

KENT COUNTY COUNCIL

POLICY AND RESOURCES CABINET COMMITTEE

MINUTES of a meeting of the Policy and Resources Cabinet Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 5 December 2017

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

ALSO PRESENT: Miss S J Carey, Mr E E C Hotson and Mr J D Simmonds, MBE

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services) and Mrs A Hunter (Principal Democratic Services Officer)

UNRESTRICTED ITEMS

30. Apologies and Substitutes *(Item 2)*

Apologies for absence were received from Mrs Constantine. There were no notifications of substitutes.

31. Declarations of Interest by Members in items on the Agenda *(Item 3)*

Mr Thomas made a declaration of interest in item 10 (Policy on the Use of Sprinkler Systems) and in item 13 (Contract Management Review – KPSN) as he was a member of Canterbury City Council's Planning Committee and Canterbury City Council was one of the partners in the KPSN. As his interest was not pecuniary or significant he stayed in the meeting during the discussion of the items.

32. Minutes of the meeting held on 15 September 2017 *(Item 4)*

Resolved that the minutes of the meeting held on the 15 September 2017 are correctly recorded and that they be signed by the Chairman.

33. Strategic and Corporate Services Performance Dashboard *(Item 5)*

Richard Fitzgerald (Business Intelligence Manager - Performance), Ben Watts (General Counsel), Amanda Beer (Corporate Director, Engagement, Organisation Design and Development) and Rebecca Spore (Director of Infrastructure were in attendance for this item

- (1) Mr Fitzgerald introduced the report which set out progress made against targets set for Key Performance Indicators to the end of September 2017.

- (2) He drew particular attention to GL02 (Freedom of Information Requests completed within 20 working days) (Fol) and GL03 (Data Protection Act subject access requests completed within 40 working days) and supplemented the information in the report. He said that Invicta Law had transferred additional responsibilities to the Information, Resilience and Transparency team which had affected performance in responding to Freedom of Information requests. Delays could also be caused by a lack of resources in operational units which prevented them from providing information in time, but queries over consent, legal involvement, and requests not recognised by the recipient were also reasons for delays. He said the Information Resilience and Transparency Team provided advice on the most efficient ways to prepare records to save time and resource, made guidance available on KNet and issued guidance with every referral.
- (3) Mr Watts said the number and complexity of queries received under the Data Protection Act had increased and the response to queries had to be balanced against the delivery of front-line services especially in Social Care. He suggested that a report giving more detailed information be submitted to a future meeting of the Cabinet Committee.
- (4) Members commented about the detail required to answer some FOI requests; the consequences of failing to meeting the statutory requirement for a response within 40 working days; the provision within the legislation to recover the costs associated with complex queries; and noted that most queries were responded to within the statutory timescales.
- (5) In response to a question about P101 (Percentage of rent due to KCC outstanding at 30 days), Ms Spore said that most of the debt related to the Sussex Partnership NHS Trust, however, she was confident that this debt would be recovered. She also said she would provide additional detailed information relating to this indicator and P101b to Members of the Cabinet Committee in advance of the next meeting.
- (6) In response to a question about CS07 (Complaints responded to in timescale), Mrs Beer said the indicator related to the response to complaints and not just the acknowledgement of receipt of a complaint. She also said that a new Complaints Management Policy was being rolled out to ensure complaints were dealt with consistently across the Council.
- (7) Resolved that the report be noted.

34. Financial Monitoring 2017/18

(Item 6)

Jackie Hansen (Finance Business Partner- Strategic and Corporate Services) and Andy Wood (Corporate Director, Finance) were in attendance for this item

- (1) Ms Hansen introduced the report which showed extracts from the detailed monitoring report that was presented to Cabinet monthly. She referred in particular to Table 1 of the report which showed the forecast for the Strategic and Corporate Services Directorate.

- (2) Mr Wood referred to Table 2 which set out a forecast of an £8.3m overspend at the end of the financial year. He said the Leader had written again to the relevant government minister seeking recompense for the costs of dealing with asylum and he was reasonably confident that funding would be received. He also said a report had been submitted to Cabinet recommending that a blanket moratorium on spending was not imposed across the authority. He said that a residual pressure of £3m was being forecast for the year-end however the end-of-year figures were usually close to balancing.
- (3) Mr Simmonds (Cabinet Member for Finance) reminded the Cabinet Committee that savings of £600 million had been made over the last 6-8 years and he commended the work done by the Finance team.
- (4) Resolved that the revenue and capital forecast variances from the budget for 2017-18, that are in the remit of this Cabinet Committee, based on the September monitoring to Cabinet be noted.

