

POLICY AND RESOURCES CABINET COMMITTEE

Tuesday, 20th November, 2018

10.00 am

Darent Room - Sessions House





AGENDA

POLICY AND RESOURCES CABINET COMMITTEE

Tuesday, 20 November 2018, at 10.00 am
Darent Room - Sessions House

Ask for: **Emma West**
Telephone: **03000 412421**

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

Membership (16)

Conservative (13): Mr B J Sweetland (Chairman), Mr R A Marsh (Vice-Chairman),
Mr P V Barrington-King, Mr T Bond, Mr D L Brazier,
Mr N J D Chard, Mrs P T Cole, Mr G Cooke, Mrs M E Crabtree,
Mr P W A Lake, Mr D Murphy, Mr M D Payne, 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

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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 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.
- 4 Minutes of the meeting held on 13 September 2018 (Pages 5 - 10)
To consider and approve the minutes as a correct record.
- 5 Minutes of the meeting of the Property Sub-Committee held on 17 July 2018 (Pages 11 - 12)
To note the minutes.
- 6 Policy & Resources Cabinet Committee Meeting Dates for 2019/20 - For Information Only (Pages 13 - 14)
To receive a report which provides the details of the 2019/2020 meeting dates for the Policy and Resources Cabinet Committee.
- 7 Legal Update (Pages 15 - 18)
To receive a report which provides Members with an update reviewing a recent Health and Safety Executive prosecution.
- 8 Placements of Homeless Households into Kent (Pages 19 - 24)
To receive a report which provides an update on the current position in relation to placements of homeless families from London into large single sites in Kent.
- 9 Freedom of Information update (Pages 25 - 28)
To receive a report which provides an update regarding the challenges faced by Kent County Council in relation to obligations to comply with the Freedom of Information Act 2000.
- 10 18/00065 - SAN Replacement Programme (Pages 29 - 34)
To receive a report which outlines the requirement to deliver a new data storage infrastructure which will allow the Council to replace the existing end of life hardware.
- 11 Strategic and Corporate Services Performance Dashboard (Pages 35 - 48)
To receive a report which shows progress made against targets set for Key Performance Indicators.
- 12 Asset Management - Sessions House (Pages 49 - 62)
To receive a report which considers Sessions House within the context of the current office review.
- 13 Total Facilities Management - Bi-annual Review (Pages 63 - 74)
To receive a report which considers the performance of the Total Facilities

Management Contracts - Mid Kent with Amey, West Kent with Skanska, and East Kent with Kier.

- 14 18/00063 - Kings Hill: Phase 3 (Areas 10, 11 & 15) Freehold Disposal (Pages 75 - 100)

To receive a report which requests that Phase 3 Land areas 10, 11 and 15 be drawn down and sold subject to contract on the terms provided in the exempt appendix C in accordance with the Kings Hill Development Agreement dated 18th January 1989, as amended by the Deed of Variation 23 January 2018.

- 15 Work Programme 2019/20 (Pages 101 - 104)

To consider and agree a work programme for 2019/20.

Motion to Exclude the Press and Public

- 16 Review of KCC Company Ownership and Governance (Pages 105 - 116)

To receive a report which provides an update for Members in relation to the governance, management and development of the proposed holding company for KCC's wholly-owned trading vehicles.

EXEMPT ITEMS

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

Benjamin Watts
General Counsel
03000 416814

Monday, 12 November 2018

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 on Thursday, 13 September 2018

PRESENT: Mr B J Sweetland (Chairman), Mr R A Marsh (Vice-Chairman), Mr P V Barrington-King, Mr T Bond, Mrs P T Cole, Mr G Cooke (Substitute for Mr N J D Chard), Mrs M E Crabtree, Mrs T Dean, MBE, Mr D Farrell, Mr A J Hook (Substitute for Mr R H Bird), Mr P W A Lake, Mr D Murphy, Mrs S Prendergast (Substitute for Mr M D Payne), Mr H Rayner and Mr I Thomas

ALSO PRESENT: Miss S J Carey, Mr E E C Hotson and Mr P J Oakford

IN ATTENDANCE: Ms A Agyepong (Corporate Lead - Equalities and Diversity), Mrs A Beer (Corporate Director Engagement, Organisation Design & Development), Mark Garbett (Portfolio Assurance Manager), Mr V Godfrey (Strategic Commissioner), Ms L Jackson (Policy Manager), Mr M Lloyd (Head of Technology Commissioning and Strategy), Mr D Shipton (Head of Finance (Policy, Planning and Strategy)), Mrs R Spore (Director of Infrastructure), Mr B Watts (General Counsel) and Miss E West (Democratic Services Officer)

UNRESTRICTED ITEMS

100. Membership

(Item 2)

The Chairman announced that Mr Payne and Mr Murphy had replaced Mr McInroy and Miss Rankin as Members of the Policy and Resources Cabinet Committee.

101. Apologies and Substitutes

(Item 3)

Apologies for absence were received from Mr Bird, Mr Chard, Mr Payne and David Cockburn. Mr Cooke, Mr Hook and Mrs Prendergast attended as substitutes respectively.

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

(Item 4)

No declarations of interest were received.

