

**POLICY AND RESOURCES CABINET COMMITTEE**

**Friday, 29th June, 2018**

**10.00 am**

**Council Chamber - Sessions House**







## AGENDA

### POLICY AND RESOURCES CABINET COMMITTEE

**Friday, 29 June 2018, at 10.00 am**  
**Council Chamber - Sessions House**

Ask for: **Ann Hunter**  
Telephone: **03000 416287**

*Tea/Coffee will be available 15 minutes before the start of the meeting*

#### **Membership (15)**

Conservative (12): Mr B J Sweetland (Chairman), Mr R A Marsh (Vice-Chairman), Mr P V Barrington-King, Mr T Bond, Mr N J D Chard, Mrs P T Cole, Mrs M E Crabtree, Mr P W A Lake, Mr J P McInroy, Miss C Rankin, Mr H Rayner and Mr I Thomas

Liberal Democrat (2): Mr R H Bird and Mrs T Dean, MBE

Labour (1) Mr D Farrell

#### **Webcasting Notice**

Please note: this meeting may be filmed for the live or subsequent broadcast via the Council's internet site or by any member of the public or press present. The Chairman will confirm if all or part of the meeting is to be filmed by the Council.

By entering the room, you are consenting to being filmed. If you do not wish to have your image captured, please let the Clerk know immediately

#### **UNRESTRICTED ITEMS**

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

1 Introduction/Webcast announcement

2 Apologies and Substitutes

To receive apologies for absence and notification of any substitutes present

- 3      Membership  
The Committee is asked to note that Mr Farrell has replaced Mrs Constantine as a Member of the Cabinet Committee.
  
- 4      Declarations of Interest by Members in items on the Agenda  
To receive any declarations of interest made by Members in relation to any matter on the agenda. Members are reminded to specify the agenda item number to which it refers, and the nature of the interest being declared.
  
- 5      Minutes of the meeting held on 11 May 2018 (Pages 7 - 14)  
To consider and approve the minutes as a correct record.
  
- 6      Minutes of the meeting of the Property Sub-Committee held on 12 April 2018 (Pages 15 - 16)  
To note the minutes of the Property Sub-Committee
  
- 7      Budget Communication and Consultation Campaign 2019/20 (Pages 17 - 28)  
To consider and endorse the proposed consultation arrangements, and to make recommendations to the Cabinet Members for Finance and for Customers, Communications and Performance on any changes or enhancements.
  
- 8      A New Approach for Business Planning for 2019/20 (Pages 29 - 34)  
To endorse the new approach for business planning to move to a single Strategic Delivery Plan for 2019/20.
  
- 9      Hackitt Report: Building a Safer Future (Independent Review of Building Regulations & Fire Safety) (Pages 35 - 42)  
To note the contents of the report and the recommendations of the review.
  
- 10     Data Protection Update (Pages 43 - 48)  
To note the report and comment accordingly.
  
- 11     Work Programme 2018/19 (Pages 49 - 52)  
To consider and agree a work programme for 2018/19.

### **Motion to Exclude the Press and Public**

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.

- 12     Review of KCC Company Ownership and Governance - Update (Pages 53 - 56)  
To comment on and note the report.

13 Invicta Law Update (Pages 57 - 64)

To comment on and note the report.

14 18/00033 - Commercial Services Procurement Plan for Core Trading (Pages 65 - 72)

To recommend to the Cabinet Member that delegated authority be given to the Strategic Commissioner to execute the procurement activities detailed in the report in consultation with the Cabinet Member for Strategic Commissioning and Public Health.

Benjamin Watts  
General Counsel  
03000 416814

**Thursday, 21 June 2018**

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**KENT COUNTY COUNCIL**

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**POLICY AND RESOURCES CABINET COMMITTEE**

MINUTES of a meeting of the Policy and Resources Cabinet Committee held in the Darent Room - Sessions House on Friday, 11 May 2018

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, Ms K Constantine, Mrs T Dean, MBE, Mr J P McInroy, Miss C Rankin, Mr H Rayner and Mr I Thomas

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

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

**UNRESTRICTED ITEMS****71. Introduction/Webcast announcement**

*(Item 1)*

Mr Sweetland proposed, and the Cabinet Committee agreed to change the order of the agenda items.

**72. Apologies and Substitutes**

*(Item 2)*

Apologies for absence were received from Mr Simmonds (Cabinet Member for Finance). Mrs Crabtree (Deputy Cabinet Member for Finance) attended as his substitute.

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

*(Item 3)*

- (1) Mr Barrington-King said his son was a qualified asbestos surveyor and was employed by Environmental Solutions, a company which might have undertaken work for KCC in the past.
- (2) Mr Watts advised him that it was for Members to decide if they had an interest, however, in his view this did not constitute a Disclosable Pecuniary Interest as defined by the Localism Act 2012 and set out in Appendix 6 of the Council's constitution.
- (3) Mr Barrington-King therefore remained in the meeting and took part in the discussion of item 7 on the agenda.

**74. Minutes of the meeting held on 16 March 2018**

*(Item 4)*

- (1) In response to a question about minute 65, Mr Watts said that most KCC Members had completed the mandatory governance training and reminders were being sent to Members who had not yet booked on a course. He also said that priority had been given to KCC Members and that training would be rolled out to district, parish and town councils in due course.
- (2) Resolved that the minutes of the meeting held on 16 March 2018 are correctly recorded and that they be signed by the Chairman.

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

*Richard Fitzgerald (Business Intelligence Manager - Performance), Amanda Beer (Corporate Director, Engagement, Organisation Design and Development), Rebecca Spore (Director of Infrastructure) and Ben Watts (General Counsel 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 March 2018. He said that performance was good overall and there had been improvements in performance against targets for some indicators which had previously been rated red or amber.
- (2) In response to questions about GL03 (Data Protection Subject Access requests completed within 40 calendar days) Mr Watts said a longer timescale for reply was allowed under the legislation for requests that were classed as complex. He also said that, although additional resources had been provided since the last meeting of the Cabinet Committee, the underlying challenge came from social care records that are held in several places and formats and had to be reviewed by social workers, photocopied and redacted before a response could be given.
- (3) Mr Watts said the Information Commissioner's Office could impose a fine on the authority for failure to respond to requests for information in a timely way, however the bigger risk related to the potential for individuals to bring a claim against KCC. He further said that Freedom of Information requests had been reviewed to identify the most frequent requests and where possible such information was made available on the Council's website.
- (4) In response to a question about P103 (Percentage of annual net capital receipts target forecast to be achieved) Mrs Spore said that the property market had become more risk averse which required the authority to go to the market with more fully developed schemes to achieve the best price. This had resulted in the re-phasing of some sales from 2017/18 to 2018/19 which had made an impact on the achievement of the target.
- (5) In response to a question about HR23 (Percentage of staff who have completed all three mandatory learning events) Mr Watts said it was likely many staff had decided to wait until after 27 April when the new GDPR learning module became available rather than complete the previous module and this had impacted on the completion rates.



- (6) Resolved that the report be noted.

## **76. Exclusion of the Press and Public**

- (1) In response to a question about the need for item 11 – Contract Management Review Group, 6-Month Progress Review to be exempt, Mr Watts (General Counsel) said the discussion relating to the item was likely to include exempt information, in particular, information relating to the providers of services and, therefore, it was considered appropriate to recommend the exclusion of the press and public during the consideration of the item.
- (2) Resolved that under Section 100A of the Local Government Act 1972 the press and public be excluded from the meeting for the following business as it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

### **Exempt Items**

(open access to minutes)

## **77. Contract Management Review Group - 6-month progress review**

*(Item 11)*

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

- (1) Mr Godfrey introduced the report which set out information about the conduct of the programme of contract management reviews, a six-month progress review, some high-level findings and feedback.
- (2) Mr Godfrey answered Members' questions about: relationships with suppliers; the use of benchmarking against other authorities; the use of break clauses in contracts; staff training; and the process in place for advising Members about the performance of contracts, particularly, contracts that might fail.
- (3) Members generally welcomed the report and thanked Mr Godfrey and his team for the work they had done to establish a robust contract management process.
- (4) Resolved that the report be noted.

## **78. Property LATCO Commissioned Services Update**

*(Item 13)*

*Rebecca Spore (Director of Infrastructure) and Karen Ripley Head of Property Commissioning) were in attendance for this item*

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which provided an update on the services which KCC commissioned from GEN2 through a service level agreement. He also said that with the agreement of the shareholder board and the GEN2 company board, the Strategic Commissioner was undertaking a review to support the development of the business model and the delivery of KCC's requirements.

- (2) Members requested that a report on the outcome of this review be received at a future meeting of the Cabinet Committee.
- (3) Resolved that the current position be noted.

## **79. Business Services Centre Trading Company - Progress update and performance report**

*(Item 12)*

*Rebecca Spore (Director of Infrastructure) and Mark Scott (Head of Business Services Centre) were in attendance for this item*

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which provided an update on progress to date in relation to the new service delivery model for the Business Services Centre through the creation of an arm's length trading vehicle from which KCC would commission transactional Finance, HR and ICT services.
- (2) In response to comments about the absence of detail about the commercial aspects of the business, Mrs Spore said the report was intended to provide an update on the 'Go-No-Go' criteria and that further detail could be provided in a briefing for Members.
- (3) Resolved that:
  - (a) A briefing be provided to Members before the next meeting of the Policy and Resources Cabinet Committee on 29 June 2018;
  - (b) A further report be considered at the next meeting of the Policy and Resources Cabinet Committee on 29 June 2018;
  - (c) The continued development of implementation plans and the performance to date be noted.

## **80. ICT Security Annual Report**

*(Item 14)*

*Michael Lloyd (Head of Technology Commissioning and Strategy) was in attendance for this item*

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which provided an update on the authority's security status and cyber threats.
- (2) Resolved that the report be noted.

