'Getting Britain Building funding' from the South East Local Enterprise Partnership. £1.5 million remains available for Phase 3.

5.0 Legal Implications

- 5.1 As highlighted in section 2.6 above, BDUK will be the contracting authority for the new Project Gigabit Programme. As a result, Kent County Council is not being required to enter into any new legally-binding agreements with suppliers following the conclusion of the Project Gigabit procurement process.

6.0 Equality and Diversity

- 6.1 An Equalities Impact Assessment has been undertaken for the Kent Broadband Voucher scheme. No issues have been identified.

7.0. Information Governance

- 7.1 The Kent Broadband Voucher Scheme applications are processed by BDUK, who administer the Kent top-up funding as part of their national Gigabit Voucher Scheme. A privacy notice for the Gigabit Voucher Scheme can be found at https://gigabitvoucher.culture.gov.uk/privacy_notice/).

8.0 Conclusion

- 5.1 The new Project Gigabit programme represents significant new investment and will bring a further step-change to Kent's broadband connectivity.
- 5.2 Kent County Council is committed to working with BDUK to support the delivery of the new Project Gigabit Programme, which will help future-proof the County's digital infrastructure.

Recommendation

Cabinet Committee Members are asked to note the current position and support the proposed approach.

9.0 Contact details

Report Author

Elizabeth Harrison, Strategic Programme Manager
03000 417090
liz.harrison@kent.gov.uk

Relevant Director

Stephanie Holt Castle, Director of Growth and Communities
03000 412064
Stephanie.Holt-Castle@kent.gov.uk

This page is intentionally left blank

From: Derek Murphy, Cabinet Member for Economic Development
Simon Jones, Corporate Director of Growth, Environment & Transport

To: Growth, Economic Development and Communities Cabinet Committee - 17 November 2021

Subject: **Kent and Medway Business Fund – Next Phase**

Classification: **Unrestricted**

Summary: This report outlines the parameters and criteria of the next phase of the Kent and Medway Business Fund (KMBF (Standard)), which opened to applications on 29 October 2021 and those of the KMBF Small Business Boost (KMBF (SBB)) opening in early Spring 2022.

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to note the report.

1. Background information

1.1 The Regional Growth Fund (RGF) was established by the Government in June 2010 with three objectives:

- To facilitate new investment by private sector enterprise: the aim was to support projects with significant potential for economic growth and to create sustainable private sector employment.
- To help those areas and communities that were particularly dependent on the public sector to make the transition to sustainable private sector-led growth and prosperity; and
- To address a market failure in the provision of bank lending to viable small and medium sized businesses who had a limited credit history or track record and required finance on flexible terms given their limited collateral.

1.2 The Department for Business, Energy, and Industrial Strategy (BEIS) allocated £55 million from the Government's Regional Growth Fund to KCC between 2011 and 2014. This funded three RGF schemes covering the whole of Kent and Medway and additional local authority areas:

- Expansion East Kent (East Kent - £35 million).
- TIGER (North Kent and Thurrock - £14.5 million).
- Escalate (West Kent and parts of East Sussex - £5.5 million).

1.3 These RGF schemes provided grants, loans, and equity investments for businesses with investment plans leading to job creation and growth from November 2011 to January 2016. For most businesses, loan finance was provided at 0% interest, with a repayment period of between 5 and 7 years.

1.4 Since January 2017, KCC has used the recycled RGF loan repayments to enable the Kent and Medway Business Fund (KMBF) to provide loans and equity investments ranging between £50,000-£500,000 to eligible applicants across Kent and Medway. Loans are generally interest free, with a repayment period of up to 5 years.

1.5 The table below shows as of 30 June 2021 the total funding committed in loan and equity investments, broken down by company location, the number of jobs created\protected and private sector investment (leverage).

Districts	Company Location £	Private Investment £	No of Businesses	No of Jobs Created	No of Jobs Protected	Total Number of Jobs
Ashford	£1,039,600	£982,928	17	34	21	55
Canterbury	£9,270,080	£9,737,619	60	1,311	89	1,400
Dartford	£2,470,115	£2,238,578	16	119	53	172
Dover	£13,530,183	£12,636,972	57	370	162	532
Folkestone & Hythe	£6,513,468	£10,175,900	30	244	122	366
Gravesham	£881,062	£843,375	5	55	60	115
Maidstone	£3,272,587	£3,487,936	19	100	91	191
Medway	£4,798,621	£4,246,218	26	232	155	387
Rother (1)	£136,250	£136,250	3	24	3	27
Sevenoaks	£644,000	£760,472	7	48	18	66
Swale	£7,685,202	£19,140,158	27	284	287	571
Thanet	£8,416,256	£11,264,724	62	446	277	723
Thurrock (2)	£1,121,700	£1,421,355	5	72	13	85
Tonbridge & Malling	£1,173,510	£1,187,798	12	46	21	67
Tunbridge Wells	£1,993,000	£2,257,250	16	136	26	162
Wealden (1)	£200,000	£200,000	1	5	4	9
Total	£63,145,634	£80,717,533	363	3,526	1,402	4,928