103. Minutes of the meeting held on 29 June 2018

(Item 5)

Resolved that the minutes of the meeting held on 29 June 2018 are correctly recorded and that they be signed by the Chairman.

104. 18/00049 - Data Centre Exit Strategy

(Item 6)

Michael Lloyd (Head of Technology Strategy and Commissioning), Mark Garbett (Portfolio Assurance Manager), Rebecca Spore (Director of Infrastructure) and Vincent Godfrey (Strategic Commissioner) were in attendance for this item.

1. Mr Hotson (Cabinet Member for Corporate and Democratic Services) and Mr Lloyd introduced the report which outlined the requirement to deliver a new data centre solution which would allow Kent County Council to exit from its existing primary data centre in Sessions House and backup data centre in Medway.
 - a) In response to a question, Mr Lloyd said that by delivering the new data centre solution, Kent County Council's projected costs and saving targets within the Medium-Term Financial Plan would be met. Resilience would be removed from County Hall and power outages would be avoided.
 - b) In response to a question, Mr Lloyd discussed the data centre's current arrangements and said that the new data centres would be set up in a commercial space in two geographic locations. If a system were to fail, data would immediately be transferred to the back-up location to prevent disruption.
 - c) In response to a question, Mr Lloyd said that Kent County Council would buy data centre space from companies that supplied data centre services. He reassured Members of the Committee that external users would not be able to access Kent County Council's equipment or data as it remained a closed network environment.
 - d) In response to a question, Mr Lloyd explained the need for the new data centre solution and said that Medway had sought to withdraw from data centre services. He said that if there was no back-up data centre, the risk of losing data and experiencing outages would increase.
 - e) In response to a question, Mr Hotson said that although there was a sufficient amount of space in County Hall, running costs were high. He said that a report would be brought to a future meeting of the Committee to discuss the utilisation of Sessions House.
 - f) In response to a question, Mr Lloyd said that through cloud computing, the majority of Kent County Council's services were hosted in Microsoft data centres in the United Kingdom and Ireland. He said that there were legacy applications within Kent County Council which could not be put into the cloud. Mr Lloyd said that the main saving would be through the decreasing amount of space required within the two separate locations.
 - g) In response to a question, Mr Lloyd confirmed that the decision to exit the current Data Centre estate would cost £1million which would be spent over the duration of the contract, this cost was instead of what was currently being spent. Mr Lloyd said that he would provide a cost illustration to Members of the Committee outside of the meeting.

h) In response to a question, Ms Spore and Mr Godfrey explained the savings that would be made, and the current utility costs incurred within county hall.

2. RESOLVED that the decision proposed to be taken by the Cabinet Member for Corporate and Democratic Services to authorise the Director of Infrastructure in consultation with the Cabinet Member for Corporate and Democratic Services to award the contract(s) for the provision of a Data Centre solution, including the necessary contractual negotiations and enter into any subsequent necessary legal agreements, be endorsed.

105. Strategic and Corporate Services Performance Dashboard

(Item 7)

Vincent Godfrey (Strategic Commissioner), Rebecca Spore (Head of Infrastructure), Dave Shipton (Head of Finance) and Ben Watts (General Counsel) were in attendance for this item.

1. Mr Godfrey introduced the Strategic and Corporate Services Performance Dashboard which highlighted the progress that had been made against targets set for Key Performance Indicators. Miss Carey (Cabinet Member for Customers, Communications and Performance) said that the report reflected the first quarter and each area that it covered. She stated that a full report would be brought to County Council.
2. Mr Watts informed Members of the Committee that a Freedom of Information (FOI) report would be brought to the Policy and Resources Cabinet Committee meeting in November which would provide full detail of the activity that was being undertaken by officers in order to mitigate against the number of FOI requests that were being received.
 - a) In response to a question, Mr Watts said that officers were exploring best practice around recording information to ensure that Members were receiving regular updates in relation to FOI. He confirmed that the number of FOI requests had increased due to the implementation of GDPR.
 - b) In response to a question, Mr Watts referred to the cost of FOI requests each year for Kent County Council and said that a particular exercise could be undertaken to determine this, although it would be difficult to obtain results that were completely accurate. Miss Carey (Cabinet Member for Customers, Communications and Performance) informed Members of the Committee that the FOI report which would be brought to the Policy and Resources Cabinet Committee in November would shed light upon the type of FOI requests that Kent County Council received.
 - c) In response to a question, Mr Watts said that preparations were in place to ensure the Kent County Council were able to manage the increase in expectations for FOI requests as an organisation.
 - d) In response to a question, Ms Spore referred to the eight tenants mentioned within the report that were in excess of 6-days and said that management plans and payment plans had been put in place for all of them to determine how rent collection could be approached and to reduce outstanding rent

levels. She said that Kent County Council had explored different ways in which rent collection could be approached and, in some instances, have had to proceed down the legal route and act in order to recover outstanding debts. She discussed the overall levels of rent in August that were outstanding at 60 days and said that this had significantly dropped, and although the amount of rent that was outstanding over 60 days had only dropped slightly, it was presented as a greater proportion of the whole. She said that Kent County Council were working with Gen2 to ensure that processes were robust.