**UNRESTRICTED ITEMS (meeting open to the press and public)**

## **81. 18/00009 Asset Management Strategy 2018-2023**

*(Item 6)*

*Rebecca Spore (Director of Infrastructure) and Karen Ripley (Head of Property Commissioning) were in attendance for this item*

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services introduced the report that contained the draft Property Asset Management Strategy 2018-2023. The Strategy set out the vision and objectives for KCC's estate for the next 5 years and was designed to support a better-utilised, right-sized estate relevant to KCC's service delivery whilst maximising the opportunity, through its investment funds, to deliver income.
- (2) The report also included a review of KCC's New Ways of Working Strategy, a key Corporate Programme initiated under the last Asset Management Plan. This sought to align the way KCC works to modern methods, consider how office space should be utilised and how modern practices and technology could be used to drive greater efficiency and effectiveness.
- (3) In response to Members' questions, Mrs Spore said that one of the targets in the current Asset Management Strategy was to reduce the property portfolio to deliver £10 million savings and that detailed information about how this had been achieved could be provided. She also said that:
  - a five-year programme for the completion of condition surveys was been developed;
  - properties within the property portfolio were categorised into commercial, operational and community assets and targets would be set for the performance of each category;
  - the Property Strategy, along with the Technology Strategy, was a key enabler in delivering new ways of working and reducing the authority's property footprint;
  - PEF1 and PEF2 had been closed and the new property investment funds (PIF1 and PIF2) were performing well.
- (4) Resolved that the Cabinet Committee endorsed the proposed decision of the Cabinet Member for Corporate and Democratic Services to:
  - (a) Note the estate's present position and achievements through the implementation of the last Asset Management Strategy 2012–2017;
  - (b) Note the proposed policy statement including the vision and mission for the estate;
  - (c) Note the six themes which the Strategy would focus upon to deliver the vision for the estate;
  - (d) Agree the adoption of the Asset Management Strategy 2018-2023 and the development of delivery plans.

## **82. 18/00025 Kent County Council's Asbestos Policy and Procedures**

*(Item 7)*

*Rebecca Spore (Director of Infrastructure), Tony Carty (Health and Safety Business Operations Manager) and Karen Ripley (Head of Property Commissioning) were in attendance for this item*

- (1) Mrs Ripley introduced the report which included a draft policy on the management of asbestos in KCC buildings. The policy provided best practice guidance and general information on the management of asbestos, including current practices and legislative requirements as well as information about the Council's strategic approach to the management of asbestos in its existing estate and in any new buildings.
- (2) In response to Members' questions, officers gave the following further information:
  - The statutory requirements had not changed since the Control of Asbestos Regulations in 2012;
  - Trade Unions were involved locally in supporting management action;
  - Management surveys of buildings had been carried out every three years since 2002/03;
  - There was no requirement to remove asbestos from buildings unless it conflicted with refurbishment or demolition;
  - There was potential to do more harm than good by trying to remove asbestos when it was in a stable condition;
  - Any recourse to previous owners of buildings containing asbestos depended on the terms of the acquisition, however, where appropriate indemnities were sought for a range of issues;
  - The rolling programme of risk assessment was up to date.
- (3) Resolved that the proposed decision of the Cabinet Member for Corporate and Democratic Services to update the Kent County Council policy and procedures for the management of asbestos be endorsed.

### **83. Strategy and Policy Control Framework Bi-Annual Update** *(Item 8)*

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

- (1) Mr Whittle introduced the report which provided a six-month progress update on the Strategy and Policy Control Framework, an analysis of the current Strategy and Policy Register and outlined improvements in the management of the process as well as setting out the planned next steps.
- (2) Mrs Sanderson provided information about progress since the report to the Policy and Resources Cabinet Committee in September 2017.
- (3) In response to Members' questions, Mr Cockburn confirmed that the issue relating to the conduct of Equality Impact Assessments concerned the point in the decision-making process that they were conducted. Further information would be presented to the Cabinet Committee in the annual equalities report.
- (4) Resolved that:

- (a) The progress update on the Policy and Strategy Control Framework be noted;
- (b) A report on progress be received by the Policy and Resources Cabinet Committee every six months.

#### **84. Legal Update**

*(Item 9)*

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

- (1) Mr Watts introduced the report which provided a legal update regarding the impact on KCC of issues relating to Carillion PLC. He said following the appointment of an official receiver as liquidator of Carillion PLC, a review of deeds held by KCC was undertaken. This review demonstrated that the authority did not hold a significant number of deeds related to Carillion and those that were held were historic and of low value. Mr Watts said he and the Strategic Commissioner would continue to monitor reviews in relation to Carillion to reflect on any learning for KCC. He also said that the nature of KCC's commissioned activity and lack of bulk outsourcing contributed to the mitigation of market risks.
- (2) Resolved that the report be noted.

#### **85. Work Programme**

*(Item 10)*

Resolved that the report be noted.

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**KENT COUNTY COUNCIL**

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**PROPERTY SUB-COMMITTEE**

MINUTES of a meeting of the Property Sub-Committee held in the Darent Room - Sessions House on Thursday, 12 April 2018.

PRESENT: Mr N J D Chard (Vice-Chairman in the Chair), Mr R H Bird, Mrs M E Crabtree, Mr D Farrell, Mr J P McInroy and Mr H Rayner (Substitute for Mr M D Payne)

ALSO PRESENT: Mr E E C Hotson

IN ATTENDANCE: Ms R Adby (Head of Business Partnerships and Relationships), Mr S Dodd (Investment and Development Consultant), Ms K Ripley (Head of Property Strategy and Commissioning) and Mrs A Hunter (Principal Democratic Services Officer)

**UNRESTRICTED ITEMS**

**125. Apologies and Substitutes**

*(Item 1)*

Apologies for absence were received from Mr Sweetland and Mr Payne. Mr Rayner attended as substitute for Mr Payne.

**126. Declarations of Interest by Members in Items on the Agenda**

*(Item 2)*

There were no declarations of interest.

**127. Minutes of the meeting held on 18 January 2018**

*(Item 3)*

Resolved that the minutes of the meeting held on 18 January 2018 are correctly recorded and they be signed by the Chairman.

**128. Motion to Exclude the Press and Public**

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

**129. Strategic Acquisition of Former Royal Mail Sorting Office, Maidstone, in partnership with Maidstone Borough Council - update**  
*(Item 4)*

**EXEMPT ITEM**

(open access to minutes)

*Simon Dodd (Investment and Development Consultant), Ros Aaby (Head of Business Partnerships and Relationships) and Karen Ripley (Head of Property Strategy and Commissioning) were in attendance for this item*

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which provided an overview and update of the strategic acquisition of the former Royal Mail Sorting Office in Maidstone. Mr Hotson outlined the background to the acquisition, the partnership arrangements with Maidstone Borough Council and the constraints on development arising from the nature of the site.
- (2) Mr Dodd gave a presentation which gave an overview of the process, outlined some of the site's constraints, set out the emerging options and concepts for development and indicated the proposed next steps in the project.
- (3) Following the presentation, Mr Hotson and officers answered Members' questions.
- (4) Resolved that:
  - (a) The report be noted;
  - (b) Further information about the future of Thameslink and train services to and from Maidstone be provided to Members; and
  - (c) Mr Hotson's assurance that Members would receive further updates before any decision was made about the future of the site be noted.



From: John Simmonds, Cabinet Member for Finance  
Susan Carey, Cabinet Member for Customers,  
Communications and Performance

To: Policy & Resources Cabinet Committee 29<sup>th</sup> June 2018

Subject: Budget Communication and Consultation Campaign 2019/20

Classification: Unrestricted

**Summary:**

This report sets out the preferred approach to consultation on the 2019/20 budget, building on and developing the most successful aspects of last year's consultation. The report is not seeking agreement to the content for consultation which will evolve over the summer.

**Recommendation(s):**

The Policy and Resources Cabinet Committee is asked to consider and endorse the proposed consultation arrangements, and to make recommendations to the Cabinet Members for Finance and Customer, Communications and Performance on any changes or enhancements.

**1. Introduction**

- 1.1 We have undertaken consultation on the budget for many years and found it valuable in helping to set the council's budget priorities. A robust consultation mechanism which gives members confidence that the views expressed represent those of Kent residents and business and their priorities at a time when additional spending demands gets ever more difficult.
- 1.2 Last year we made some significant changes to the consultation and engagement strategy with the aim of engaging with many more respondents. The engagement strategy was viewed as a success as we received 965 completed responses, (with a further 953 which were incomplete and not submitted), although we did not have the added assurance of indirect responses from quantitative market research which we had in previous years. This is a significant increase in direct engagement compared to last year as shown in Table 1:

**TABLE 1**

YEAR	DIRECT RESPONSES	INCREASE	
		NUMBER	%
2016	510	455	89%
2017	965		

- 1.3 This was backed up by on-line information through the KCC Website and Social Media Channels, such as Facebook and Twitter. There were also separate consultation events including Parish Seminars and The Kent County Youth Council (KCYC).
- 1.4 It should be noted that consultation on the overall budget relates to the strategic direction of travel and key priorities. It is not a consultation about the specific proposals and these will be subject to separate consultation prior to implementation. The final presentation of the consultation findings for 2018/19 budget to County Council on 20<sup>th</sup> February 2018 is attached Appendix 1 of this report.

## **2 Policy Framework**

- 2.1 KCC's Financial Strategy is set out in the Medium Term Financial Plan for both revenue and capital spending. The plan also includes Treasury Management and Risk Strategies. Consultation will seek a steer on how Kent residents, businesses and KCC staff think these strategies should be evolved considering the continuing financial restraint.