1. Not part of the eligible area for the Kent and Medway Business Fund since 2017.

2. KCC is now working with Thurrock to develop a fund managed by KCC to support Thurrock businesses.

1.6 Since 2011, 67 businesses have had loans or equity which are in Category A (Bad Debt) with a value of £9,302,882 of which £2,293,657 has so far been recovered. The total of funds not yet recovered is therefore £7,009,225 which equates to 11.10% of the total loan and equity investments made. This includes businesses which KCC is still actively pursuing to repay the debt and where further debt recovery is still possible (£2,990,665). The total of loans written off (where debt recovery is no longer possible) is £5,270,465.

1.7 The KMBF (Standard) launched in October 2021 and KMBF (SBB) launching in Spring 2022 will offer investments in the form of loans, financed from recycled equity and loan repayments received from previous recipients of both the KMBF and the former Regional Growth Fund (RGF) schemes.

2. KMBF (Standard) – launched October 2021 - parameters and criteria

2.1 The funding allocation has been set at £8 million.

2.2 The KMBF (Standard) scheme invites applications from businesses with strong plans to help grow the Kent and Medway economy who can:

- demonstrate strong and effective foundations and plans for growth and innovation, whilst protecting and creating jobs in Kent and Medway.
- introduce a new product, service, or technology or invest in new processes to improve productivity.
- work to reduce their net carbon footprint; and
- identify economic support through a Kent-based supply chain.

2.3 The fund offers loans between £100k and £500k, match funded at a minimum of 50%, classed as private sector leverage. Applicants will normally be asked to provide security and/or personal guarantees to the value of the loan provided.

2.4 The project eligibility criteria are:

- located within Kent and Medway or be looking to relocate their business to Kent and Medway.
- within one of the following sectors¹:
 - Manufacturing
 - Pharmaceuticals and Life Sciences
 - Green Technology
 - Digital, media, creative and cultural industries, and tourism
 - Food technology manufacturing
 - Logistics and construction
- putting forward proposals that protect and/or create new jobs.
- can only apply for eligible expenditure (tangible and intangible assets, employment costs of newly created jobs)

2.5 The following criteria apply to any approved loan:

- 0% interest (an administration fee of 5% of loan value is required).
- A 6-month repayment holiday following receipt of funds; and
- Repayment thereafter over a period of 5 years (or earlier).

3. KMBF (Small Business Boost) – launching Spring 2022 - parameters and criteria

3.1 The funding allocation has yet to be determined and will be set prior to launch.

¹ This does not preclude applications from other sectors, where the scheme criteria are met.

- 3.2 This scheme will invite applications from existing and new businesses, who only have a recent trading history, but have a strong project proposal.
- 3.2 The scheme will offer loans between £26k and £99k, match funded at a minimum of 50%, classed as private sector leverage.
- 3.3 The eligibility criteria that will be required to be met, will mirror that of KMBF Standard, above.
- 3.4 The following criteria applies to any approved loan:
- 0% interest (an administration fee, percentage to be determined).
 - A 6-month repayment holiday following receipt of funds; and
 - Repayment thereafter over a period of 5 years (or 7 in exceptional circumstances).

4. Application and decision-making process

- 4.1 The online application process consists of the following:
- Pre-application: A pre-application determines basic eligibility and whether project content and spend is in line with the scheme criteria outlined within the Guidance Notes. Applicants who meet the eligibility and scheme criteria are then invited to submit a full application. Those applicants who do not, are signposted to the Kent & Medway Growth Hub² and/or other suitable provision offering both financial and non-financial business support provided by other teams within KCC.
 - Full Application: A full application provides much more detail on the funding proposal and is supported by several key documents which facilitate the ability to assess the viability of the project and any associated risks. The full application is scrutinised as follows:
 - Internal assessment of full application.
 - Internal request for individual company and director checks from Trading Standards.
 - External appraisal to include a written appraisal report of the full application and supporting documents.
 - Appraisal report circulated to the Investment Advisory Board
 - Presentation by the loan applicant to the Investment Advisory Board to inform the decision to approve or decline to fund.

Thereafter, the Business Investment Team, undertake the following:

- Provide the applicant with an Offer in Principle based on the loan conditions recommended by the Investment Advisory Board and approved

² The Kent & Medway Growth Hub provides access to the knowledge, expertise, specialist resources and the inspiration required to help businesses start, grow, and scale, and to realise their true potential – including developing and grasping new opportunities and new routes to market; with the objective is to simplify access to advice and support, hiding the complexity of multiple sources to provide an impartial and free-to-access single point of entry for businesses.

by Kent County Council. The Business Investment Team then enter the contract negotiation stage with the successful applicant, draw up legal documentation, pay the loan, with the loan recipient starting the quarterly monitoring framework, the outcome of which is regularly reported to the Growth, Economic Development and Communities Cabinet Committee.

