

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, 4 May 2022

PRESENT: Mr R J Thomas (Chair), Mr N Baker (Substitute for Vacancy), Mr P Bartlett, Mr T Bond, Mr A Brady, Mr T Cannon, Mr N J D Chard, Mr G Cooke, Mr M Dendor, Mr M A J Hood (Substitute for Mr P Stepto), Mr A J Hook, Mr R C Love, OBE, Mr J P McInroy and Dr L Sullivan

ALSO PRESENT: Mr R W Gough and Mr P J Oakford

IN ATTENDANCE: Mrs A Beer (Corporate Director of People and Communications), Mr J Betts (Interim Corporate Director of Finance), Ms L Gannon (Director of Technology), Mrs R Spore (Director of Infrastructure), Mr B Watts (General Counsel), Ms S Annan-Veitch (Policy Advisor), Mr M Cheverton (Property Strategy and Policy Manager), Ms K Frearson (Head of Property Strategy, Infrastructure), Ms R Kennard (Chief Analyst, Strategic Commissioning Analytics), Mr J Sanderson (Head of Property Operations), Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mr D Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance), Miss T A Grayell (Democratic Services Officer) and Hayley Savage (Democratic Services Officer)

UNRESTRICTED ITEMS

75. Apologies and Substitutes

(Item 2)

Apologies for absence had been received from Mr P Barrington-King and Mr P Stepto.

Mr M Hood was present as a substitute for Mr Stepto. Mr N Baker filled the Conservative vacancy for the duration of the meeting.

The committee noted that Mr T Cannon and the Leader of the County Council, Mr R W Gough, were joining the meeting remotely.

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

(Item 3)

There were no declarations of interest.

77. Minutes of the meeting held on 24 March 2022

(Item 4)

It was RESOLVED that the minutes of the meeting held on 24 March 2022 are correctly recorded and they be signed by the Chair. There were no matters arising.

78. Inflationary Pressures on Capital Construction Programmes

(Item 5)

1. Mr Oakford introduced the report and advised that the impact of inflation on a range of services was being assessed. The increase in the price of building materials would increase the price of planned work, possibly more than once in the duration of a project, as well as the time taken to complete the work. He advised that the County Council was unable to borrow to cover these increased costs so needed to build in measures to manage the impact. Disposal of assets could raise some funds to offset costs but assets could only be sold once. Mr Oakford responded to comments and questions from the committee, including the following:-

- a) the clarity and content of the report were welcomed;
- b) asked if the delegation set out in the third recommendation in the report would include the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, as well as the directors listed, Mr Oakford confirmed that it would and suggested that the wording be changed to include this, as has been done in the past with similar decisions. This change was welcomed. Mr Oakford confirmed that the proposed decision did not constitute any change to the normal way of working;
- c) asked about the possibility of re-phasing or delaying some works, and if this would help manage costs, Mr Oakford advised that, for some projects, for example, school building, re-phasing was not an option as the Council had a duty to provide sufficient school places for every child in time for the next school year, and temporary classroom accommodation as a short-term solution was not popular;
- d) concern was expressed that school projects should not involve any more expense than was necessary to provide the requisite school places; and
- e) asked how Members would be kept informed of which highways schemes might be delayed as a result of inflationary impact, and if Members would have the opportunity to call them in before final decisions were made, Mr Oakford advised that no change to the usual key decision-making process, including the call-in process, would be made. Some decisions previously taken, relating to projects and works which were yet to start, may have to be reviewed as their costs would inevitably increase, and some decisions previously falling below the threshold for a key decision would now increase in value and require a key decision to be taken. A report of all decisions affected in this way, including those falling just below the threshold, would be presented to a future meeting of the committee.

2. It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to:-

- a) note the £28.8 million estimated impact on capital budget spend in the Medium-Term Financial Plan of £339.3 million across the capital programme for 2022-23. Schemes already approved via a key decision, or covered by appropriate delegated authority, would be funded from the options identified in paragraph 5.9 of the report;

- b) consider the use of Fluctuation clauses, when deemed necessary, to control costs to the County Council and alleviate adverse effects to the main contractor supplier of the rise in material costs; and
- c) delegate authority to the Director of Infrastructure, or, for Highway Schemes, the Corporate Director of Growth, Environment and Transport, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services and the Corporate Director of Finance, to take the necessary actions, including, but not limited to, entering into contracts and other necessary documentation to enable the delivery of the capital programme, taking into account construction and inflation, where existing Record of Decisions levels needed to be adjusted,

be endorsed; and
- d) a report of all decisions previously falling below the threshold for a key decision, which would now increase in value and require a key decision, be presented to a future meeting of the committee.