- e) In response to a question, Ms Spore said that there were some specific community groups that were in arrears due to rent.
- f) In response to a question, Mr Shipton and Miss Carey explained a particular indicator within the report and explained the 30-day process.

3. RESOLVED that the report be noted.

106. Annual Equality and Diversity Report 2017-18

(Item 8)

Akua Agyepong (Corporate Lead Equality and Diversity) and Ben Watts (General Counsel) were in attendance for this item.

- 1. Mr Hotson and Ms Agyepong introduced the report which set out progress against the Equality and Human Rights Policy and Objectives 2016-2020, which was a statutory requirement under the Equality Act 2010.
- 2. Mr Watts said that staff and the LGBT group were pleased to see the LGBT flag raised at Sessions House in June, which demonstrated that Kent County Council were open and inclusive. He thanked Members for the role that had been taken in order to make that happen.
 - a) In response to a question relating to Equality Impact Assessments (EqIA), Mr Watts reassured Members of the Committee that action would be taken to ensure that Cabinet Committees were not at a disadvantage by not receiving papers or decisions that required an EqIA.
 - b) In response to a comment, Ms Agyepong reassured Members that they could contact her in relation to EqIA queries and noted comments relating to Members having the opportunity to comment on EqIA's. Mr Watts informed Members that part of the constitutional changes that were being made focused on oversight and processes that could be implemented in relation to the decision-making process to seek to build resilience.
 - c) In response to a question, Ms Agyepong discussed the youth justice figures within the report and said that there was a disproportionate number of boys and young men within youth justice, and Kent County Council were focusing on reducing the figure. Ms Agyepong talked about the fast-changing population in Kent and culture and practice within Kent's schools. Ms Agyepong said that it was important to focus on ensuring that young people were successfully egressing through the criminal justice system.

d) In response to a question, Akua Agyepong discussed the suicide rate figures within the report and said that although there was a particular focus on men, it did not mean that Kent County Council were not looking at the experiences of women. Ms Agyepong said that the main causes for mental health issues in women were domestic violence, long-term health conditions and discrimination.

3. RESOLVED that the report be noted, and the Annual Equality and Diversity Report 2017-18 be approved.

107. Voluntary and Community Sector Policy - Progress 2015-18

(Item 9)

Lydia Jackson (Policy and Relationships Adviser (VCS)) was in attendance for this item.

1. Mr Hill (Cabinet Member for Community and Regulatory Services) and Ms Jackson introduced the report which set out an overview of the progress that Kent County Council had made since the policy was adopted and how this had influenced Kent County Council's relationship with the Voluntary and Community Sector.

a) In response to a question, Ms Jackson said that Kent County Council were developing intelligence in the charities data set in order to focus on sustainability within the Voluntary and Community sector and to observe the impact of Kent County Council's funding.

b) In response to a question, Ms Jackson said that funding had been invested by Kent County Council to allow voluntary organisations to become better at being able to tender for contracts.

c) In response to a question, Ms Jackson referred to Kent County Council's overall spend for grants and contracts and said that 'elsewhere' referred to charities that were not based in Kent but were working and operating in Kent.

a) In response to a question, Ms Jackson said that it would be possible to provide information to Members of the Committee relating to individual charity accounts to monitor the amount of spending that was required to run organisations, but this would require analysis of individual accounts and could only be carried out on a sample of charities as it would be more resource-intensive than the high level analysis carried out.

2. The Chairman suggested that a full review on rent and policies be brought to a future meeting of the Policy and Resources Cabinet Committee. Members of the Committee supported this.

3. RESOLVED that the report be noted.

108. Data Protection Update

(Item 10)

1. Mr Watts provided a data protection update and announced that all of Kent County Council's Members had completed the data protection training. He said that Kent County Council were developing further contents in relation to the data protection training as part of the work of the Member Development Steering Groups which would be presented to various Committees over upcoming months. He thanked Members for the level of support that they had given when undertaking the training and for encouraging one another.
2. Mr Watts said that work was being undertaken by Kent County Council's ICT team to provide solutions for requests from Members.
3. The Data Protection update was noted by Members of the Committee.

109. Work Programme 2018/19

(Item 11)

1. RESOLVED that the Work Programme for 2018/19 be noted, subject to the inclusion of the following items:
 - Freedom of Information Update
 - HSE Prosecution (Asbestos)
 - Full Review – Rent and Policies

KENT COUNTY COUNCIL

PROPERTY SUB-COMMITTEE

MINUTES of a meeting of the Property Sub-Committee held in the Darent Room - Sessions House on Tuesday, 17 July 2018.

PRESENT: Mr B J Sweetland (Chairman), Mr N J D Chard (Vice-Chairman), Mr R H Bird, Mrs M E Crabtree, Mr D Farrell, Mr R A Marsh (Substitute for Mr M D Payne), Mr H Rayner and Mrs P A V Stockell (Substitute for Mr J P McInroy)

ALSO PRESENT: Mr E E C Hotson

IN ATTENDANCE: Mrs R Spore (Director of Infrastructure), Ms K Ripley (Head of Property Strategy and Commissioning) and Ms V Seal (Interim Head of Property Commissioning and Strategy)

UNRESTRICTED ITEMS

130. Apologies and Substitutes

(Item 1)

Apologies for absence were received from Mr McInroy and Mr Payne. Mrs Stockell and Mr Marsh attended as substitutes for Mr McInroy and Mr Payne respectively.