35. 17/00103 - Renewal of Microsoft Enterprise Agreement(s)

(Item 7)

Rebecca Spore (Director of Infrastructure) and Michael Lloyd (Head of Technology Commissioning and Strategy were in attendance for this item

- (1) Mr Lloyd introduced the report which outlined the requirement to renew the Council's Microsoft Enterprise Agreements in order that the Council be appropriately licensed to deliver its current services. The report also asked the Cabinet Committee to consider and endorse a proposed decision of the Cabinet Member to delegate authority to the Director of Infrastructure for the award of the contracts in consultation with him.
- (2) In response to a question, Mr Lloyd said that all of the authority's IT systems were with Microsoft. The ICT teams were looking at the interface between the computer and mobile devices to ensure the user experience was as seamless as possible.
- (3) Resolved that the proposed decision to delegate, to the Director of Infrastructure in consultation with the Cabinet Member for Corporate and Democratic Services, the award of contracts to Microsoft for the Enterprise Agreement and Server Cloud Enrolment, including the necessary contractual negotiations and enter into any subsequent necessary legal agreements be endorsed.

36. Website (kent.gov.uk) Usage

(Item 8)

Amanda Beer (Corporate Director, Engagement, Organisation Design and Development and Andrew Bose (Marketing and Digital Manager) were in attendance for this item

- (1) Mr Bose gave a short presentation which is available online as an appendix to these minutes.

- (2) In response to questions, officers said that: performance indicators were being reviewed and a more stretching target would be considered for website satisfaction; work was on-going with the Education Admissions team to ensure website users did not experience delays on “offer” days, most highway faults were reported online and work was underway to improve communication regarding the progress in resolving a fault and to develop apps to make reporting easier. Officers also said it was possible for customers to open new windows on their computers while engaged in a webchat, and that there had been no incidents of the Council’s being hacked and false information uploaded.
- (3) Mr Bose undertook to provide additional information to Members of the Cabinet Committee about the number of customers using LiveChat to communicate with the Council.
- (4) Resolved that the report be noted.

37. Annual Equality and Diversity Report 2016-17

(Item 9)

David Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance) and Akua Agyepong (Corporate Lead - Equality and Diversity) were in attendance for this item

- (1) Mr Whittle introduced the report which set out the Annual Equality and Diversity Report for 2016-17 as required by the Equality Act 2010. He said this was the last report on performance against the equalities objectives set in 2012. New objectives had been agreed earlier this year and work was underway to finalise the nature of the report that would be received next year.
- (2) Members said it was pleasing to see that consideration of equalities was now more embedded in the decision-making process than in earlier years and welcomed the layout and style of this year’s annual report. Members also commented on: the number of children being home-schooled; the employment, including the self-employment, of children under 16 and the increase in the number of pupils in receipt of the Pupil Premium who were attending selective schools.
- (3) Resolved that the Annual Equality and Diversity report 2016-17 be approved for publication on www.kent.gov.uk.

38. 17/00122 Policy on the Use of Sprinkler Systems - Update

(Item 10)

Rebecca Spore (Director of Infrastructure), Tony Carty (Health and Safety Business Operations Manager) and Karen Ripley (Facilities Management and Capital Lead) were in attendance for this item

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which provided general information on sprinkler systems and made recommendations as to the Council’s future approach for the use of

sprinklers in its existing estate and any new buildings. It also asked the Cabinet Committee to consider and endorse, or make recommendations on his proposed decision to amend the Use of Sprinkler Systems Policy.

- (2) Ms Spore said that the objective of the policy was to ensure the Council's buildings were safe and that a risk assessment approach was taken to determine the need for a sprinkler system in any new building. The revised policy was a refresh of the 2013 policy. It was very likely that the policy would be further updated following the publication of an interim report of the Independent Review of Building Regulations and Fire Safety being led by Dame Judith Hackitt. Ms Spore referred, in particular, to paragraph 3.2 of the report which confirmed that the revised policy would ensure that the Council continued to meet its statutory duties and legislative requirements.
- (3) In response to questions, officers said that: the Kent Fire and Rescue Service (KFRS) was consulted early in the design stage of any new building being constructed by or for the Council; some academy schools complied with the safety requirements and advice of the Educational Funding Agency, but academies that had leasehold agreements with KCC were required to seek consent for any alterations or extensions and to comply with KCC policies including the policy on the Use of Sprinkler Systems.
- (4) Members said that the KFRS and other fire services had been lobbying government ministers since the 1970s to make the installation of sprinkler or fire suppressant systems in all new buildings. Concerns were also raised about the resources of district and boroughs to enforce technical building regulations and standards. Comments were also made about the inclusion of refuge points in the design of special and residential schools, the impact of a fire in a school on the pupils and on the stress caused by the loss of course work
- (5) Mr Bird, seconded by Mrs Dean, proposed that all new schools and extensions to existing school buildings should include sprinklers or other fire suppressant systems or set out a good reason why they were not included.
- (6) A number of Members expressed sympathy for Mr Bird's proposal but said that it was preferable to wait for the interim report from the Hackitt review. Upon being put to the vote the motion was lost.
- (7) Resolved that:
 - (a) the proposed decision of the Cabinet Member to update the Sprinkler Policy be endorsed; and
 - (b) a further report, taking account of the recommendations of the Hackitt review, be received by the Cabinet Committee no later than 16 March 2018.

