

KENT COUNTY COUNCIL

POLICY AND RESOURCES CABINET COMMITTEE

MINUTES of a meeting of the Policy and Resources Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 15 May 2024

PRESENT: Mr D L Brazier (Chairman), Mr P V Barrington-King, Mr P Bartlett, Mr T Bond, Mr P C Cooper, Ms M Dawkins, Mr A J Hook, Rich Lehmann, Mr J P McInroy, Mr P Stepto and Dr L Sullivan

ALSO PRESENT: Mr D Jeffrey, Mr J Meade and Mr M Dendor

IN ATTENDANCE: Mrs A Beer (Deputy Chief Executive), Mr D Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance), Miss K Reynolds (Democratic Services Officer), Mr M Cheverton (Property Strategy and Policy Manager), Ms C Harrington (Procurement and Commercial Manager, Strategic Commissioning), Ms J Johnson (Partnership and Programmes Manager), Mr P Murphy (Infrastructure Business Partner), Wagner (Interim Chief Analyst), Mr A White (Principal Estates Manager), Mr A Jeffery (Head of Resilience & Emergency Planning), Mr D Mounter (Project Manager) and Mr M Edwards (Assistant Surveyor)

UNRESTRICTED ITEMS

200. Apologies and Substitutes

(Item 2)

Formal apologies had been received from Mr Dendor who was in attendance in his capacity as Deputy Cabinet Member for Finance, Corporate and Traded Services.

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

(Item 3)

There were no declarations of interest.

202. Minutes of the meeting held on 13 March 2024

(Item 4)

RESOLVED that the minutes of the meeting held on 13 March 2024 were a correct record and that a paper copy be signed by the Chairman.

203. Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department

(Item 5)

1. Mr Matthew Wagner and Mr David Whittle introduced the report which detailed performance against targets set for Key Performance Indicators (KPIs) for the Chief Executive's Department (CED) and Deputy Chief Executive's Department (DCED). 20 of the 27 KPIs achieved target for the latest month

and were RAG (Red/Amber/Green) rated Green, two were below target but did achieve the floor standard (Amber), and five did not achieve the floor standard (Red).

2. In response to questions and comments from Members it was said that:
 - a) Regarding “GL02: Freedom of Information Act requests completed within 20 working days” and “GL03: Data Protection Act Subject Access Requests (SARs) completed within statutory timescales”, there were a number of challenges affecting these KPIs, including the increased number of requests received. There had also been staff absences which impacted the performance of these KPIs, however, the teams were now fully staffed and operational. There was an Information Governance Briefing for Members on rise of the meeting to provide greater detail regarding Information Governance at the Council.
 - b) “FN07: Invoices received by Accounts Payable within 15 days of KCC received date” included a large number of invoices which came through different automated systems, such as Mosaic. Mr Dave Shipton would provide Members with a flowchart to illustrate the processes through which invoices, both standard and disputed, were dealt with. KCC was signing up to a new system which would allow the Council to receive early settlement discounts on some invoices. The KPI targets would need to be adjusted in light of this.
 - c) Ms Rebecca Spore would provide Members with further information regarding “PI01: Rent due to KCC outstanding over 60 days” outside of the meeting, including the type of debts and reasons for which they were continuing.
 - d) Regarding “CS07: Complaints responded to in timescale”, Members were reminded that where there was operational pressure, there was often an increased number of complaints and, therefore, more pressure for those teams affected to respond. It was said that there were weekly reviews taking place into areas of significant backlogs. One of the mechanisms introduced to address the backlog of complaints relating to SEND was specialised staff training to allow the Complaints Team to respond to more routine complaints.
3. RESOLVED to note the performance position for the Chief Executive's Department and Deputy Chief Executive's Department and comment on the KPIs and targets proposed for 2024/25.

204. Kent Estates and Kent Connects Partnership Update

(Item 6)

1. Ms Rebecca Spore introduced the report which provided an update on two multi-agency partnerships: Kent Estates Partnership which was part of the One Public Estate (OPE) Programme; and Kent Connects which was a partnership of public sector bodies in Kent, focussing on IT and digital technology.
2. RESOLVED to note progress to date and the development of the partnerships.