131. Declarations of Interest by Members in Items on the Agenda

(Item 2)

There were no declarations of interest.

132. Minutes of the meeting held on 12 April 2018

(Item 3)

Resolved that the minutes of the meeting held on 12 April 2018 are correctly recorded and they be signed by the Chairman.

133. 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.

EXEMPT ITEMS

(Open Access to minutes)

134. "Policy Return" Portfolio: The Consideration of Social Return Rents

(Item 4)

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which asked the Property Sub-Committee to comment on the Council's current position on social rent and the proposed next steps.
- (2) Rebecca Spore (Director of Infrastructure) provided further detailed information and answered Members' questions.
- (3) In response to questions from the Sub-Committee, Mr Hotson confirmed that officers were preparing a draft policy for the consideration of community rents and that the policy would set out the decision-making process and ensure there was a clear audit trail.
- (4) The Sub-Committee generally supported the report and the development of a clear policy framework in this area.
- (5) Resolved:
 - (a) That this Sub-Committee notes the Cabinet Member's undertaking to bring a policy and decision-making framework to the Policy and Resources Cabinet Committee for endorsement by the end of the year.
 - (b) To recommend that CPI rather than RPI be applied to the rent uplift instead of rent reviews for low value properties.

135. Disposal of land at Langton Lane, Canterbury
(Item 5)

- (1) Mr Hotson (Cabinet Member for Corporate and Democratic Services) introduced the report which asked the Property Sub-Committee to note the current position and agree to continuing negotiations for the possible disposal of potential development land in accordance with the accompanying exempt report and the previous decision taken on 23 June 2014.
- (2) Mrs Spore (Director of Infrastructure) and Victoria Seal (Interim Head of Property Commissioning and Strategy) provided further detail and answered Members' questions.
- (3) Resolved:
 - (a) To note the current position.
 - (b) To agree to the continuing negotiations for the possible disposal of potential development land in accordance with the accompanying exempt report and the previous decision taken on 23 June 2014.

From: Ben Watts (General Counsel)
To: Policy & Resources Cabinet Committee –20 November 2018
Subject: Policy & Resources Cabinet Committee Meeting Dates - 2019/20 –
For Information Only

Classification: Unrestricted

Past Pathway of Paper: None

Future Pathway of Paper: None

Summary: This report provides details of the 2019/20 meeting dates for the Policy and Resources Cabinet Committee.

Recommendation: The Policy and Resources Cabinet Committee is asked to note the Policy and Resources Cabinet Committee meeting dates for 2019/20.

Policy and Resources Cabinet Committee meeting dates for 2019:

- Friday 18th January 2019
- Friday 8th March 2019
- Thursday 16th May 2019
- Thursday 13th June 2019
- Friday 20th September 2019
- Friday 8th November 2019

Policy and Resources Cabinet Committee meeting dates for 2020:

- Tuesday 21st January 2020
- Friday 20th March 2020
- Tuesday 12th May 2020

Recommendation: The Policy and Resources Cabinet Committee is asked to note the Policy and Resources Cabinet Committee meeting dates for 2019/20.

Contact details:

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By: Eric Hotson, Cabinet Member for Corporate and Democratic Services

Benjamin Watts, General Counsel

To: Policy and Resources Cabinet Committee – 20 November 2018

Subject: Legal Update

Classification: Unrestricted

Summary: This report provides the update requested by Members reviewing a recent Health and Safety Executive prosecution.

Recommendations: The Committee is asked to note the contents of this report.

Introduction

1. This report provides Members with details of a recently concluded Health and Safety Prosecution.
2. Members had specifically asked to be provided with further detail around the prosecution and some assurance regarding the current situation.

The Proceedings

3. KCC was prosecuted by the Health and Safety Executive in respect of an incident at a school in 2013 where there was exposure of asbestos.
4. There were two charges brought against KCC. The first, under the Health and Safety at Work Act 1974 related to 'protecting people other than those at work from risks to their health and safety arising out of or in connection with the activities of people at work'. The second, under Regulation 10(1) of the Control of Asbestos Regulations 2012 related to 'ensuring adequate information, instruction and training is given to employees who were liable to be exposed to asbestos' and to ensure that employees, such as the Headteacher, who supervised others had adequate information, instruction and training.
5. The incident involved the removal of a flue and steriliser unit in a school kitchen. A flue and steriliser unit had been removed by the school caretaker leaving an asbestos rope exposed. The HSE contended that the kitchen staff and pupils had been at risk of exposure. Our expert assessment obtained for the proceedings stated that there was **minimal risk of exposure**.