- Unsuccessful applicants are contacted in person and provided with a written letter detailing why their application could not be approved. The business is then signposted to access alternative forms of business support.

4.2 Extracts from the new Programme Brochure can be found at **Appendix 1**. The application, assessment and decision-making process is detailed within the Prospectus and the Guidance Notes. A flow diagram of the entire process can be found at **Appendix 2**.

5. Policy Framework

5.1 KCC's Interim Strategic Plan sets out the short-term goals and this loan fund scheme assists in meeting the Economic Challenge.

6. Financial Implications

6.1 The RGF/KMBF schemes are the subject of two contracts with the Department for Business Energy and Industrial Strategy (BEIS), which precludes the funds being used for anything other than the support of Kent and Medway businesses, with the administration costs of the scheme falling to KCC. KCC currently applies a 5% management fee to each approved loan, along with a 5% administration charge. These are expected to cover the total costs of administering the scheme (both internal and external).

6.2 The capital costs will be sourced from current and future recycled loan and equity investments from the KMBF and former RGF schemes. These are estimated at £23 million; and consists of (a) current uncommitted recycled loan repayments; and (b) estimated total of the future recycled loan repayments up to March 2023.

6.3 The KMBF (Standard) scheme has been allocated £8 million towards loans, with the KMBF (SBB) scheme allocation yet to be determined and will be dependent on the funding available when the scheme launches in spring 2022.

7. Equalities and data protection implications

7.1 An Equality Impact Assessment (EqIA) was undertaken in March 2021.

7.2 The EqIA will be kept under review as the scheme progresses.

8. Data Protection

8.1 No adverse data protection issues are expected as part of this scheme.

9. Recommendations

Recommendation:

The Growth, Economic Development and Communities Cabinet Committee is asked to note the report.

Susan Berdo

Strategic Programme Manager – Business Investment

Tel: 03000 417161

Susan.berdo@kent.gov.uk

Relevant Director:

Stephanie Holt-Castle

Director for Growth and Communities

Tel: 03000 412064

stephanie.holt-castle@kent.gov.uk

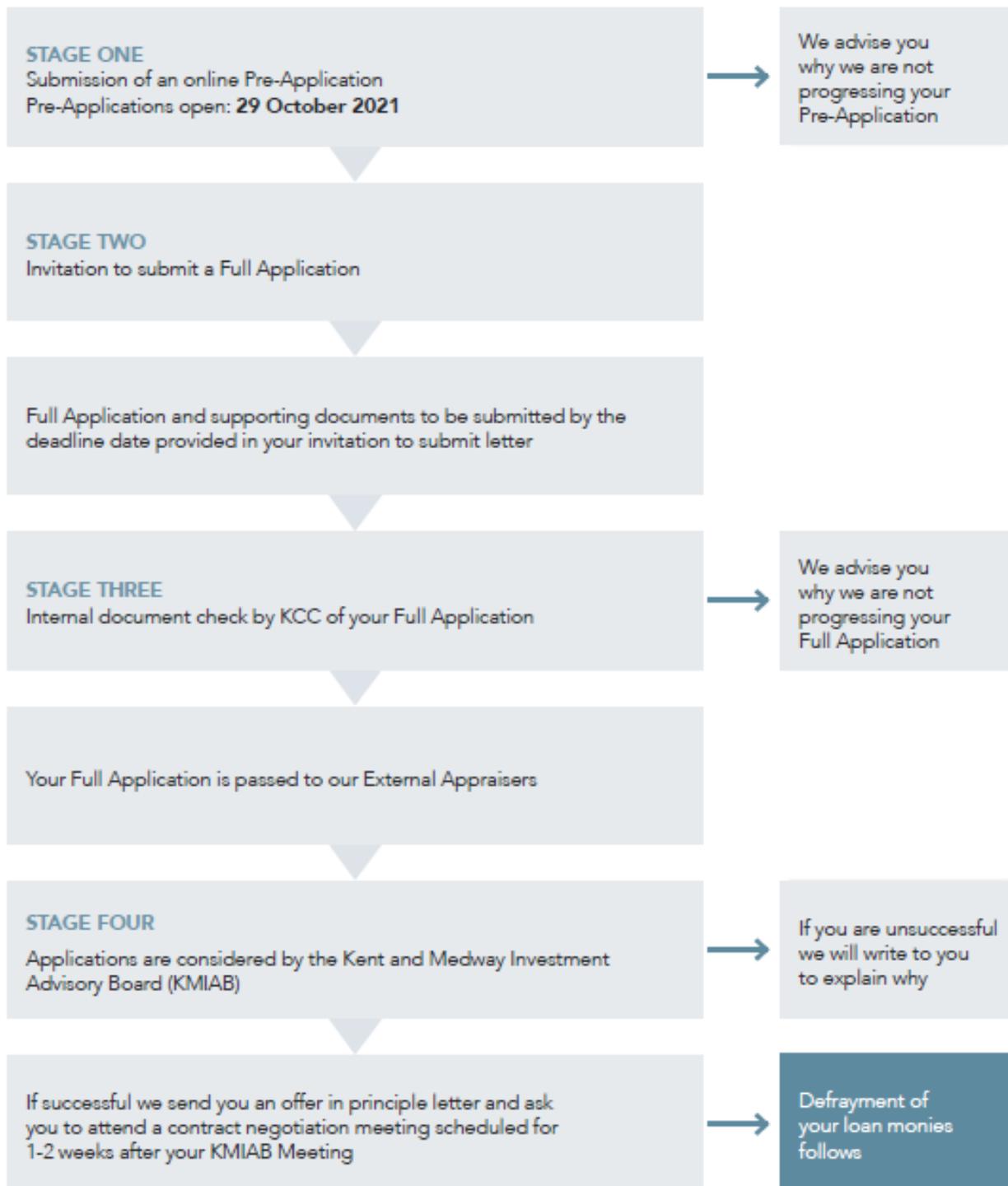
Appendix 1

See Attached file

Appendix 2

7

KMBF Application Process





Kent and Medway Business Fund

Prospectus for growth funding loan scheme
Autumn 2021



Introduction

The launch of the 2021 Kent and Medway Business Fund (KMBF) is designed to help and support business growth across the county as the economy emerges from the challenges as a result of the pandemic.

To date, more than 350 businesses have benefitted from the Kent and Medway Business Fund. Successful companies supported by the KMBF reflect the range and diversity of businesses located across Kent and Medway, contributing to the success of the county's economy.

Ten years ago the UK was emerging from the effects of a global financial crisis as a result of the world

banking crisis. This coincided with the shock announcement that Pfizer intended to withdraw from its operations in Sandwich resulting in thousands of jobs being lost, particularly in East Kent.

This led to a successful submission by Kent County Council (KCC) working with central government for national RGF funding. As a consequence, the Government initially made available for East Kent some £35m, followed by a further £14.5m (TIGER) and £5.5m (Escalate) to support business and employment growth.

The Kent and Medway Business Fund was established inviting businesses to apply for low-cost loans repayable over five years and/or equity investments. Successful applicants needed to have evidence

through robust business case plans, to create and protect jobs and grow their businesses. Substantial repayments have now been received and we are now able to launch from recycled funds a further £8m for this autumn.

We are inviting new applications from Kent and Medway businesses, who are able to satisfy our strict lending criteria. These may come from a broad range of sectors but demonstrate strong and effective foundations and plans for growth and innovation. Applications are invited for loans from £100,000 to £500,000.

To help prospective applicants to better understand our requirements, we have produced this KMBF Prospectus 2021 which sets out our loan criteria and includes



case studies from businesses who have successfully applied for KMBF loan funding in the past. In these case studies, businesses share their experience explaining how the support from Kent County Council has enabled them to thrive and grow.

Applicants need to understand that the process is rigorous in order that we can use public funds in the most effective way to benefit Kent and Medway's economy, and ensure we continue to build the county's success and enable us to recycle funds in the future.

Further funding rounds will follow for new business start-ups early in 2022.



Sir Paul Carter CBE,
Chairman KMBF
Investment Advisory Board

£85 million

The amount of funding allocated over the last 10 years for business investment across Kent and Medway (2012 to 2021).

4,927

The number of jobs created or protected with KMBF support since 2012.

£8 million

The amount of KMBF funding available for the latest round of KMBF applications thanks to recycled loan payments.

The Process

We will be launching and inviting applications with effect from 29 October 2021 for the next round of the Kent and Medway Business Fund for small and medium size enterprises.

When considering an application, we will need to see the following:

Lending criteria

- › A good demonstrable track record
- › Strong plans for growth
- › Increased productivity
- › Creation and protection of jobs in Kent and Medway
- › A robust, ambitious and realistic business plan
- › Strong leadership and management
- › Evidence of your pledge to reduce your net carbon footprint to zero
- › Your contribution to the Kent and Medway economy, such as support through your Kent-based supply chain
- › A Statutory Credit Report for each of the directors of the business from a recognised Credit Agency
- › Ability to provide security and/or personal guarantees to the value of the loan provided

Applications from the following priority sectors are encouraged:

- › Manufacturing
- › Pharmaceuticals and life sciences
- › Green technology
- › Digital, media, creative and cultural industries and tourism
- › Food technology manufacturing
- › Logistics and construction

This does not preclude other sectors from applying



This round of KMBF funding will only be open whilst funds are available. If the number of pre-applications exceeds the estimated amount of funds available to cover your proposal, you will be informed that your application has been put on hold.