## **3. Consultation Strategy and Process**

- 3.1 As outlined in the introduction to this report the consultation strategy and process for 2018/19 led to higher engagement than in previous years. We set out to engage with more residents and get a clearer steer on key budget priorities. We did not ask detailed questions about specific budget proposals although information was available on the web-site at varying levels of detail for those interested. The strategy was based on:

- The campaign was deliberately targeted to increase engagement and asking questions about the approach KCC should take to deliver the required savings and levels of council tax.
- The campaign was supported by a social media campaign through Facebook and Twitter and media relations to help raise awareness and understanding.
- Information on the KCC website summarising the current budget position and a video of John Simmonds explaining the budget challenge.
- A cost cutting measure to not engage with independent market research consultants.
- Consultation events were held across Kent at five Parish Seminars as well as the KCYC.

- 3.2 We propose to build on the approach taken last year, using Facebook, Twitter, and (for the first time) LinkedIn and Instagram. Kent Communications is currently reviewing the latest features across these platforms (in the context of GDPR and current resource levels) and will be preparing tactical and creative proposals over the summer. There will be a specific focus on gaining better engagement with the voluntary sector. We will also be seeking a modest budget for social media advertising.

- 3.3 However, we also want to ensure that we have a comprehensive understanding of the proposals in order that the methods are tailored to the objectives we are seeking to fulfil.
- 3.4 Consultation is not a numbers game, it is about creating a legitimate opportunity for people to share their views and ideas and is only one aspect of the information that decision makers may require. Deliberative discussions where stakeholder groups are guided through the questions are an important feature of the evidence collection. Stakeholder groups include the General Public, KCC Staff, Trade Unions, Business and Voluntary Sectors. Engagement Organisation Design and Development (EODD) will work with Finance colleagues to establish:
  - What are we informing people about, and what do we want them to know?
  - What are we seeking views on?
  - What is the available resource to support the campaign and consultation?
  - Are there additional stakeholder groups that you want to target?
- 3.5 This will form the clear narrative for the proposals that are being made and ensure that we are working to a clear set of parameters to inform the delivery method for both the consultation and the information campaign.
- 3.6 We are planning to conduct the consultation starting on 10<sup>th</sup> October 2018 to coincide with the release of the Autumn Budget Report for County Council. We intend to provide an update report to the Policy and Resources Cabinet Committee on the approach outlined (and any other changes following Committee recommendations).

**4. Conclusion**

- 4.1 It is important that budget decisions are informed by residents’ view and engagement with key stakeholders. It is also important that members can be confident that responses represent the wider views of Kent residents and businesses.

**5. Recommendations**

Recommendation(s):

The Policy & Resources Cabinet Committee is asked to consider and endorse the proposed consultation arrangements, and to make recommendations to the Cabinet Members for Finance & Procurement and Customer, Communications and Performance on any changes or enhancements.

**Contact details**

## Report Author

- Mark Sage, Revenue and Tax Strategy Manager
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## Report Author

- Diane Trollope, Head of Engagement & Consultation
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## Relevant Corporate Director:

- Dave Shipton, Acting S151 Officer
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- dave.shipton@kent.gov.uk

From: John Simmonds, Cabinet Member for Finance  
 Susan Carey, Cabinet Member for Commercial and Traded Services

Subject: Budget Campaign and Consultation 2017

Classification: Unrestricted

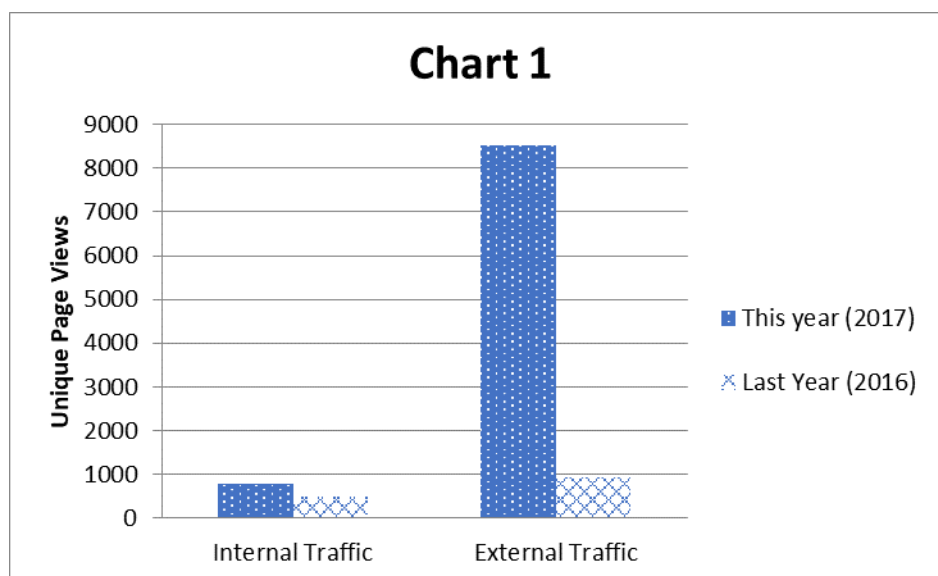
**Summary:**

Following the Budget Campaign and Consultation, this report sets out an evaluation of the levels of participation and engagement.

**1. Budget Campaign and Consultation**

1.1 The budget communication and consultation campaign was launched on 12<sup>th</sup> October and closed on 3<sup>rd</sup> December. The campaign was aimed at reaching a wide audience of Kent residents, businesses and other interested parties to inform them of the budget challenge arising from a combination of rising spending demands/costs (which are unfunded), reductions in central government funding and restrictions on our ability to raise council tax. As a result of the campaign we hoped that sufficient numbers would be motivated to engage with the consultation. The Campaign was led by the Revenue and Tax Strategy team with support from representatives from the Communications & Consultations team.

1.2 The campaign was primarily delivered through the council’s website: [KCC Budget Consultation - 2018/19 - Draft Budget Strategy 2018/19 - Kent County Council Consultations](#). For a relatively modest investment of just over £2k, the communications activity had a very positive impact, Facebook advertising in particular accounted for nearly two thirds of the traffic to the consultation page. This dedicated page provided a high level summary of the financial challenge with links to the consultation questionnaire, and more detailed supporting information. Chart 1 below shows the unique page views of the consultation site, with external traffic increasing more than eight times compared to last year:



1.3 Press releases were issued at the consultation launch with a reminder press release a couple of weeks later. An interview with John Simmonds appeared on the website talking about the budget challenge. Paul Carter did various interviews at the launch and media work was undertaken with:

- BBC South East Today
- BBC Radio Kent
- ITV Meridian
- KM newspapers (Paul Francis)
- KMFM
- Kent Online
- News Shopper

## 2. Consultation Strategy

2.1 Following the disappointing levels of engagement last year (510 responses), it was agreed that further investigation would be carried out to improve levels of engagement. This resulted in a new strategy being developed and agreed. This strategy included a social media campaign (Twitter and Facebook) using short digital videos to drive traffic to the KCC's dedicated web page. The anticipated benefits and risks with this approach were:

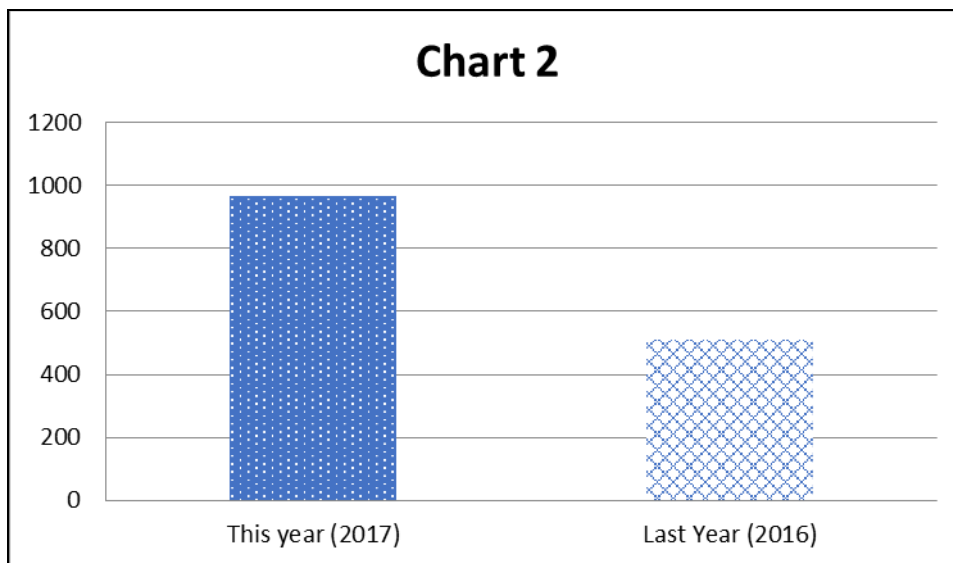
<b>Benefits</b>	<b>Risks</b>
Innovative & different	Low survey response
More engaging	Adverse public reaction to use of public money on consultation
Increased response rate	
Low cost	

2.2 In previous years we have used market research to support the consultation. This research has included a telephone/face to face interviews with a structured sample of Kent residents and more in-depth full day/half day workshops with a much smaller sample of people. This market research provided us with additional quantitative consultation results (which were fed into the overall levels of engagement) and more importantly provided a qualitative analysis which we could use to provide assurance whether we could rely on the outcome from the quantitative and consultation outcomes.