6. Both offences carry a maximum unlimited fine. The HSE indicated in their documents that they considered a fine in the range of £550k to £2.9m to be appropriate, with a starting point of £1.1m, on the basis that their view was that the offence was of high culpability and harm. That fine could have been levied in respect of each count, and the potential fine was therefore in the region of £550k to £5.8m. On the HSE's case, the fine would have been in the region of £2.2m.
7. Upon receipt of the summons from the HSE, it was evident that a joined-up approach from the Council would be necessary. The prosecution had several different elements to it, including educational, financial, health and safety alongside the obvious legal challenge. It was vital that each of these issues was considered both strategically and operationally.
8. It was agreed that the litigation would be led by Lauren McCann from the Office of the General Counsel who would support the Health and Safety Officers from a legal perspective and lead on the legal strategy, with advice from external lawyers specialising in these kinds of complex criminal proceedings.
9. The Health and Safety officers, Flavio Walker and Tony Carty, dealt with the proceedings from an operational perspective and offered their expert view and experience. They were able to ensure that the Council's policies and procedures were evidenced to the Court and fully explained the Council's approach.
10. Throughout the proceedings senior officers and Cabinet Members were provided with regular briefings, including recommendations and advice, in order that fully informed instructions could be provided to the external lawyers. Briefings were also offered to the Leader of the Opposition and the Leader of the Labour group.
11. The approach taken ensured that there was strategic and operational oversight at all times and that a unified and clear position was put forward.
12. This paper has been drafted as an OPEN paper in pursuance of local government transparency. Further detail on the legal strategy can be provided to Members in an exempt briefing if it is desired.
13. The hearing took place on 31st August 2018 and the Council was represented by a barrister, the legal and health and safety teams and the hearing was also attended by Amanda Beer to demonstrate to the Judge that the Council had due regard to the proceedings and was treating them with the utmost importance.

14. The Council offered an early guilty plea to the Regulation 10 charge and, as a result, the prosecution offered no evidence in respect of the second charge. Submissions were made by the prosecution and by our barrister to the level of harm and culpability appropriate in this case. The prosecution was unable to provide reasons why the level of harm could be anything but low given that the risk of death was, at most, 0.009%.
15. On culpability, the Judge determined that the case fell within the medium range, as we had submitted, and that there was a lower category of harm than had been put forward by the HSE.
16. The Judge determined a starting point of £400k. Reductions were then given as the Council cooperated throughout the proceedings and had taken matters seriously. It was acknowledged that the local authority does not exist to make a profit. In those circumstances, the Judge made a reduction to £300k.
17. A further reduction was applied due to our submission of a guilty plea at the first opportunity which meant the total fine levied against the Council was £200k (plus prosecution costs of £21.5k). As mentioned at paragraph 6 above, the HSE starting point was in the region of £2.2m.

Sentencing Remarks

18. Members of this Cabinet Committee were keen to understand what lessons have been learned by the Council both prior to the Hearing and subsequently.
19. Some of the Judge's sentencing remarks are helpful in setting the picture of where the Council was at the time of the incident in 2013, and where it is now – there having been changes for the better.
20. The Judge had the benefit of a statement from Tony Carty that set out the policies and practices of KCC for the management of asbestos at the relevant time. That included an Asbestos Management Policy that made clear that any works that may be asbestos related had to be carried out by a licenced asbestos contractor; regular asbestos management surveys were carried out and kept at the school; a school Health and Safety policy was in place which made reference to the Headteacher's duties and responsibilities as regards training; schools were required to submit annual monitoring returns which included the provision of information about training needs; information, training seminars and programmes were regularly provided by KCC to inform and train employees, including those in school, about asbestos related issues.
21. The Judge also found that KCC did have appropriate systems in place to address the provision of information and training about and to address the risks to health and safety in relation to asbestos issues. The failing here was

in having robust systems to “ensure, check and monitor that those systems were being properly followed.”

22. Ultimately, there were systems in place but the Judge found that these were not sufficiently adhered to or implemented. The Judge also acknowledged that there had been appropriate response from KCC and a change in the policy documents. Those changes to the policy documents came before this committee for approval.

23. Members of this Committee are aware from previous reports that officers are working on the Council’s response to the Grenfell tragedy and the consequential issues for management of estates for organisations such as KCC. This work includes legal and Health and Safety implications. The further learning from this case is being cascaded through that ongoing officer work and the deployment of Lauren McCann and Flavio/Tony to support the ongoing legal and health and safety advice in that area.

Conclusion

24. The joint working approach to respond to this prosecution undoubtedly contributed to the positive outcome. The Judge also commented on the appropriate response from KCC and the change in policy documents.

25. This was an important case that was taken seriously by the Council and which significantly mitigated the organisational risk and financial exposure. A range of changes have occurred since the incident referred to in this case and which were positively referenced by the Judge. However, the Council is not complacent and will continue to make changes where they are necessary to improve the Council’s policies and approach and the extent to which they are implemented by schools.

Recommendations: The Committee is asked to note the contents of this report.