For more detailed information on the application process contact: kmbf@kent.gov.uk



STAGE 1

Submission of an online Pre-Application
Pre-Applications open: **29 October 2021**



We advise you why we are not progressing your Pre-Application

STAGE 2

Invitation to submit Full Application

Full Application and supporting documents to be reviewed by the submission deadline date provided in your invitation to submit letter

STAGE 3

Internal document check by KCC of Full Application



We advise you why we are not progressing your Full Application

Your Full Application is passed to our External Appraisers

STAGE 4

Applications are considered by the Kent and Medway Investment Advisory Board (KMIAB)



If you are unsuccessful we will write to you to explain why

If successful we send you an offer in principle letter and ask you to attend a contract negotiation meeting scheduled for 1-2 weeks after your KMIAB Meeting



Defrayment of your loan monies follows

What is the Kent and Medway Investment Advisory Board?

The Kent and Medway Investment Advisory Board plays a pivotal role in the vetting process for KMBF loan applications which have reached the final stage of the process.

Businesses who reach this stage in the process are invited to present their growth proposals to the Board, an expert panel of entrepreneurs and professionals with a broad range of skills and expertise from across Kent and Medway.

Your presentation should show how you intend to demonstrate the following:

- Growth and increased productivity
- Creation of sustainable jobs
- A well-thought through business plan (key headlines)
- Details of match funding
- Identification of sustainable profits to enable repayment of the loan
- Evidence of your pledge to reduce your net carbon footprint to zero
- Your contribution to the Kent and Medway economy, including support through your Kent-based supply chain
- Track record and experience
- Ability to provide security and/or personal guarantees to the value of the loan provided

At this session applicants will also be asked a series of searching questions on their proposals before a final decision is made on their application.

These questions will include the following:

- The steps businesses have taken to secure other sources of funding
- Your ability to deliver and repay the loan over 5 years
- Security offered to secure any loan
- The benefits your proposals will bring to the wider Kent and Medway economy in terms of jobs, growth and supply chain.
- Details of your track record and experience



Things to consider when applying for a business loan

When applying for a KMBF business loan, the CAMPARI model is a useful tool to guide your application. Each letter stands for a particular aspect of your business that will be taken into account when your funding request is considered.

➤ CHARACTER

This considers your background as a business owner including your skills and successes.

➤ ABILITY

We will want to have confidence in your ability to deliver, your experience, specialist skills and track record.

➤ MEANS

We want to see what assets and liabilities you have built up over time, both personally and within the business.

➤ PURPOSE

We want to know why you need the money and how you're going to use it. A positive impact on the Kent and Medway economy, including boosting the local supply chain and job creation are also key considerations.

➤ AMOUNT

We need to know in full detail why you need the amount for which you're asking and other steps you've taken to secure the investment you need.

➤ REPAYMENT

We need to be confident you will meet repayment terms over the five-year term of the loan. Do not exaggerate forecasts or profit margins.

➤ INSURANCE

We are required to seek some security in case the repayment arrangements fail. You will need to tell us what assets would be available and their value.



This page is intentionally left blank

From: Mike Hill, Cabinet Member for Community and Regulatory Services
Simon Jones, Corporate Director, Growth, Environment & Transport

To: Growth, Economic Development and Communities Cabinet Committee
– 17 November 2021

Decision No: 21/00096

Subject: Contract extension for coroners' post mortem examinations

Classification: Part 1 Report – Unrestricted
Part 2 Appendix - Exempt as defined in Schedule 12A of the Local Government Act 1972

Electoral Divisions: Countywide

Summary: This report concerns the proposed extension of the contract for body storage and post mortem (PM) facilities with Dartford & Gravesham NHS Trust that expired on the 30 September 2021.

Recommendation:

The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community & Regulatory Services on the proposed decision to award a 12-month extension to the PM contract with Dartford & Gravesham NHS Trust for the period 1 October 2021 to 30 September 2022 as shown at Appendix A.