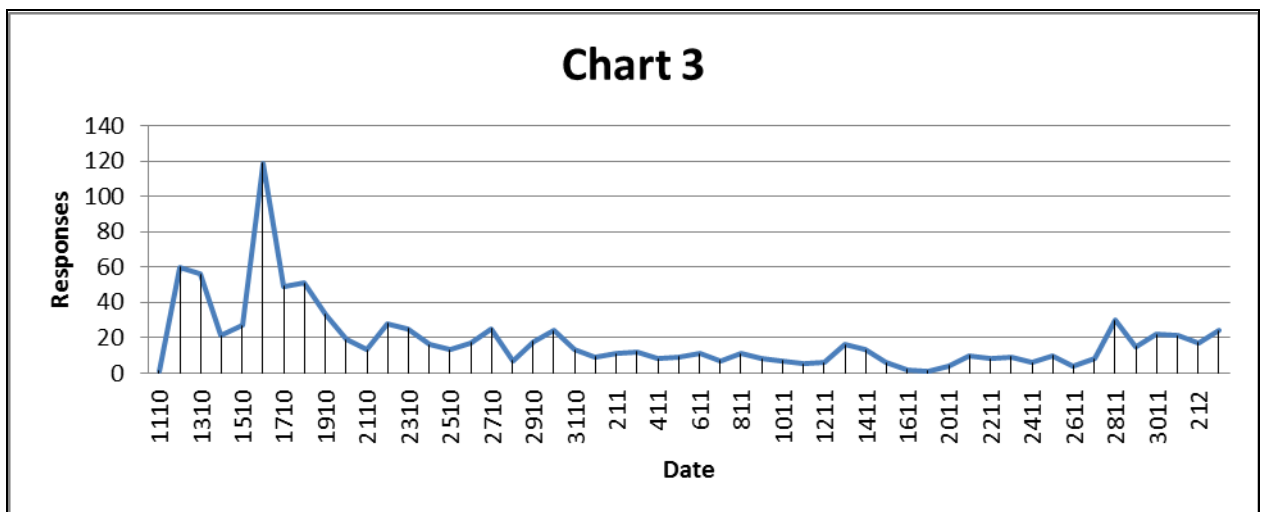
2.3 Given the increased number of responses, and that we have achieved most of the other benefits, and the risks have not materialised, we can conclude that the new strategy has been successful in increasing engagement at reduced cost to the Council. We need to consider why the significant increase in web activity as demonstrated in Chart 1 did not translate into more consultation responses and what we might do to improve on this.

## 3. Consultation Responses

3.1 In total 965 responses were received, with a further 953 which were incomplete and not submitted. This is a significant increase in direct engagement compared to last year as shown in Chart 2 (although as identified in the strategy section in previous years the consultation has been bolstered by the quantitative research meaning the total number of responses is less than previous years):



3.2 Chart 3 shows a timeline of when the responses were received with a peak of 119 on 16<sup>th</sup> October:



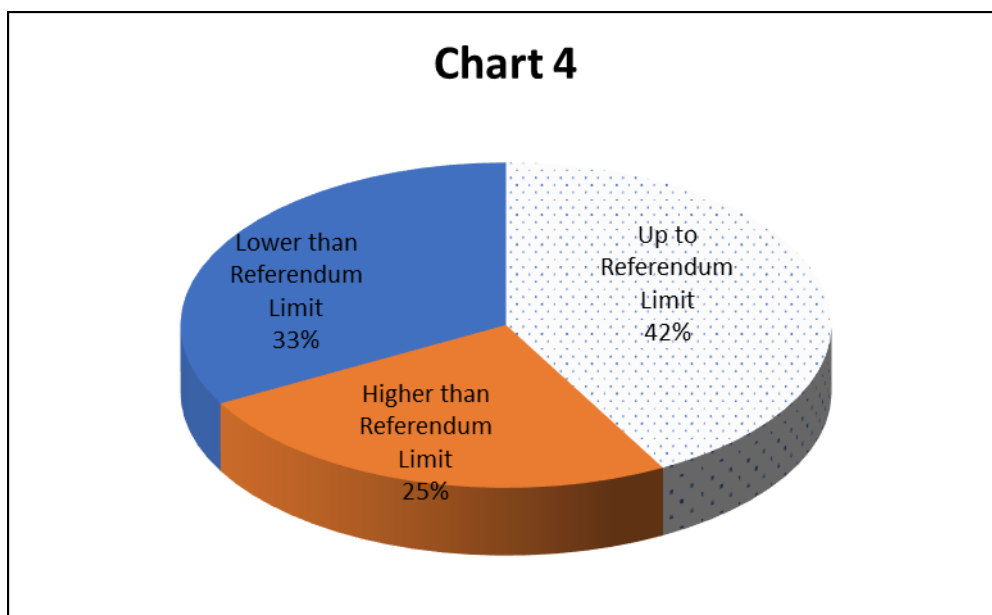
3.3 A summary of the responses is presented below. The questionnaire explored 5 key issues:

- Council tax increases in relation to the referendum requirement
- Council tax increases for social care precept
- KCC’s overall budget strategy
- Where savings should be made
- The level of awareness of the financial challenge

The questionnaire also allowed for any other comments and included a summary of the key issues together with impact on KCC’s budget. The consultation was designed to seek views on these key strategic issues and not the detail of individual budget proposals. This detail will be explored in separate service specific consultations which will be undertaken to support any implementation.

3.4 Responses to question 1 are shown in the Chart 4 below. “In order to protect the services you value the most, KCC suggests raising council tax by no more than the referendum level (currently 2%). Please tell us your preference:

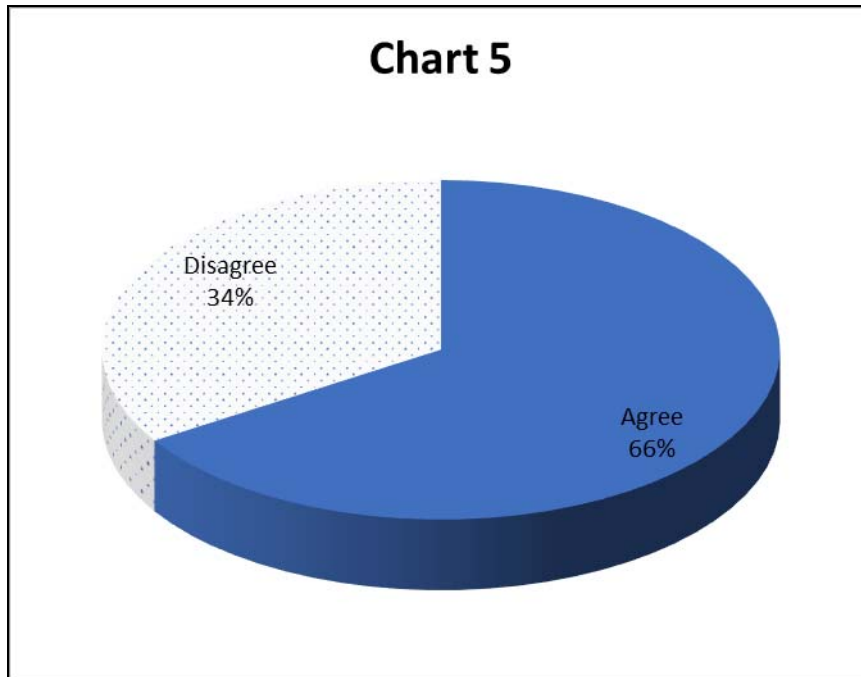
- I support increasing Council Tax up to the referendum level (currently 2% which would equate to an increase of £20.88 per year for a typical band C property taking the total KCC element to £1,068.72)
- I would support a higher increase (even if it meant a county wide referendum). Every extra 1% adds approximately £10 per year for a typical band C property and increases KCC’s income by approximately £6.3m)
- I would like to see an increase LESS than 2% or keep Council Tax unchanged (each 1% means a further £6.3m of savings so keeping Tax at last year’s level would mean finding a further £12.6m of savings)”.



3.5 These responses are consistent with previous years showing a majority support for an increase (with a significant proportion supporting an increase up to but not exceeding the referendum level). A slightly increased minority continue to resist any increase and presumably would accept further savings in order to address the financial challenge arising from rising spending demands and reductions in central government funding.

3.6 Responses to question 2 are shown in Chart 5 below. “Local authorities like KCC which are responsible for social care are allowed to levy an additional 2% provided this is spent directly on the care of the most vulnerable. Residents frequently tell us that this is a priority for them but please indicate whether you would support the additional social care levy.”

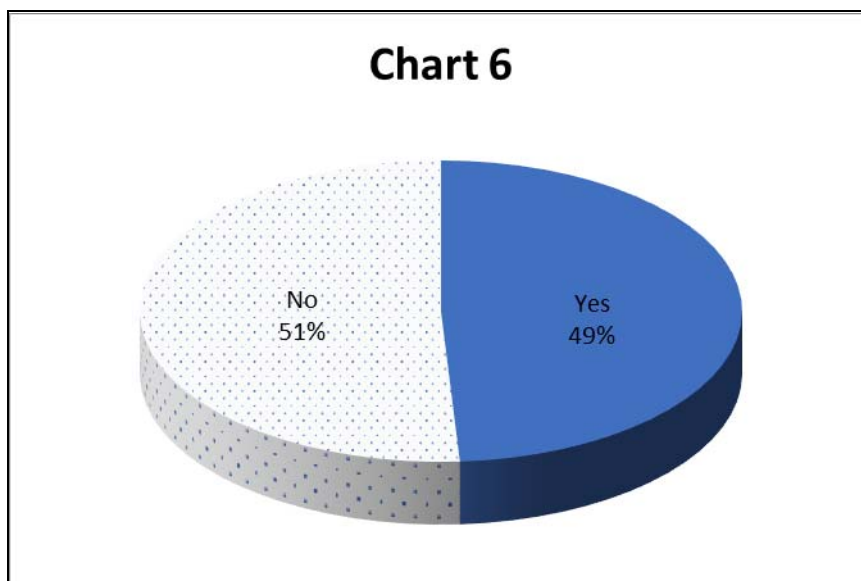




3.7 Question 3 asked the following “if you were in charge of Kent County Council, which services would you reduce, remove or charge for in order to balance the budget?” This question was answered 730 times. The text has been analysed highlight reoccurring phases in order of highest occurrence as follows:

- Member Allowances
- Staff Pay
- Libraries
- Young Persons Travel Pass
- Bus Subsidies