79. 22/00053 - Kent County Council Freehold Property Assets Disposal Policy
(Item 6)

1. Mr Oakford introduced the report and emphasised the importance for the County Council of maximising the value of every asset it had. This had led to the drafting of the disposals policy, which would boost both the revenue and capital budgets. Mr Oakford and Mrs Spore responded to comments and questions from the committee, including the following:-

- a) asked about the County Council's policy on disposing of housing stock, Mr Oakford pointed out that the Council was not a housing authority but sought and welcomed close working with district councils around managing surplus properties;
- b) Mrs Spore advised that the Council always complied with the appropriate legislative requirements and its Property Management Protocol and would always seek to gain the best value as part of any disposal;
- c) asked if the County Council could set up its own property management company, Mrs Spore advised that this would be possible but would be a difficult economic decision, given the Council's financial position and its limited resources and the need to ensure that it was able to fulfil its statutory duties;
- d) the policy set out was supported as being what currently happens, and had happened, for many years. There would inevitably be some instances for which there was no precedent and it was important to have a process to decide how these should be dealt with. When looking at value, monetary value was not the only consideration; what was important was to achieve the best overall deal for local residents;

- e) it was not clear how an asset's value beyond its monetary worth could be identified, for example, the value to a community of retaining green space for leisure use. It was confirmed that the proposed disposal policy enabled value to be considered, which directly related to the delivery of the Council's statutory services. The provision of green space was a consideration for the planning process;
- f) it was suggested that recommendation 3 in the report be changed to end with the words '*... after consultation with the Policy and Resources Cabinet Committee*' as any proposed future change to the policy should be first presented to the committee for discussion and comment. Mr Watts reminded the committee that its role was not to change a proposed decision but to comment and either endorse or make a recommendation to the Cabinet Member to consider; and
- g) asked how a decision about the Council's need would be made, when an asset was to be declared surplus, Mr Oakford advised that a directorate would identify a premises as being surplus to their service requirements. Where appropriate, this change in service may be subject to consultation. If the outcome was agreement that the premises was indeed surplus, the Infrastructure team would be asked to dispose of it, in accordance with the Property Management Protocol. Concern was expressed by another speaker that such a decision would need to take full account of all factors.

2. Mrs Spore undertook to provide written responses to detailed questions about disposals of property to Members and a comparison of Kent's disposals practice to that of other local authorities.

3. Mr G Cooke then proposed and Mr M Hood seconded that the first recommendation in the report have the words '*in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services*' added after '*Director of Infrastructure*' and that the third recommendation in the report be deleted. This was supported, with four abstentions.

4. It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to:-

- a) adopt the Freehold Property Assets Disposal Policy attached to the report as Appendix B, which reflects the Executives priorities in the delivery of the Council's objectives; 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 such actions as are necessary to implement this decision, including, but not limited to, finalising the terms of, and entering into, contracts or other legal agreements,

be endorsed.

Mr A Brady, Mr M Hood, Mr A Hook and Dr Sullivan asked that their abstentions from this resolution be recorded in the minutes.

80. Strategic and Corporate Services Performance Dashboard

(Item 7)

1. Ms Kennard introduced the report and responded to comments and questions from the committee, including the following:-

- a) asked if it were possible to include more detail of the process for ensuring that targets currently missed could be met in future, Ms Kennard advised that this detail could be provided to the committee after the meeting;
- b) asked about a recent instance in which a meeting had been cancelled as supporting papers had not been issued in time, Mr Watts advised that the agenda and papers for a meeting of the Governance and Audit Committee had been published in the usual way on the Council's website but a problem at Royal Mail meant that paper copies of the agenda pack had not been received by the Members who required them. He clarified that, in instances where some reports were unavailable at the time of publishing the agenda and were sent later, the publication of the main agenda pack by the required deadline qualified it as meeting its target;
- c) Ms Gannon clarified that, where a target was expressed in 'working hours', this referred to 9.00 am to 5.00 pm, although Members acknowledged that many staff worked much longer and more varied hours than this;
- d) a view was expressed that Members should be aware of what information was available online so they could guide residents who called with enquiries. It was important that people had a good experience when engaging with the County Council, whoever they spoke to; and
- e) Mrs Beer advised the committee that the recording of staff sickness absence rates would no longer distinguish 'absence due to Covid' but would record simply 'absence'.

2. It was RESOLVED that the performance position for Strategic and Corporate Services be noted, with thanks.

81. Strategic and Corporate Services Key Performance Indicators 2022/23

(Item 8)

1. Ms Kennard introduced the report and advised that there had been some change to targets but not to key performance indicators (KPIs). She responded to comments and questions from the committee, including the following:-

- a) a view was expressed that regular checks should be made to ensure that the right things were being measured and that floor targets were realistic and gave some challenge. To be able to be sure of this, Members would need to have clear and full information. For example, for ICT01, the target for 2022/23 would be better as 80% rather than 70%, with a floor target of 75% rather than 65%. Ms Kennard advised that these targets were being reviewed and Ms Gannon added that all KPIs relating to the use of technology were being reviewed this year. Members would have the

opportunity to have input into the review and be able to comment, possibly in a briefing session, which Mr Whittle said he was happy to organise;

- b) asked about a review of CS06, as the current target seemed insufficiently challenging, Mrs Beer advised that the targets for responding to calls were included in the contract with Agilisys for the Contact Point but could be reviewed. However, to answer more calls more quickly would require more resources in terms of increased staffing;
- c) with reference to GL02, responses to Freedom of Information (FOI) requests, asked if general data publishing practice was to be reviewed, Mr Watts advised that ways of locating information could be reviewed but a broader revision of practice would be complex and require resources which were not currently available. Many FOI requests were very specific and required research which it would be difficult to standardise or 'short-cut';
- d) a view was expressed that a note of the resources taken to respond to an FOI request could be included with the reply, and Mr Watts accepted this suggestion as a good addition to future practice; and
- e) one speaker asked if targets for which performance was rated green would be reviewed automatically, to make them more challenging, while another expressed the view that, if performance was consistently good and exceeding its target, there was less need to monitor it.