1. Introduction

- 1.1. The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:
- The death was violent or unnatural;
 - The cause of death is unknown; or
 - The deceased died while in prison, police custody or another form of state detention e.g., where a Deprivation of Liberty Safeguard Order (DoLS) is in place
- 1.2. In some cases, the Coroner will order a PM to establish the cause of death, and in such cases, the deceased is taken to one of five NHS mortuaries across Kent and Medway located at Margate, Ashford, Tunbridge Wells, Dartford, and Gillingham. On behalf of the Kent Senior Coroners, KCC ensures access to body storage and PM facilities across the four Kent coroner areas.
- 1.3. The contract for body storage and PM facilities with Dartford & Gravesham NHS Trust expired on the 30 September 2021 and in the normal course of events KCC would

seek to renew the contracts for another four years. However, in light of the decision by KCC to build a Digital Autopsy and Body Storage facility at Aylesford, the contracts simply need to be extended until such time as the new facility opens, now estimated for August/September 2022. This extension will ensure this critical service continues uninterrupted and will allow for a phased transition from invasive PMs to non-invasive Digital Autopsy (DA) for the majority of deceased. Where the DA is inconclusive in terms of identifying a cause of death to the coroner's satisfaction, a partial or full invasive PM may still be necessary, and a single NHS Trust is being commissioned to fulfil this role. It is estimated that through DA the number of invasive PMs within Kent and Medway will fall from 3,000 a year to 1,100.

- 1.4. This report sets out the needs of the Senior Coroner, North West Kent and the options and context for re-providing this service, before recommending an option for KCC to extend the contract with the current provider for this critical service.

2. The needs of the Senior Coroners

- 2.1. Her Majesty's Senior Coroners are responsible for providing the coronial service for the KCC and Medway administrative areas. By virtue of The Coroners and Justice Act 2009, KCC is responsible for meeting all the costs of the coroner service although Medway Council meets its share of the costs through a cost apportionment and pro rata allocation.
- 2.2. In particular, KCC supports the Senior Coroners by putting in place contracts for the major areas of activity which includes the provision of body storage and PM facilities. In 2020, 6,573 deaths were referred to the Senior Coroners, of which 3,028 necessitated a PM (46% of deaths referred).
- 2.3. Until now the NHS in Kent and Medway has always provided body storage and PM facilities to the Kent and Medway coroners as an adjunct to their own requirements for body storage for hospital deaths where the coroner is not involved. There are no private sector PM providers anywhere in England and Wales that could take on this PM work. Furthermore, each of the five mortuaries in Kent and Medway are already operating at full capacity for body storage and so would not be able to take on any additional PM work from each other in the absence of significant capital investment to increase their body store capacity and given the number of PM's will reduce significantly when the DA facility opens, such investment cannot be justified and, in any event, would be impossible within the timeframe for this proposed extension.
- 2.4. Commissioning the coronial work outside of Kent at other NHS sites is not an option for two reasons. First, the cost to KCC of transferring the deceased would be prohibitive. Second, the service has recent previous experience of using Greenwich Public Mortuary for a year when Maidstone and Tunbridge Wells NHS Trust did not renew its contract with KCC in 2013. At that time, there was a public outcry by families and funeral directors about the costs of transporting the deceased from Greenwich once the PM had been done, and the travelling time to view the deceased. The local MP eventually intervened and brokered a solution with the Trust to take the work back. However, the lesson learned is that from a customer perspective, procuring services at such a distance from the coroner area places an unsustainable strain on bereaved families and service costs and therefore is not a viable option.

3. Procurement route

- 3.1. The current level of expenditure on PMs with the Trust is in the region of £171,000 a year depending on activity levels. Normally this level of expenditure would require a full tender process compliant with the European Procurement Regulations and KCC's Procurement Standing Orders.
- 3.2. However, in the absence of any private sector providers and with finite capacity at the current providers KCC is left with no alternative but to seek to extend the contracts with the current providers on a temporary basis until the DA facility comes on-line in July 2022. This will ensure continuity of service given the long standing and successful partnerships between the Trusts, KCC and the Senior Coroners.

4. Options

- 4.1. **Do nothing** – this is not an option. Unless a contract is put in place the system of coronial death investigation and certification in the North West Kent area will collapse with the inevitable consequences for bereaved families.
- 4.2. **Go out to tender** – this is not an option. The Kent NHS Trusts do not have capacity to take on any extra work without significant capital investment and given that KCC is moving over to Digital Autopsy which will significantly reduce PM activity, such capital investment makes no sense at all. Whilst it is possible that NHS providers outside of Kent, for example in the greater London area, may have some capacity, past experience of using a mortuary outside Kent has shown that such an approach simply does not work on any level.
- 4.3. **Use a framework or other viable contract mechanism** – there are no known frameworks or other viable mechanisms in existence elsewhere in England and Wales.
- 4.4. **Renew contract through single source procurement** – this is the only viable option given the very specialist nature of the work and the absence of any alternative providers with sufficient capacity in Kent or nearby adjoining areas.

5. Financial Implications

- 5.1. The financial implications of this proposed contract extension are set out in Part 2 (exempt) of this report. It is estimated that the cost to extend the contract is within the current funding envelope.