Report Author:

Lauren McCann

Head of Legal

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

To: Policy and Resources Cabinet Committee - 20 November 2018

Subject: Placements of Homeless Households into Kent

Classification: Unrestricted

Summary:

This paper and the accompanying presentation updates the Committee on the current position in relation to placements of homeless families from London into large single sites in Kent.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to:

- (1) **note** and **comment** on the findings presented
- (2) **endorse** efforts to ensure successful outcomes for those already placed
- (3) **support** the multi-channel approach to deter future large-scale placements
- (4) **utilise their networks** to continue to emphasise their unsuitability

1. Introduction

- 1.1 In March 2018 Kent Council Leaders, a Board made up of the Elected Leaders of Kent & Medway's 14 Local Authorities supported by their Chief Executives (or equivalents), commissioned a study be undertaken to understand the profile, needs and service usage of those placed into large-scale sites of temporary accommodation in Kent by London Boroughs under homelessness duties.
- 1.2 The rationale for this study was to determine the impact of large-scale placements on the county to be able to inform dialogue with Government Departments and London Boroughs, assist Kent's Local Authorities and wider public services in quantifying the potential risk of future placements and plan services accordingly, and enable better understanding of the needs of those already placed in the County, to ensure they are sustainably integrated into the local community and thrive and contribute positively to the future of the area.
- 1.3 The Kent Public Health Observatory (KPHO), which provides public health intelligence to the Public Health Division and supports health related work across the Council was tasked with leading this piece of analysis, utilising tools including Kent Integrated Dataset, Schools and Police Data, findings of which will be presented to Members today.
- 1.4 The Local Government Association has also commenced a national piece of work in response to concerns from Kent and other Local Authorities across the country.

2. Background

- 2.1 Kent and Medway has for many years experienced placements of vulnerable people including Looked After Children with a multitude of needs and vulnerabilities from London and further afield, with local services stretched and local communities impacted. This has been made more challenging due to the lack of timely and consistent information from the out-placing authorities.
- 2.2 In summer 2016, a new trend emerged with the procurement of large single sites by London Boroughs for use as temporary accommodation and the subsequent placement of homeless families from the capital, posing real challenges to Kent's public sector services. These included placements from LB Redbridge who had secured a long-term lease of Howe Barracks in Canterbury; a recently vacated military accommodation site, and placements from several London boroughs (including Newham, Waltham Forest, Croydon and Enfield) into newly converted office blocks under permitted development in Maidstone town centre.
- 2.3 At Howe Barracks, long-term residential use was already established prior to the closure of the facility in 2015, and Canterbury City Council had wanted to secure the site for families on their own social housing waiting list but were outbid. However, the office conversions in Maidstone were new units of accommodation in areas with limited residential populations, effectively creating new demand on services in very central areas with limited infrastructure and service capacity in place to support the households and without developer contributions to fund them.
- 2.4 Conversions from office to residential under permitted development, like those in Maidstone, are the most conducive to procurement for large-scale placements of temporary accommodation and have been utilised across the country for this purpose. With the recent announcement in the Budget of a consultation on extending permitted development use class orders to 'typical high street uses', in the context of a large number of vacant premises in the centres of Kent's towns, this could bring more suitable properties into scope for similar use, again without developer contributions to fund local services capacity.
- 2.5 Of real concern was the lack of information from some placing authorities about the complex needs of some of the families being placed and the ability of local services to accommodate these needs. Public Health were commissioned to establish an accurate evidence-based picture of profile and service demand to ensure we can achieve the best outcomes for those families already placed and inform future dialogue with out-placing authorities, service managers and Elected Members.

3. Ongoing Work

- 3.1 With the housing market in the south-east and particularly London becoming more challenging and households in need of temporary accommodation steadily increasing, it became necessary to take urgent action in an attempt to engage London housing authorities and through this address the risks for both families placed out of area and Kent public sector agencies associated with failure to follow notification protocols.
- 3.2 Kent Council Leaders lobbied Government, Lords, London Councils, the Local Government Association, and brought together Kent's MPs for an extraordinary joint

meeting where they shared Local Authorities' concerns and nominated Helen Grant MP as lead, subsequently writing jointly to the then Housing Minister, Gavin Barwell. Local and national media have taken a keen interest, and there have been questions asked by Kent's MPs in Parliament.

- 3.3 In parallel, a collaborative dialogue has been established via the Kent Housing Group between Kent's Local Authorities and London Councils (the representative body of the London Boroughs) led by Maidstone Borough Council and Kent County Council. This has resulted in a better understanding of the pressures faced by receiving authorities and the unsuitability of office-to-residential conversions for this use in Kent. Since this dialogue has begun, there has been no further procurement of sites for large-scale placements from London into Kent, despite similar sites being secured and utilised in other parts of the South-East and further afield. A good working relationship has developed which is valued by all and has enabled Kent Authorities to quickly and efficiently test rumours as soon as they emerge.
- 3.4 In August 2018 the Local Government Association commenced a piece of work concerning out of area placements with the aim of ascertaining the scale of the issue and the underlying drivers and conditions, with a significant focus being on Kent's experience. This work will establish a strong sector-wide evidence base on the impacts and outcomes on both the families being moved and the areas they are being resettled to and determine the degree of adherence to the law as it applies to out of area moves, local protocols, good practice guides and retained responsibility.