39. Work Programme

(Item 11)

Resolved that the work programme for 2018 be noted subject to reports on Customer Services, Gen2 (including the Total Facilities Management Update), the Business

Services Centre and performance in relation to requests received under Data Protection Act being included on the agenda for February 2018 and an update on the interim report from the Hackitt review being included on the agenda for March 2018.

40. Dates of meetings 2018/2019

(Item 12)

Resolved that the dates of meetings of the Cabinet Committee in 2018/19 be noted as follows: Friday 11 May 2018, Friday 29 June 2018, Thursday 6 September 2018, Tuesday 20 November 2018, Friday 18 January 2019 and Friday 8 March 2019.

41. Exclusion of the Press and Public

(Item)

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

42. Contract Management Review (KSPN) Kent Public Services Network

(Item 13)

Vincent Godfrey (Strategic Commissioner), Emma Mitchell (Director, Strategic Business Development and Intelligence) and Dave Lindsay (Strategic Development and Relationship Manager) were in attendance for this item

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) said the Cabinet Committee had received a report at its last meeting outlining the process for reviewing contracts and a programme of contract reviews. In accordance with the request of the Cabinet Committee, this report presented the findings of a contract management review of the Kent Public Services Network (KPSN). He also referred to a recent training event for Members on contract management.
- (2) Mr Godfrey introduced the report and said Emma Mitchell would talk through the process for the review of the KPSN contract along with some high-level findings.
- (3) Ms Mitchell said that a Contract Management Review Group, chaired by Mr Simmonds, had been established as a sub-group of the Budget and Programme Delivery Board to undertake a series of contract management reviews. She also said the sub-group met every fortnight and that its purpose was to ensure best practice in contract management which in turn improved value for money. She referred, in particular, to the findings and recommendations of the sub-group which were set out in Appendix B of the exempt report.
- (4) Mr Lindsay gave a short presentation outlining the extent of the partnership, the strengths and weaknesses of the way KPSN managed its contracts, the issues identified by the review, the maturity assessment of the contract and his experience of the review.

- (5) In response to questions, officers said that KPSN had been in existence since 2011 and it was anticipated that it would continue as it had key role in driving down network costs and underpinned new ways of working. It was also confirmed that KPSN was a contract held by KCC and delivered through a series of contracts with partner organisations, information sent through the network was secure and there had been no issues relating to security or confidentiality.
- (6) Resolved that:
 - (a) The report be noted; and
 - (b) A further report of a specific contract review be submitted to the Cabinet Committee in March 2018.

43. Review of KCC Company Ownership and Governance
(Item 14)

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

- (1) Mr Long (Cabinet Lead for Traded Services) introduced the report which had been produced following a request at the last meeting of the Cabinet Committee for further detail about the governance relationship between the Council, the companies it had or might set up and a holding company.
- (2) Mr Watts gave a short presentation setting out the relationship of the holding company to existing Council-controlled companies; Member involvement and scrutiny of the companies; the statutory and governance obligations of the directors and shareholders; and the proposed company structure.
- (3) In response to questions, officers said: the holding company would have to deliver more than it cost; it would be for the proposed Member Panel to consider how articles of association or memoranda of understanding could be amended and the appropriateness of consolidated end-of-year accounts; and that it was intended that the Council would retain oversight of any reserved matters.
- (4) The Cabinet Committee was broadly supportive of the proposed way forward.
- (5) Resolved that:
 - (a) The proposed arrangements for Member scrutiny of traded activities be endorsed:
 - (b) The governance arrangements that will apply to any subsequent holding company be noted: and
 - (c) The Section 151 update in relation to the Holding Company Review be noted.