6. Policy Framework

- 6.1. This tendering opportunity has not been subject to competition. The existing contract can be extended, as supported by Regulation 72 (c) (ii) and (iii) of the Public Contract Regulations which states that a contract may be modified without a new procurement procedure in accordance (c) (ii) the modification does not alter the overall nature of the contract; (iii) any increase in price does not exceed 50% of the value of the original contracts or framework agreement

7. Equality implications

- 7.1 An Equalities Impact Assessment (EqIA) was prepared and approved in 2019 when the PM contract with Maidstone & Tunbridge Wells NHS Trust was last renewed. Nothing has changed since then in terms of the impact of the contract on the protected characteristics and no issues have been identified by the service.

8. Data Protection Implications

- 8.1 For the purposes of the coroner service, the two senior coroners are the data controllers. The GDPR does not apply to deceased persons but information is collected during the course of their enquires that relates to the living. This includes details about next of kin, for example name, address, and telephone number. Sometimes this information is shared with other organisations for the specific purposes of the coroner's investigation, as in this case with the NHS. However, it is not necessary to seek the explicit consent of the data subject to share this data. In any event, the contract contains a data sharing agreement that places a specific obligation on the provider to comply at all times with the requirement of the GDPR for the data they hold relating to next of kin. In addition, the service has published a privacy notice which explains what personal information it holds about service users, how it collects it, how it uses it and how it might share information.

9. Policy – Strategic Statement

- 9.1 The proposed Digital Autopsy facility, to which these contracts are directly linked, supports the KCC Strategic Statement outcome 38(a) Modernising the Council through technology solutions for business change.

10. Conclusions

- 10.1 KCC supports the Kent and Medway Senior Coroners by ensuring contracts are in place for body storage and for PMs to ensure they are able to discharge their statutory duties in accordance with the Coroners and Justice Act 2009. There are no private sector PM providers anywhere in England and Wales to take on the Kent and Medway PM workload. The five current mortuary sites are all operating at full body storage capacity and could not take on additional work from each other without significant capital investment and given that PM activity will reduce significantly when the Digital Autopsy facility opens, such capital investment could not be justified. KCC is therefore left with no alternative but to extend the current PM contracts with the current providers until the Digital Autopsy facility opens.

11. Recommendation(s)

- 11.1 The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community & Regulatory Services on the proposed decision to extend the PM and body storage contract with Dartford & Gravesham NHS Trust for the period 1 October 2021 to 30 September 2022 as shown at Appendix A.

12. Appendices:

Appendix A – Proposed Record of Decision

Contact details

Report Author

Giles Adey, Coroners Office Manager (Budget & Contracts)

07740 186032

giles.adey@kent.gov.uk

Relevant Director:

Stephanie Holt-Castle, Director for Growth and Communities

03000 412064

stephanie.holt-castle@kent.gov.uk

This page is intentionally left blank

By virtue of paragraph(s) 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY

Mike Hill, Cabinet Member for Community and Regulatory Services

DECISION NO:

21/00096

For publication

Key decision*

Yes –

Subject:

Contract extensions for coroners' post mortem examinations

Decision:

As Cabinet Member for Community & Regulatory Services I agree to award a 12-month extension to the PM contracts with Dartford & Gravesham NHS Trust for the period 1 October 2021 to 30 September 2022.

Reason(s) for decision:

The Coroners and Justice Act 2009 places a duty on Coroners to investigate deaths that are referred to them if they have reason to think that:

- The death was violent or unnatural;
- The cause of death is unknown; or
- The deceased died while in prison, police custody or another form of state detention e.g., where a Deprivation of Liberty Safeguard Order (DoLS) is in place

In some cases, the Coroner will order a PM to establish the cause of death, and in such cases, the deceased is taken to one of five NHS mortuaries across Kent and Medway located at Margate, Ashford, Tunbridge Wells, Dartford, and Gillingham. On behalf of the Kent Senior Coroners, KCC ensures access to body storage and PM facilities across the four Kent coroner areas. The contract with Dartford & Gravesham NHS Trust expired on the 30 September 2021 and in the normal course of events KCC would seek to renew the contract for another four years. However, in light of the decision by KCC to build a Digital Autopsy and Body Storage facility at Aylesford, the contracts simply need to be extended until such time as the new facility opens, currently estimated for August/September 2022. This extension will ensure this critical service continues uninterrupted and will allow for a phased transition from invasive PMs to non-invasive Digital Autopsy (DA) for the majority of deceased.

Cabinet Committee recommendations and other consultation:

The proposal is being considered at the Growth, Economic Development and Communities Cabinet Committee at their meeting on 17 November 2021.

Any alternatives considered:

Do nothing – this is not an option. Unless a contract is put in place the system of coronial death investigation and certification in the North West Kent area will collapse with the inevitable consequences for bereaved families.