4. Analysis Findings

- 4.1 The analysis outlined in the presentation that accompanies this briefing identifies separate communities in Maidstone Borough Council (two sites) and Canterbury City Council (Howe Barracks) which collectively encompass the work to date on 'London Placements' to Kent. Due to the very specific nature of this work, precautions have been taken to prevent accidental disclosure of individual's identity. This includes the aggregation of strongly pseudonymised data within the Kent Integrated Dataset environment and a Re-identification Risk Assessment, where the risk of accidental disclosure is systematically considered and required mitigations are identified. The Kent Public Health Observatory have also been in liaison with the relevant officers in Maidstone Borough Council and Canterbury City Council to inform them of the scope and nature of the analyses.
- 4.2 Households differ in profile in Canterbury and Maidstone, a likely consequence of a difference in accommodation type, with larger houses at the ex-military site versus flats/apartments in the converted office accommodation. However, most are young families with pre-school or school age children.
- 4.3 Usage of many public services is lower than local averages, likely resulting in less average cost to the public purse than the typical local resident. However, usage of particular services such as Health Visiting, Maternity Services and GP contacts is higher. When considering the profile of the families, this is to be expected.
- 4.4 Due to capacity constraints, households have had to enrol at various schools and GP surgeries over a large geography, and in Maidstone this has put pressure on a town centre practice that was already experiencing operational difficulties.
- 4.5 Initial analyses on police data demonstrate above average crime rates at the three sites, in particular Howe Barracks, however further work is required to test these

findings and understand the underlying reasons for this. Insufficient data granularity means it is not possible to distinguish perpetrator differences and there is anecdotal evidence that placed households may in many cases be victims rather than perpetrators. The figures were obtained from publicly available data and not adjusted for age structure differences and should therefore be treated with caution.

5. Next Steps

5.1 It is envisaged that the multi-channel course of action continues which will include a combination of:

- targeted lobbying to secure better arrangements for notifying Kent authorities of out of area placements including via the LGA project mentioned above.
- monitoring the impact of existing placements and reiterating the analysis to build a more robust picture over time.
- monitoring so that any impact arising from the new provisions of the Homelessness Reduction Act can be identified quickly – for example the new prevention duty is location neutral and referrals can be made from a wide range of statutory and non-statutory agencies.
- intelligence sharing on sites that are or could become future targets for procurement by out-of-area Local Authorities or intermediaries who acquire property for the specific purpose of leasing it for temporary accommodation, particularly if permitted development use class orders are extended.
- Continued collaboration with partners including Kent District and Borough Councils and London Councils to ensure risks associated with future placements are identified and acted on and to secure good outcomes for those already placed.
- consideration of the long-term effects of the out of area placements as there is a risk that all responsibility and obligations for supporting those in temporary accommodation will transfer to Kent's Local Authorities after a period of 2 years – if the family has remained in temporary accommodation for that length of time.
- Establishing from a public health perspective the long-term effects of placement on families' health and wellbeing.

6. Recommendation(s)

6.1 The recommendations are as follows:

The Policy and Resources Cabinet Committee is asked to:

- (1) **note** and **comment** on the findings presented
- (2) **endorse** efforts to ensure successful outcomes for those already placed
- (3) **support** the multi-channel approach to deter future large-scale placements
- (4) **utilise their networks** to continue to emphasise their unsuitability

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By: Susan Carey, Cabinet Member for Customers, Communications and Performance
Ben Watts, General Counsel (Data Protection Officer)

To: Policy and Resources Cabinet Committee – 20 November 2018

Subject: Freedom of Information Update

Classification: Unrestricted

Summary: This report provides an update regarding the challenges faced Kent County Council in relation to our obligations to comply with the Freedom of Information Act 2000.

Recommendation: It is recommended that Members **NOTE** the report and **COMMENT** accordingly on both the report and presentation.

Introduction

1. Members of this Cabinet Committee and Governance and Audit Committee have received updates over the past two years in relation to a number of information governance issues. Additionally, the Performance Report highlights key metrics relating to compliance with the Freedom of Information Act and the Data Protection Act.
2. The Data Protection Officer (DPO) is the officer responsible across the whole Council for ensuring compliance with information governance 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. At the last meeting of this Committee, Members asked for an update relating to the challenges faced in complying with requests made under the Freedom of Information Act.
4. This paper should be read in conjunction with the statistical data contained in the Performance Report that appears elsewhere on the agenda for this meeting.

Compliance with the Freedom of Information Act

5. The Chairman of this Cabinet Committee has kindly agreed that a presentation relating to this issue can be made at the meeting. This presentation will include a range of information and data about the types of requests that the council has received in recent times and the process that we adopt to respond to those requests. After the meeting, the presentation will be made available to Members and published on the Council's website.
6. It will be noted that whilst performance is broadly in line with last year, the target has been raised to 90% to reflect the expectations of the Information Commissioner's Office. It should also be noted that at the same time, the number and complexity of requests continues to grow reflecting the increasingly challenging operating environment for the Council. Similarly, the resources available to triage, manage and respond to requests has faced a real terms reduction and the resources available to directorates to manage the collation of information is also reducing.
7. As will be demonstrated through the presentation, in order to respond to the increasing targets, we are changing our approach to Freedom of Information requests. From the 1 April 2019, we will adopt a completely new process for handling requests that will increase efficiency but will reduce the level of support and deadline management that currently exists.
8. We will be issuing new guidance to officers that will include a more robust approach rather than a bespoke research service which goes beyond our statutory obligations.
9. To offset this, the Leader and Cabinet Member for Customers, Communications and Performance have asked the General Counsel to review the data that is proactively and transparently published by the Council on our website. The intention is to increase the information that falls within the scope of the Freedom of Information Act 2000 that is available on our website. It is hoped that this will increase transparency and reduce requests. Furthermore, it will reduce the time to respond to queries where the applicant can be signposted to the data.
10. Finally, we will be increasing the granularity of data that this Cabinet Committee receives. From April 2019, we will provide greater detail on the types of request that are received along with the timescales and a breakdown of the directorates responsible. This will increase the opportunity for Members to exercise oversight and scrutiny of timescales with an understanding of the relevant areas and the challenges faced.
11. The next meeting of this Cabinet Committee will receive the final guidance and proposed outlines of the information to be provided to this Cabinet Committee from 1 April 2019.