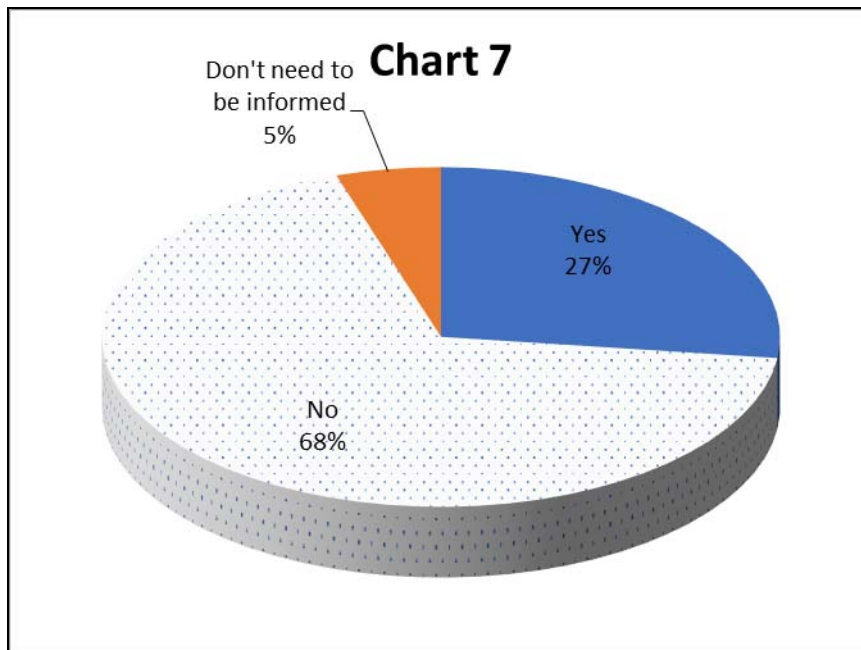
3.8 Responses to question 4 are shown in Chart 6 below. “Budget Priorities - As a Kent Resident, do you think that our priorities for the year ahead are the right ones?”



3.9 Although this shows a slight majority do not think the priorities are right there are a number of different priorities which could be pursued, and getting a mixed response

to budget priorities question is not uncommon. We will need to do more work to get a broader consensus on budget priorities in future.

3.10 Responses to question 5 are shown in Chart 7 below. “Do you feel well informed about the KCC budget and the financial challenges faced by KCC in the past years that we face for some time yet?”



3.11 This result is very concerning that from those that have responded 68% do not feel that they are well informed. This is a significantly lower level of awareness than previous years, even though we have put a significant amount of effort into making our budget publications public facing. We have developed changes to the budget book presentation which discards the previous A-Z presentation and replaces it with a more inward serving presentation based on managerial responsibilities and organisational structure. This presents a risk that public awareness could potentially be further reduced in the future. We will need to reconsider what public facing information we need to produce in order to increase awareness.

#### 4. Other Consultation Activity

4.1 For the second year, budget consultation was included as part of highways seminars with parish councils. There were four seminars covering Kent. This included a high level view of KCC’s overall budget supported by the financial equation showing the spending demands and share of council tax/central government funding and the resulting gap. We have not recorded the individual responses at these parish events as inevitably these had a highways focus. However the exercise responding to the budget consultation questions prompted some lively debate and exposed the difficulty of dealing with rising demand/cost and falling income. They were also supportive a further devolution where this made economic sense, and as last year, provided that it was fully funded.

4.2 We also held a budget workshop at the Kent Youth County Council event on 22<sup>nd</sup> October. This event was well attended by KYCC representatives who were keen to engage on the budget. A summary of this event is included as Appendix 1.

- 4.3 A response to a Voluntary and Community Sector Survey resulted in two responses and so is difficult to report a consensus.
- 4.4 A Budget Overview presentation was given to the Business Advisory Board on the 9<sup>th</sup> November Business Event. It highlighted the financial challenge faced by KCC and measures being taken to resolve. The comments were that they would like to do more to support KCC and would like a clearer focus on what KCC does to support businesses. This will be an important dialogue as we move towards 100% business rate retention.

## **5. Conclusion**

- 5.1 It is essential that we maintain adequate consultation to inform budget decisions. Not only is this recognised in government guidance but is also a KCC constitutional requirement and responds to case law where consultation has been found inadequate. Furthermore budget consultation on its own is not sufficient and KCC also must consult on service changes which have an impact on users according to the significance of the potential change. Therefore, we remain convinced that this consultation should be in two stages:
- General consultation on the overall strategy
  - Detailed consultation on the implementation of individual aspects
- 5.2 The level of responses to the formal consultation has almost doubled compared to last year and represents a good degree of engagement, bearing in mind the amount of publicity given to the campaign.
- 5.3 The responses provide adequate evidence to support the council tax increases, up to the referendum and social care levy limits. We need to continue to do more work with Kent residents and businesses to better inform them of the budget challenge.

### **Contact details**

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**Youth County Council – 22nd November**

**Budget Consultation**

At last year's KYCC it was recommended that information should be posted not just on the KCC website but also via social media (Facebook, Twitter etc). They were pleased that this formed part of this year's campaign. KYCC were encouraged to submit a formal response to the budget consultation. Discussion with the group highlighted some of the problems with rationing access to services according to need and in general the group felt it was reasonable to increase Council Tax provided that residents were made aware of the increase. They felt that sending letters to residents could help them to feel better informed about the budget.

**From:** Eric Hotson, Cabinet Member for Corporate and Democratic Services  
David Cockburn, Corporate Director Strategic and Corporate Services and Head of Paid Service

**To:** Policy and Resources Cabinet Committee, 29<sup>th</sup> June 2018

**Subject:** A new approach for business planning for 2019/20

**Classification:** Unrestricted

**Past Pathway:** CMT (22.05.18), CMM (18.06.18)

**Future Pathway:** N/A

**Summary:** This report proposes a new approach for business planning for 2019/20, which will replace the current Directorate Business Plans with a single Strategic Delivery Plan to support medium term strategic and financial planning.

**Recommendation(s):**

The Policy and Resources Cabinet Committee is asked to:

- (1) **endorse** the new approach for business planning to move to a single Strategic Delivery Plan for 2019/20.

## 1. INTRODUCTION

- 1.1 Since 2014/15, the corporate focus has been on Directorate Business Plans, which set out priorities and significant activity for each directorate. In 2014 delegations were removed from the business planning process, as the plans became more high level and strategic. Divisional business planning remains an important management responsibility, with divisional/service business plans detailing operational service delivery.
- 1.2 In March 2015, the Strategic Statement (*'Increasing Opportunities, Improving Outcomes'*) emphasised how directorate plans could help deliver better outcomes. It is important there is a strong connection between strategic planning (medium-term) and short-term delivery, to translate high-level priorities into tangible action.
- 1.3 Each year, the Strategy, Policy, Relationships and Corporate Assurance (SPRCA) division considers how to enhance and adapt the business planning process to ensure the plans remain fit for purpose for KCC's changing needs. In 2019/20 we will enter the last year of the current Strategic Statement, which presents an ideal opportunity to reposition business planning to ensure the process is as effective as possible.
- 1.4 A new business planning approach is proposed which will replace the directorate business plans with a single 'Strategic Delivery Plan' for 2019/20 to better support medium term strategic and financial planning,

retaining divisional/service business plans as 'operating plans' to drive activity.

## **2. DRIVERS FOR CHANGE**

- 2.1 Cabinet Members and Corporate Management Team (CMT) have strongly supported the move towards a single plan for the authority, to capture shared priorities, provide greater accountability for delivery and inform forward planning over a rolling three-year cycle. This will strengthen collective ownership of business planning by Corporate Board.
- 2.2 Whilst the existing business planning arrangements have served the Council well over number of years, the creation of the Strategic Commissioning division means more of the Council's strategic commissioning, commercial and service activity is undertaken across Directorates. The focus on Directorate Business Plans insufficiently reflects this new cross-directorate operating reality. As high level strategic documents they do not detail delivery or set out clear accountabilities which is important in matrix delivery arrangements. The plans are also resource intensive to produce, but then duplicate other information, including content in other business plans (e.g. cross-cutting priorities and operating environment) or in other corporate processes (e.g. Quarterly Performance Report/Directorate Dashboard KPI's, Corporate and Directorate Risk Register and the Budget Book). Conversely, core activity for the authority is under-represented in the current plans – notably capital programme and project delivery.
- 2.3 Moreover, the independent inspection report on Northamptonshire County Council has highlighted the risks of misaligned strategic and financial planning frameworks. Whilst clearly KCC is not in a comparable position to Northamptonshire, there is benefit to a creating a stronger synergy between the budget development cycle and business planning cycle, and to move from an annual to three year rolling plan focus from 2020 to better complement KCC's Medium Term Financial Plan.

## **3. A NEW BUSINESS PLANNING APPROACH FOR 2019/20**

- 3.1 It is proposed that we replace the Directorate Business Plans with a single Strategic Delivery Plan for KCC in 2019/20. The objective is to better connect delivery to KCC's strategic outcomes and corporate priorities, with clearer accountability for delivery. The Strategic Delivery Plan will be owned by the Leader and Head of Paid Service and developed collaboratively with Cabinet Members and CMT.
- 3.2 The SPRCA division will be responsible for the plan's development. There will be no corporate template or resource for the development of operating plans – Corporate Directors and Directors will determine what is required to fulfil their management responsibilities.
- 3.3 ***Elected Member Engagement***  
Elected members will be actively engaged in the development of the Strategic Delivery Plan, with the engagement process starting from the

early Autumn, to test the political appetite for future priorities and inform forthcoming activity. This will be achieved through the Commissioning Advisory Board and Political Group meetings, providing a 'safe space' to test ideas, aligned to the budget discussions. This provides an opportunity for more meaningful engagement and debate than a time-limited Cabinet Committee item in the final stages of a draft business plan.