Go out to tender – this is not an option. The Kent NHS Trusts do not have capacity to take on any extra work without significant capital investment and given that KCC is moving over to Digital Autopsy which will significantly reduce PM activity, such capital investment makes no sense at all.

Use a framework or other viable contract mechanism – there are no known frameworks or other viable mechanisms in existence elsewhere in England and Wales.

Renew contract through single source procurement – preferred option – this is the most viable option given the very specialist nature of the work and the absence of any alternative providers with sufficient capacity in Kent or nearby adjoining areas.

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer:

.....
signed

.....
date

Name:

**GROWTH, ECONOMIC DEVELOPMENT AND COMMUNITIES CABINET COMMITTEE
WORK PROGRAMME 2021/22**

(Members agreed that the number of jobs being created through the work being undertaken in the reports presented to the Cabinet Committee should appear at the top of each report where appropriate)

Item	Cabinet Committee to receive item
Portfolio Dashboard	At each meeting
Final Draft Budget	Annually (January)
Annual Equality and Diversity Report	Annually (June/July)
Risk Register – Strategic Risk Register	Annually (March)
Strategic Delivery Plan Monitoring	Bi-annual (6 monthly) – November and May
Performance Dashboard	Bi-annual (6 monthly) - tbc
Kent and Medway Business Fund (was Regional Growth Fund Monitoring)	Bi-annual reporting (6 monthly) – November and May
Work Programme	At each meeting
Programme of Visits to Districts	At each meeting

13 JANUARY 2022

1	Intro/ Web announcement (Standing Item)		
2	Apologies and Subs (Standing Item)		
3	Declaration of Interest (Standing Item)		
4	Minutes (Standing Item)		
5	Verbal Update (Standing Item)		
6	District Visits Programme (Standing Item)		
7	Kent Developers' Guide		
8	Youth Unemployment and Apprenticeships	Agenda setting 29/7/21 – Proposed solutions following on from scoping in September. Include economic context from strands of work led by Cabinet Member for Education and Skills	
9	Research and Development Government Funding	Agenda setting – 29/7/21 - Aspiration and approach discussion. Invite Discovery Park and East Malling Research Station to present at this or future meeting.	
10	Green Economy – Prospects and Opportunities	Agenda setting - 29/7/21 - Investment opportunities in Kent business and education, sustainable housing and development	
11	Work Programme (Standing Item)		

22 MARCH 2022

1	Intro/ Web announcement (Standing Item)		
2	Apologies and Subs (Standing Item)		
3	Declaration of Interest (Standing Item)		
4	Minutes (Standing Item)		
5	Verbal Update (Standing Item)		
6	District Visits Programme (Standing Item)		
7	Work Programme (Standing Item)		

28 JUNE 2022

1	Intro/ Web announcement (Standing Item)		
2	Apologies and Subs (Standing Item)		
3	Declaration of Interest (Standing Item)		
4	Minutes (Standing Item)		
5	Verbal Update (Standing Item)		
6	District Visits Programme (Standing Item)		
7	Work Programme (Standing Item)		

Items for Consideration that have not yet been allocated to a meeting

Healthy New Town (Kenneth Keogh & Allison Duggal) – report and presentation	Date TBC
Otterpool Garden Town	Date TBC
Mayflower Event	Date TBC
Theme Park project on Swanscombe Peninsula – regular updates (The London Resort Company Holdings (LRCH) regeneration project)	Date TBC
Ebbsfleet Development Corporation	Date TBC
Faversham Creek Bridge – update report	Date TBC
European Funding (further update requested at GED&C CC 28/11/2019)	Date TBC
Update Report on consultation of the shared prosperity fund (requested at GED&C Committee on 17 January 2020)	Date TBC
Apprenticeships and update on the Carillion Apprenticeship adoption grant	Date TBC
Artificial Intelligence (Kent and Medway Enterprise and Productivity Strategy)	Date TBC
The effectiveness and efficiency of Solar, wind and wave energy, including heat pumps, and an update on the current position and potential for Kent	Date TBC

New Developer Contributions Guide s106	Date TBC
Gypsy and Traveller Service Charge and Rent Setting Policy (Decision)	Date TBC
Gypsy and Traveller: Pitch Allocation and Site Management Policy (Decision)	Date TBC
Gypsy and Traveller: Unauthorised Encampment Strategy	Date TBC
Locate in Kent – to attend and present	Date TBC
Libraries Network Review (member working group required to include committee members – agenda setting 29/7/21)	Date TBC
Kent Country Parks Strategy pre-consultation brief (added by TW on 18/8/21)	Date TBC
Statistics on key industry sectors in the county (requested at 1/7/21 meeting)	Date TBC
PROW Operational Management Policies	Date TBC. Agenda setting 29/7/21. Moved from 17 November meeting (request from Tom Marchant 5/10/21)

This page is intentionally left blank