- 2. It was RESOLVED that Members' comments on the proposed key performance indicators and targets for 2022/23, set out above, be noted.

82. Domestic Abuse Duty 2022/23 *(Item 9)*

1. Mr Gough introduced the report and emphasised the importance of the Government funding to support local authorities to fulfil their obligations under the Domestic Abuse Act of 2021. He advised that he proposed to take a key decision to accept and allocate this funding and was seeking the committee's views, endorsement or any recommendation it wished to make. Mr Gough, Mr Whittle and Ms Annan-Veitch responded to comments and questions from the committee, including the following:-

- a) asked if the Government funding allocation would be regular or a one-off, and if it covered the full costs to the County Council of meeting its obligations, Mr Gough advised that the obligations under the Act would have no direct impact on the Council's budget. Mr Whittle added that the £3.1m allocation was the second-year payment, to cover the 2022/23 financial year, and emphasised that the first-year payment had been received late. He advised that the Council would spend up to the budget available and, if needs were identified which were beyond the scope of the grant, would lobby the Government for more funding;
- b) concern was expressed that there should be no impact on the Council's budget and Mr Gough was asked to ensure that this would indeed be the

case. Mr Whittle assured the committee that the service would not overspend its budget allocation and would lobby for more funding if necessary to ensure that this did not happen. He undertook to prepare a separate report to set out the complexity of the domestic abuse landscape and how it was addressed, for example, via partnership working;

- c) asked about how the first year's funding had been spent, and how effective this had been in addressing need, Mr Whittle undertook to include this in the report mentioned above;
- d) a view was also expressed that updates on the management and spending of the fund should be presented to the committee frequently; a quarterly report was suggested but other speakers thought this was too frequent;
- e) asked when the Domestic Abuse Local Partnership Board mentioned in the report was to be established, and how its work would be reported to the Cabinet Committee, Mr Whittle advised that Kent already had established partnership working, which had continued its work as a new strategic governance body from May 2021. He undertook to include detail about its work in the additional report mentioned previously. Ms Annan-Veitch added that the Kent and Medway Domestic Abuse Strategy had been reported to the Cabinet Committee in 2019 and was due to be reviewed in 2023; and
- f) concern was expressed by some speakers that the committee would need to be able to understand clearly how partnerships worked in practice.

2. Mr Gough thanked Members for the interest they had shown and advised that the background documents listed at the end of the report would give some context to, and additional information about, the present decision.

3. It was RESOLVED that the decision proposed to be taken by the Leader of the County Council, to:-

- a) accept £3,112,501 domestic abuse funding (2022/23) for delivery of domestic abuse support in safe accommodation duties, as defined by the Domestic Abuse Act;
- b) delegate authority to the Corporate Director of Strategic and Corporate Services, in consultation with the Leader, the Corporate Director of Adult Social Care and Health and the Corporate Director for Children, Young People and Education, to accept future years' allocations of safe accommodation funding, provided that funding were given on similar terms; and
- c) continue to delegate authority to the Corporate Director of Strategic and Corporate Services to take other necessary actions, including, but not limited to, entering into contracts or other legal agreements, as required, to implement this decision,

be endorsed; and

- d) a further report setting out how the first year's funding had been spent, the work of the Domestic Abuse Local Partnership Board and how need was identified and addressed under the Kent and Medway Domestic Abuse Strategy, be presented to a future meeting of the committee, the timing and frequency of this to be determined and advised later.

83. Decisions taken between Cabinet Committee Meetings: 22/00037 - Homes for Ukraine Scheme

(Item 10)

1. Mr Oakford introduced the report and advised that a decision by the Leader of the County Council had been required urgently. Using the Council's process for taking urgent decisions, the decision had been supported by all parties, when consulted. Members made the following comments:-

- a) the urgency and consultation process to include opposition Members was welcomed and had worked well;
- b) asked about the provision of school places for Ukrainian children at short notice, Mrs Spore advised that spaces would be allocated using the Government's Fair Access Policy, and the cost of meeting any transport, special and additional needs, for example, translators, would be covered by the Government funding allocation set out in its guidance issued on 3 May 2022; and
- c) asked about funding for work to prepare children and their families in advance of them starting school, Mrs Spore advised that this would be covered by a funding allocation to support community work, where appropriate.,

2. The Committee NOTED that Decision 22/00037, Homes for Ukraine Scheme in Kent, had been taken in accordance with sections 12.32 and 12.35 of the Council's constitution and welcomed the approach taken.

84. Work Programme 2022

(Item 11)

It was RESOLVED that the committee's planned work programme for 2022 be agreed.