- 3.4 Elected Members will have greater transparency of future governance pathways and timescales which will be specified in the Strategic Delivery Plan and approved by the General Counsel. The final Strategic Delivery Plan will be published on Kent.gov in March 2019, once approved by Corporate Board to provide transparency. Elected members will continue to have oversight of operating plans via KNet, as per the current divisional/service business plan process.
- 3.5 Elected members will also have input to the activity set out in the Strategic Delivery Plan as it progresses through the formal decision making process. Oversight of progress will be achieved via the Annual Report to County Council, supported by the SPRCA division who will be responsible for monitoring activity in the plan. This will provide a shift in the purpose of the Annual Report from 2020, to balance tracking progress against medium/long-term outcomes with delivery of short-term activity.

**Figure 1: Strategic Planning Cycle**



- 3.6 **Stronger alignment with medium term financial planning**  
 For the first year of the single Strategic Delivery Plan in 2019/20, it will be necessary to have an annual focus, particularly as it will be the last year of the four-year local government financial settlement. However, it is intended that the new process will shift to a three-year rolling plan which is fully aligned with the Medium Term Financial Plan, with annual monitoring through the Annual Report. The three year time period will provide great longevity and focus for the delivery of the plan, complementing a new Strategic Statement from 2020. The Strategic Delivery Plan development timescale will be fully aligned with the budget development cycle. There will be a strong connection between activity in Strategic Delivery Plan and

the Budget Book (e.g. signposting capital programmes). Over time, this synergy between strategy and resources will allow greater challenge of activity which does not align with the delivery of outcomes and priorities and support prioritisation.

### 3.7 ***Benefits of a Strategic Delivery Plan***

The benefits of a Strategic Delivery Plan include:

- Single plan – anchor point for KCC, reduced duplication and resource.
- Action not words – clear, tangible activity, relentless focus on priorities.
- Empowering elected members – focusing effort to target impact.
- Outcomes into practice – generating action across KCC, driven by outcomes not organisational structures.
- Greater accountability – clear owners, timescales, decision authority and governance pathways.
- Monitoring – hold people to account for delivery.
- Stronger alignment with financial planning – capital becomes a core part of the Strategic Delivery Plan.

### 3.8 ***What will the Strategic Delivery Plan include?***

The Strategic Delivery Plan will provide a comprehensive overview of significant revenue and capital activity for the authority, including commissioning activity and critical core business (e.g. responding to Ofsted inspection). Capital activity will form a substantive part of the plan. It will set out the operating environment for KCC, capturing changes at a national and local level which will influence delivery. We will reflect on the right structure of the plan, which could be based around three strategic outcome ‘chapters’ and include a section on corporate priorities (e.g. assets, communications and systems). It will signpost rather than duplicate information in other documents (e.g. MTFP and Budget Book (resources, capital programmes, key service responsibilities and scale of delivery), Quarterly Performance Report/Directorate Dashboards, Risk Registers and People Strategy (including supporting strategies such as the OD Strategy/Plan and Leadership and Management Strategy).

3.9 It is intended that the Strategic Delivery Plan comes a more focused document, with succinct yet specific detail than is presently reflected in the activity tables in the current Directorate Business Plans. Core information will include start and end dates, whether EQIA screening (or other assessments to support statutory requirements e.g. GDPR Data Protection Impact Assessments) has been undertaken, budget provision, accountable owner, nature of decision authority (what is in place or needed), engagement/consultation activity and governance pathway.

### 3.10 ***Role of the Annual Report from 2020***

It is intended that progress against the plan will be monitored through the Annual Report to County Council, providing an opportunity to celebrate success and highlight achievements, yet be clear on challenges and where we need a greater focus on improvement. This will ensure we don’t lose sight of progress towards long term outcomes we want to achieve for the people of Kent, retain different perspectives on delivery (e.g. staff, customers, partners) and highlight the customer/resident voice. The Annual Report will monitor trends to inform performance



management and identify outstanding activity that needs to roll forwards into future Strategic Delivery Plans.

#### **4. NEXT STEPS**

- 4.1 The collective development of the first Strategic Delivery Plan will begin in the early Autumn, to align with the budget development cycle led by Corporate Board. There will be early engagement of the Commissioning Advisory Group and Political Groups. The drafting process will begin by October, with a draft to Corporate Board by January. Final drafting will be completed as the budget is approved by County Council in February, ready for final approval by Corporate Board in March 2019. The final plan will be published on Kent.gov in March 2019, with operating plans published on KNet for the start of the financial year.
- 4.2 As the Strategic Delivery Plan will be prepared this Autumn, the Annual Report to County Council in October 2018 will be a similar light touch report to last year, focused on progress against the strategic outcomes. By 2020 the report will feature both progress on outcomes and monitoring of the Strategic Delivery Plan.
- 4.3 The Strategic Delivery Plan will be well-placed to support the new Strategic Statement which is due to be developed for 2020. As business and financial planning aligns, there will be further opportunities to consider how the performance framework can reflect progress against the new outcomes and priorities, in addition to service delivery.

#### **5. RECOMMENDATIONS**

- 5.1 The recommendations are as follows:

Policy and Resources Cabinet Committee is asked to:

- (1) **endorse** the new approach for business planning to move to a single Strategic Delivery Plan for 2019/20.

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**From:** Eric Hotson, Cabinet Member for Corporate and Democratic Services

**To:** Policy and Resources Cabinet Committee – 29<sup>th</sup> June 2018

**Subject:** Hackitt Report: Building a Safer Future (Independent Review of Building Regulations & Fire Safety)

**Classification:** Unrestricted

**Past Pathway of Paper:** N/A

**Future Pathway of Paper:** This report is to inform Members of the outcome of the Hackitt Review as an information item.

**Electoral Division:** ALL

**Summary:**

1. The Hackitt Review published on the 17<sup>th</sup> May 2018 in response to the Grenfell Tragedy headlined as “Building A Safer Future” makes a considerable number of observations and subsequent recommendations.
2. Whilst the review’s main focus has been high rise residential buildings, it also references in places other building types. The report provides a good source for guidance and the future direction of fire safety generally.
3. The Hackitt Review has also considered wider fire safety regulation more generally and has concluded fire safety regulation needs greater clarity, simplification and integration between the bodies involved. There is also an emphasis to hold fire safety Duty Holders even more to account. This is likely to mean that fire safety will require greater resources than at present, although KCC are operating already quite a strict regime so it is hoped that these impacts overall will be minimal.

**Recommendation:**

The Policy and Resources Cabinet Committee is asked to Note the contents of the report and the recommendations of the review.

**1. Introduction**

- 1.1 The Grenfell Tragedy on 14<sup>th</sup> June 2017 brought building fire safety to the forefront of Central and Local Governments’ agendas.
- 1.2 The Hackitt Review (An Independent Review of Building Regulations & Fire Safety) was set up by Central Government in the wake of Grenfell.
- 1.3 The independent review of building safety and fire regulations was commissioned by the Secretary of State for Communities and Local Government and Home Secretary in July 2017. It examined building and fire

safety regulations and related compliance and enforcement, with the focus on multi-occupancy high-rise residential buildings. The findings of the interim report were previously reported to the Policy and Resources Cabinet Committee.

- 1.4 Following an interim report in December 2017, there was a summit of industry experts in January and reports by working groups in March leading to its publication. It is important to note that the Hackitt Review is separate to the judge-led Grenfell Tower Inquiry and does not replace the criminal investigation and did not seek to identify the cause of the Grenfell Tower tragedy.
- 1.5 The headline title of the Hackitt Review is “Building a Safer Future”. The 156-page report is comprehensive and provides in depth insight and recommendations for fire safety in buildings. It cites ignorance, indifference, inadequate regulatory oversight & enforcement tools and lack of clarity on roles and responsibilities, and seeks to overturn this “race to the bottom” approach to fire safety.

## **2. Summary of report findings**

- 2.1 The report recommends a new regulatory framework focusing on high-rise residential properties (HRRB’s) which are 10 storeys high or more. It states that the government should identify new buildings which will fall into this category through Local Planning Authorities and utilise the experiences of the MHCLG Building Safety Programme to compile a list of other existing residential buildings which fall into this category.
- 2.2 Many recommendations in this report are only intended to apply to HRRBs. However, in some cases the review suggests applying specific recommendations to a wider set of buildings. Specifically, it identifies two further classes of buildings where specific recommendations should equally apply:
  - Other multi-occupancy residential buildings (e.g. blocks of flats below 10 storeys) where the Fire Safety Order already applies. In this report these buildings are referred to as ‘multi-occupancy residential buildings’; and
  - Institutions and other buildings used as living accommodation where people sleep including hospitals, care homes, hotels, prisons, Halls of Residence and boarding schools (referred to in the report as ‘institutional residential buildings’).
- 2.3 The report recommends a radical rethink of the whole system, in order to implement a more robust and assured approach to building and managing increasingly complex residential structures. It warns of an industry culture which is described as a ‘*race to the bottom*’. The key issues underpinning system failure include:
  - *Ignorance* – regulations and guidance are not always read by those who need to, and when they do the guidance is misunderstood and misinterpreted.

- *Indifference* – the primary motivation is to do things as quickly and cheaply as possible. When concerns are raised by others involved in building work or by residents, they are often ignored. Some of those undertaking building work fail to prioritise safety, using the ambiguity of regulations and guidance to game the system.
- *Lack of clarity on roles and responsibilities* – there is ambiguity over where responsibility lies, exacerbated by a level of fragmentation within the industry, and precluding robust ownership of accountability.
- *Inadequate regulatory oversight and enforcement tools* – the size or complexity of a project does not seem to inform the way in which it is overseen by the regulator. Where enforcement is necessary, it is often not pursued. Where it is pursued, the penalties are so small they act as an ineffective deterrent.