205. 24/00031 - Implementation of an Independent Construction Consultancy Services Framework
(Item 7)

1. Ms Rebecca Spore introduced the report which updated the Policy and Resources Cabinet Committee on progress regarding the independent Construction Consultancy Services Framework and sought approval for the implementation of the Framework to support the delivery of the Capital and Minor Works Programmes.
2. In response to questions and comments from Members it was said that:
 - a) To support project delivery, it was possible that a team of suppliers from different 'Lots' may be contracted to the same project. The contractors would have their own professional indemnity insurance to cover any matters that may arise. Members were assured that KCC had robust processes in place, including gateway checks at each RIBA (Royal Institute of British Architects) stage, to ensure that there was an opportunity for challenge against contractors. Limitation liability had also been set at 12 years within all contracts and permitted KCC to order back the whole design/consultancy team for review if necessary. It was confirmed that legal advice was taken when needed.
 - b) A sensible lotting strategy and a longer period for response had been allowed during the tender period to ensure that small and medium-sized enterprises (SME's) had sufficient time to structure their bids. However, SME's were not granted any advantages in the procurement process as this would be in breach of PCR 2015.
3. RESOLVED to endorse the proposed decision to:
 - a) The implementation of a new Independent Construction Consultancy Services Framework to support the delivery of the Capital and Minor Works Programmes over a 6-year (4 year+1+1) contract period and includes the following disciplines:
 - Lot 1 – Multi-discipline (including client delegated duties)
 - Lot 2 – Project Manager (including client delegated Quantity Surveying duties)
 - Lot 3 – Supervisor
 - Lot 4 – Technical Advisor
 - Lot 5 – Construction Design and Management Advisor
 - b) Delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to take relevant actions, including but not limited to, awarding, finalising the terms of and entering into the relevant contracts or other legal agreements, as necessary, to implement the decision.
 - c) Delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to award extensions of contracts for commissioned services in accordance with the extension clauses within the contract (4 years + 2 x 1 year extensions).

4. In accordance with paragraph 16.31 of the Constitution, Dr Sullivan, wished for it to be recorded in the minutes that she abstained from voting on the motion.

206. 24/00042 - Contingency contract to provide emergency response capabilities in the event of a marine pollution incident
(Item 8)

1. Ms Rebecca Spore introduced the report which set out the proposed decision to enter into a contract with a provider in line with Kent County Council's (KCC) legal duties as a Category 1 responder under the Civil Contingencies Act 2004 and its role in the Maritime & Coastguard Agency National Contingency Plan.
2. In response to questions and comments it was said that:
 - a) KCC had historically agreed to undertake a Tier 2 marine pollution response. It was confirmed that KCC had not needed to carry out a Tier 2 response as yet and, therefore, the contract had not been called upon previously.
 - b) There was no fixed threshold to establish whether an incident required a Tier 1 or Tier 2 response as authorities differed in their capabilities to respond to marine pollution incidents.
3. RESOLVED to endorse the proposed decision for the Cabinet Member for Community and Regulatory Services to agree to:
 - a) Enter into a contract for the provision of a marine pollution response capability, including equipment and expertise, in the event of a marine pollution incident.
 - b) Delegate authority to the Director of Infrastructure, in consultation with the Cabinet Member for Community and Regulatory Services to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements to implement the above for the provision of a marine pollution response capability, including equipment and expertise, in the event of a marine pollution incident.

207. 24/00030 - Land at Bapchild and Tonge CE primary School: Granting of a long lease to UK Power Networks
(Item 9)

1. Ms Rebecca Spore introduced the report which outlined the proposal to grant a Lease for over 20 years to UK Power Networks for occupation and use of a new Electricity Sub Station located within the grounds of the school.
2. Mr Andrew White responded to the following questions and comments from Members:
 - a) Asked about the direct benefits gained by the primary school through the relocation of the existing substation, Mr White confirmed that the school would be able to extend the current substation site for additional classroom space, or demolish it and erect a new building in its place. There would also be a health and safety benefit arising from the proposed decision due to the access restrictions surrounding the proposed new location of the

Electricity Sub Station. The primary school would not receive concessions on their energy bills in lieu of the new Electricity Sub Station located within the grounds of the school.

- b) Asked about the rent rate of £1 per annum charged to UK Power Network under the terms of the new lease, Mr White confirmed that this was in accordance with prevailing rates of this kind, both in Kent and nationally.
3. RESOLVED to endorse the proposed decision to:
 - a) Authorise the granting of a Lease for a term in excess of 20 years to UK Power Networks for occupation and use of a new Electricity Sub Station to be located within the grounds of the school; and
 - b) Delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to take necessary actions, including but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

208. 24/00029 - Sheldwich Primary School: Grant of Long Lease to Academy Trust for Development of New Education Building

(Item 10)

1. Ms Rebecca Spore introduced the report which sought endorsement on the proposed decision to grant a Lease for over 20 years to Sheldwich Primary School for occupation and use of part of the County Council's Retained Land located within the grounds of the school for development and use of a new Pre-school facility.
2. RESOLVED to endorse the proposed decision to:
 - a) The County Council granting a new lease of land at the Primary School of a term in excess of 20 years, and
 - b) Delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services to take necessary actions, including but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

209. Work Programme

(Item 11)

RESOLVED to consider and note the planned work programme for 2024.