2.4 The report recommends a new ‘whole system’ regulatory framework, based on a collaborative approach, bringing together government, industry and the community. The new framework aims to radically enhance the current model of responsibility so that:

- Those who procure, design, create and maintain buildings are responsible for ensuring that those buildings are safe for those who live and work in them.
- Government will set clear outcome-based requirements for the building safety standards which must be achieved.
- The regulator will hold dutyholders to account, ensure that the standards are met and take action against those who fail to meet the requirements.
- Residents will actively participate in the ongoing safety of the building and must be recognised by others as having a voice.

2.5 The new framework will:

- Be focused in the first instance on multi-occupancy higher risk residential buildings (HRRBs) that are 10 storeys or more in height.
- Create a new Joint Competent Authority (JCA) comprising Local Authority Building Standards, Fire and Rescue Authorities and the Health and Safety Executive to oversee better management of safety risks in these buildings across their entire life cycle.
- Embed a mandatory incident reporting mechanism for dutyholders with concerns about the safety of a HRRB.
- Introduce a series of robust gateway points to strengthen regulatory oversight.
- Create a stronger change control process that will require robust record-keeping by the dutyholder.

- Enable a single, more streamlined, regulatory route to oversee building standards removing overlap.
- Bring in more rigorous enforcement powers.

### **3. Key recommendations for local authorities**

3.1 The report outlines a series of recommendations. The key elements of the report for local authorities are summarised below:

- Whilst the recommendations in this report relate predominantly to HRRB's, the report makes it clear there would be merit in certain aspects of the new regulatory framework applying to a wider set of buildings to drive change more broadly.
- A new regulatory framework means thinking about buildings as a system and considers the different layers of protection required to make that building safe on a case-by-case basis.
- Prescriptive regulation and guidance are not helpful in designing and building complex buildings so an outcome-based framework is needed.
- Significant systemic reform is needed spanning every aspect of the 'life' of a building – from design to construction to ownership and on-going management.
- Improving the procurement process will play a large part in setting the tone for any construction project. This is where the drive for quality and good outcomes, rather than lowest cost, must start.
- There should be a clearer, statutory change control process that places requirements on the relevant dutyholder to notify the regulators of significant changes post-Full Plans sign-off (identifying two types of changes - 'major' and 'minor' changes).
- Local Authority Building Control should be newly branded as 'Local Authority Building Standards' given their re-focused role in overseeing standards and dutyholders' key responsibilities during design and construction.
- Government should consider also applying this change control process to other multi-occupancy residential buildings and to institutional residential buildings.
- There should be transparency of information and an audit trail all the way through the life cycle of a building from the planning stage to occupation and maintenance which is essential to provide reassurance and evidence that a building has been built safe and continues to be safe.
- There needs to be a clear model of risk ownership, based on a risk matrix, overseen and held to account by a new Joint Competent Authority (JCA).

The JCA will bring together the Health and Safety Executive, Local Authority Building Standards and Fire and Rescue Authorities.

- A more transparent testing regime needs to be introduced for insulation and cladding systems. The JCA will be more likely to approve the use of lower risk materials. Where full testing is carried out, this needs to take a whole system approach to installation and maintenance throughout the lifecycle, in order to mitigate potential risks.
- The report stops short of recommending an outright ban on the use of flammable cladding materials in HRRB's or the use of 'desktop' exercises.

#### **4. Considerations for KCC**

- 4.1 Kent has comparatively few HRRB's which are the main focus of the report. However, notably the report recommends that some aspects of the new regulatory framework should apply to other public buildings, which has implications for KCC as a 'corporate landlord' (directly managing and maintaining assets) and as a 'commissioner' (commissioning services for vulnerable people in other public buildings). The report is clear that those who procure, design, create and maintain buildings are responsible for ensuring that those buildings are safe for those who live and work in them.
- 4.2 Of particular relevance is how this may apply to 'institutional residential buildings' - other buildings used as living accommodation where people sleep including hospitals, care homes, hotels, prisons, Halls of Residence and boarding schools. For KCC, it will be important to understand what this means for care homes (both in house, commissioned and private provision for Kent residents), settings for Children in Care/Care Leavers and short breaks/respite provision.
- 4.3 The clarity of accountability/responsibility, how to undertake the new requirements throughout the lifecycle of the building and new transparency and audit requirements will be important to understand, not only within KCC, but with our public sector partners (e.g. Districts and Fire and Rescue Authorities) and providers. Key considerations will be how data can be collected, stored and managed in a transparent, consistent way between different stakeholders. To respond to the 'golden thread' principle of the Hackitt report, information will need to be kept and shared throughout the whole building lifecycle. These new requirements may build in additional time and have cost and capacity implications.
- 4.4 The report is clear that the procurement process is the starting point for driving better quality and good outcomes for residents. For higher risk residential buildings (HRRB's), principal contractors and clients should devise contracts that specifically state that safety requirements must not be compromised for cost reduction. Tenders should set out how the solution that is proposed will produce safe building outcomes, approaching the building as a system. Those procuring should use the tender review process to test whether this is the case. The report urges the government to consider applying this requirement not only to HRRB's but to other multi-occupancy residential buildings and to institutional residential buildings.

4.5 The resident voice is an area where the government is already considering policy change, for example the forthcoming Social Housing Green Paper. The report states that dutyholders should provide reassurance and recourse for residents of all tenures by providing:

- greater transparency of information on building safety;
- better involvement in decision-making e.g. residents' associations and tenant panels;
- a no-risk route for residents to escalate concerns on fire safety where necessary, through an independent statutory body that can provide support where service providers have failed to take action, building on ongoing work across Government;
- residents of HRRBs should have the right to access fire risk assessments, safety case documentation and information on maintenance and asset management that relates to the safety of their homes. The report recommends that the government should consider applying this requirement to other multi-occupancy residential buildings.

To be able to respond to these new requirements, local authorities and providers would have to create accurate and accessible records of information to be able to respond to greater transparency requirements in a timely manner.

4.6 Local Authority Building Standards is the proposed name for the rebranded Local Authority Building Control – the professional body covering building control teams working in local authorities. More detailed work on potential JCA models would be required before the necessary governance arrangements and infrastructure can be built and accountabilities drawn. For Kent, it will be important to understand how this works in practice in a two-tier area and what geography the JCA will cover. All three regulators are currently overseen by different government departments, however there are already precedents of similar arrangements where different regulators and departments work together to oversee major hazards/risks.

## **5. Conclusions**

5.1 The Hackitt Review does not directly address the role of KCC as the holder of an estate in the same way it does a Housing Authority with high rise residential buildings, though it does reference institutional residential and most certainly it provides interesting reference to good practice and how fire safety will be treated in the future.

5.2 A taskforce has been established to consider further the recommendations of the Hackitt report and its impact on the Council.



## 6. Recommendation(s)

### Recommendation(s):

The Policy and Resources Cabinet Committee is asked to Note the contents of the report and the recommendations of the review.

## 7. Background Documents

Summary version of the final report

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/707792/Building\\_a\\_Safer\\_Future\\_-\\_foreword\\_and\\_summary.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707792/Building_a_Safer_Future_-_foreword_and_summary.pdf)

Full version of the final report

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/707785/Building\\_a\\_Safer\\_Future\\_-\\_web.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/707785/Building_a_Safer_Future_-_web.pdf)

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By: Ben Watts, General Counsel (Data Protection Officer)  
To: Policy and Resources Cabinet Committee – 29<sup>th</sup> June 2018  
Subject: **Data Protection Update**  
Classification: Unrestricted

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**Summary:** This report provides an update regarding the implementation of new Data Protection legislation.

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## Introduction

1. Members of this Cabinet Committee and Governance and Audit Committee have received updates over the past two years in relation to the implementation of the General Data Protection Regulation (GDPR) last month. These updates included information regarding the obligations on the organisation and importantly the expectations placed upon Members by the new legislation.
2. The Data Protection Officer (DPO) is the officer responsible across the whole Council for ensuring compliance with Data Protection legislation. The DPO's minimum tasks, as set out in the new legislation, are;
  - a. To inform and advise the organisation and its employees about their obligations to comply with the GDPR and other data protection laws.
  - b. To monitor compliance with the GDPR and other data protection laws, including managing internal data protection activities, advise on data protection impact assessments; train staff and conduct internal audits.
  - c. To be the first point of contact for supervisory authorities and for individuals whose data is processed (employees, customers etc).
3. The DPO will work closely with the Senior Information Risk Owner (SIRO) to set strategy and manage information risks and between them they will continue to provide regular updates to this Cabinet Committee and Governance and Audit Committee.
4. Information Governance means the effective management of information in all its forms and locations. It encompasses efficient ways of handling information, robust management of the risks involved in the handling of information and compliance with the regulatory and statutory guidance including the new Data Protection Act 2018 and the General Data Protection Regulation (GDPR).
5. Information governance is about electronic and paper-based information, including audio and visual information, and how it is held, used and shared. The importance of good information governance has been highlighted by the Information Commissioner and the Permanent Secretary for the Department for

Communities and Local Government. Members of this Committee will have read the stories of significant fines faced by other public-sector bodies for failures to manage information properly.

6. Information governance is also concerned with keeping information safe and secure and ensuring it is appropriately shared when necessary to do so. This is a significant challenge for all organisations but particularly so for large complex public-sector organisations such as KCC dealing with a wide range of functions.

### **The General Data Protection Regulation (GDPR)**

7. Members have previously been advised of the implementation of the General Data Protection Regulation (GDPR) on 25<sup>th</sup> May 2018. On that date, the Data Protection Act 2018 also gained Royal Assent. Both pieces of legislation are now law.
8. Both pieces of legislation are intended to strengthen and unify data protection for individuals and are now applicable to Kent County Council and Members. The standards required are higher and there are new obligations. These include changes to legal justifications for processing data, changes to the requirements for consent, requirements for privacy notices and increased rights for the people whose data is being processed.
9. As mentioned in previous updates, the regulations allow for the Information Commissioner's Office (ICO) to impose administrative fines up to a maximum of 20 million Euros (approx. £18m) for infringements. The ICO has made public statements of reassurance around its intention to proportionately regulate despite their new and increased powers.
10. In preparation for the new legislation, officers across the council have been looking at the readiness of directorates for the necessary changes to how the council processes data across the organisation and with our partners, providers and members of the public.
11. The preparedness of the council has been underpinned by regular discussions at CMT who in the autumn of 2017 nominated officers who have been leading for their respective areas of the business and contributing to a cross directorate working group. The working group has proactively addressed and worked through a range of significant issues raised by the implementation of GDPR. The council also utilised external expert support from a barrister to go through some of the unique challenges presented by the legislation and for which there was no definitive answer available.
12. CMT has determined that the working group will continue to meet to work on the organisation's compliance with GDPR. It is recognised that the implementation date was not the finishing line for compliance but rather the starting point.

13. Additional resources have been added to meet the increased volume of activity and obligations created under the legislation that have been regularly discussed at this Cabinet Committee.
14. Policies have been amended and changed to reflect the new requirements. Finalised policies have been published and further policies will follow in coming weeks. The ICO continues to release guidance that we are including in our amended policies and strategies.
15. As detailed in previous reports, the organisation has not allocated additional resource to deliver this significant change and officers are delivering in addition to their usual responsibilities.
16. It has been agreed that a proportionate response to compliance with the GDPR and DPA would be adopted by the council and this means that the work carried out to date and the council's journey towards compliance will continue. As part of our learning culture, we will continue to reflect on decisions and guidance from the ICO and develop and amend our policies as the regulation begins to be enforced.
17. In the run up to 25<sup>th</sup> May staff from Governance and Law worked with the Internal Communications team to raise awareness and significant key messages in relation to GDPR through a communications strategy that included updates on KNet, in KMail and across TV screens in KCC buildings.
18. In addition to mandatory e-learning, eight training sessions have taken place in the lecture theatre for officers. Drop-in surgeries using the lawyers from Invicta Law have also taken place to work on directorate-specific issues and learning.
19. Implementation of GDPR has required an intensive period of work, and that work will now continue. The corporate risk register reflects this. The DPO is supported by a range of talented officers across the organisation and the project continues to be led by Lauren McCann, Principal Solicitor. Corporate Management Team, individual Corporate Directors and Directorate Management Teams continue to receive regular strategic updates from the DPO, Project Manager and vitally from their lead officers. The Information Resilience and Transparency team are now working with Lauren to manage the transition to business as usual.
20. The council is investing in further training for these key officers to make sure the project group has the necessary development to meet this challenging environment. Colleagues in Learning and Development have been supportive of the different development packages needed and have helped immensely in designing a way forward that meets the needs of the officer cohort.
21. The officer working group established in autumn of 2017 had a period of intensive activity, meeting weekly since March 2018. The working group will continue past implantation and now meets fortnightly. Action plans for the continued journey towards compliance are being developed by Divisional Leads and these will be reviewed monthly within the working group and reported to the

Information Governance Group and CMT. The continued hard work and enthusiasm shown by officers is much appreciated.

22. Strategic Commissioning continues to lead on the significant task of working with the full range of KCC suppliers to ensure that they and the relevant contracts have reflected upon the change in the law.
23. There will be ongoing review and reflection on the work being undertaken, considering any further guidance from the ICO and implementing that guidance as necessary.
24. The renegotiation of the Kent and Medway Information Sharing Agreement, which received input from KCC Officers and other agencies across the county has been completed and the finalised agreement was completed prior to the 25<sup>th</sup> May 2018. The Information Sharing Agreement underpins much of the multi-agency work in Kent and ensures that all parties to the agreement have certainty about how their data is being shared.
25. Work on a privacy notice for Members to use, to help Members satisfy the requirements of the GDPR on them as Data Controllers in their own right, has been drafted and provided as an addition to Member's KCC email signatures.

#### **Update on Information Governance Training**

26. Given the importance of this issue, Members of this Cabinet Committee agreed on 16<sup>th</sup> March 2018 that Members should be required to complete the mandatory information governance, data protection and GDPR training.
27. To give life to that instruction, considerable resource was set aside to support Members in completing the necessary training and providing advice and guidance.
28. Over the past six weeks, over 20 sessions were run to support Members through the online training helping to ensure readiness for the new legislation which creates additional responsibilities for Members. A range of activities were undertaken to market the training opportunity including emails, face to face conversations and discussions with the group leaders/whip for each political party culminating in a reminder from the Chairman at the last full Council meeting.
29. The enthusiasm and engagement of those Members who attended the training sessions is appreciated. As a follow up to the training sessions a short document of useful information has been created for Members containing key information and contact details.
30. Unfortunately, despite the considerable resource and opportunity provided, more than 20 Members are still to complete the training.

31. It is the view of the General Counsel in his statutory capacities as Monitoring Officer and Data Protection Officer that this presents an unacceptable risk to the Council. Members through their role have access to sensitive information and data. KCC as a Data Controller should not continue to provide information and access to KCC systems to those who have not completed the training and who may compromise our systems or fail to follow our agreed policies and procedures. Members are separately registered as Data Controllers and KCC as a separate legal entity (and data controller) needs to be assured that those that we pass information to, including Members, are appropriately trained.
32. Whilst it is fully recognised that KCC is a Member-Led authority, legislation places a responsibility on the General Counsel to ensure that the council acts lawfully, reasonably and proportionately. Members of the Cabinet Committee are invited to discuss and comment on the next steps that could and should be taken pursuant to GDPR and the recommendation of this Cabinet Committee previously around Member completion of the training.

### **Recommendations**

33. It is recommended that Members **NOTE** the report and **COMMENT** accordingly.

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From: Mr E Hotson, Cabinet Member for Corporate and Democratic Services

Ben Watts (General Counsel)

To: Policy and Resources Cabinet Committee –29 June 2018

Subject: **Work Programme 2018/19**

Classification: **Unrestricted**

**Past Pathway of Paper:** None

**Future Pathway of Paper:** Standard item

**Summary:** This report gives details of the proposed work programme for the Policy and Resources Cabinet Committee

**Recommendation:** The Policy and Resources Cabinet Committee is asked to consider and agree a work programme for 2018/19.

## 1. Introduction

- 1.1 The proposed Work Programme has been compiled from items on the Forthcoming Executive Decision List; from actions arising from previous meetings, and from topics identified at agenda setting meetings, held 6 weeks before each Cabinet Committee meeting in accordance with the Constitution and attended by the Chairman, Vice-Chairman and group spokesmen.
- 1.2 Whilst the Chairman, in consultation with the Cabinet Members, is responsible for the final selection of items for the agenda, this item gives all Members of the Cabinet Committee the opportunity to suggest amendments and additional agenda items where appropriate.

## 2. Terms of Reference

- 2.1 At its meeting held on 27 March 2014, the County Council agreed the following terms of reference for the Policy and Resources Cabinet Committee “To be responsible for those functions that fall within the Strategic and Corporate Services Directorate”.
- 2.2 Further terms of reference can be found in the Constitution at Appendix 2 Part 4 paragraph 21 and these should also inform the suggestions made by Members for appropriate matters for consideration.

## 3. Work Programme 2018/19

- 3.1 The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in appendix A to this report, and to suggest any additional topics to be considered for inclusion on the agenda of future meetings.

3.2 The schedule of commissioning activity that falls within the remit of this Cabinet Committee will be included in the Work Programme and is considered at agenda setting meetings to support more effective forward agenda planning and allow Members to have oversight of significant services delivery decisions in advance.

3.3 When selecting future items, the Cabinet Committee should consider performance monitoring reports. Any 'for information' or briefing items will be sent to Members of the Cabinet Committee separately to the agenda or separate member briefings will be arranged where appropriate.

#### **4. Conclusion**

4.1 It is important for the Cabinet Committee process that the Committee takes ownership of its work programme to help the Cabinet Members to deliver informed and considered decisions. A regular report will be submitted to each meeting of the Cabinet Committee to give updates on requested topics and to seek suggestions for future items to be considered. This does not preclude Members making requests to the Chairman or the Democratic Services Officer between meetings for consideration.

**5. Recommendation:** The Policy and Resources Cabinet Committee is asked to consider and agree its work programme for 2018/19.

#### **6. Background Documents**

None.

#### **7. Contact details**

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**WORK PROGRAMME – 2018/19**  
**Policy and Resources Cabinet Committee**

### Agenda Items

#### Thursday 6 September 2018

##### Standard Items

- *Performance Dashboards - Vincent Godfrey & Richard Fitzgerald*
- *Work Programme*
- *Contract Management update*
- *Hold Co Update*
  
- Corporate Assurance – bi-annual report
- Asset Management – Sessions House (Rebecca Spore) requested at May agenda setting
- Annual Equalities Report (deferred from June to September)
- Voluntary and Community Sector Policy progress 2015-18 (email from L Jackson 12 06 18)
- Freedom of Information update (deferred to September or November)

#### Tuesday 20 November 2018

##### Standard Items

- *Performance Dashboards - Vincent Godfrey & Richard Fitzgerald*
- *Work Programme*
- *Contract Management update*
- *Hold Co Update*
  
- Total Facilities Management – Bi-annual report
- Business Service Centre – Bi- annual performance report
- Strategy and Policy Control Framework – Bi-Annual Update (minute 83(b) – 11 05 18 refers

#### Friday 18 January 2019

##### Standard Items

- *Performance Dashboards - Vincent Godfrey & Richard Fitzgerald*
- *Work Programme*
- *Contract Management update*
- *Hold Co Update*

- 2018/19 Budget and Medium Term Financial Plan

**Friday 8 March 2019**

**Standard Items**

- *Performance Dashboards - Vincent Godfrey & Richard Fitzgerald*
- *Work Programme*
- *Contract Management update*
- *Hold Co Update*
  
- Total Facilities Management – Bi-annual report
  
- Directorate Business Plans (D Whittle)
- Risk Register

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of the Local Government Act 1972.

Agenda Item 12

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