Recommendations

12. It is recommended that Members **NOTE** the report and **COMMENT** accordingly on both the report and presentation.

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

David Cockburn, Corporate Director, Strategic & Corporate Services and Head of Paid Services

Rebecca Spore, Director of Infrastructure

Laurence Lewis, Head of Technology Commissioning & Strategy (interim)

To: Policy and Resources Cabinet Committee – 20 November 2018

Subject: SAN Replacement Programme

Classification: Unrestricted

Future Pathway of Paper: Not applicable

Electoral Division: Not applicable

Summary: This paper outlines the requirement to deliver a new data storage infrastructure which will allow the Council to replace the existing end of life hardware.

Recommendation:

The **Policy & Resources Cabinet Committee** is asked to consider and endorse or make recommendations to the Cabinet Member for Corporate and Democratic Services on the proposed decision to delegate to the Director of Infrastructure in consultation with the Cabinet Member for Corporate and Democratic Services, the award of contracts with a provider for the purchase of new primary and secondary hardware, including the necessary contractual negotiations and enter into any subsequent necessary legal agreements.

1. Introduction

This report outlines the context of the SAN Replacement programme requirements.

2. Financial Implications

The decision to replace the storage infrastructure commits the Council to spend in excess of over £1 million for the duration of the contract(s). The cost of the replacement is already built into Council's Medium-Term Financial Plan and is within the budgets that are allocated.

3. Policy Framework

The Council's ICT Strategy 2016 – 2020 sets out the future of technology over the next four years. As part of the execution of the ICT strategy the Council has progressed with the Cloud Navigator Programme in the modernisation of its infrastructure and transition to cloud services. This approach was brought forward to this committee in March 2017 and endorsed.

4. The Report

- 4.1 The Council uses a considerable amount of Storage hardware to provide the ICT infrastructure which is used in all interactions with ICT. This technology is used by all staff and Members to function efficiently to deliver services to the Citizens of Kent. The Council owns the hardware and pays annual support and license fees. The infrastructure to support the hardware is end of life, and is costly to run and maintain on an annual basis. The ongoing storage requirement and the replacement facility has been reduced following the transition to the Cloud.
- 4.2 Due to the age of the current infrastructure we are unable to extend the warranty/ maintenance arrangements when they expire at the end of December 2018. Several options have been considered which are set out below:

Option 1 – Do nothing, have no support / extended warranty contract in place and risk failure of live services, post December 31st 2018.

High risk – some of the devices are old and end of life. The risk of failure is increasing with it becoming increasingly difficult to secure parts. In the event of failure and no support contract in place KCC service delivery would be at severe risk.

Option2 – Purchase support on a T&M basis and utilise the contract until we have procured and commissioned the new storage solution in the new primary DC.

High risk and very expensive due to the age of the devices and availability of replacement parts

Option 3 – Extend the current support contracts until March 31st, 2019, which will give us time to procure the new solution and be in a position to commission directly into the new data centre.

High risk due to criticality of infrastructure as part of the live services, high cost of the support contract and availability of replacement parts. The current provider has indicated that they will not extend the current support contracts.

Option 4 – Purchase the replacement storage solution and commission before the 31st December 2018, locate at Sessions DC and migrate all of the Tier 1 data (data that has been accessed in the last 12 months) at the earliest opportunity.

This option presents some risk in the migration to the new data centre however this move will be carefully planned to mitigate this as far as possible. This enables us to provide a greater level of certainty in respect of the KCC service in the short term and reduce support and maintenance costs.

- 4.3 It is envisioned that the new SAN hardware will be installed and run in parallel with the existing hardware. Data migration will then be completed in January ensuring that the old equipment can be decommissioned before the end of the negotiated support contract of 31st March 2019. The procurement will be completed in accordance with the existing Crown Commercial services framework RM1045.
- 4.4 The recommendation is to proceed with option 4 to reduce the risk of failure which will allow us the time to purchase the solution and move to the new data centre when it is fully operational.

5. Legal and Equalities Implications

There are no legal or equalities implications.

6. Conclusion

The Council's storage infrastructure is integral to the delivery of KCC services. It is recommended that the Council proceeds to replace the storage prior to the expiry of the current maintenance agreements and then migrates this to the new data centre.

7. Recommendation(s)

Recommendation(s):

The **Policy & Resources Cabinet Committee** is asked to consider and endorse or make recommendations to the Cabinet Member for Corporate and Democratic Services on the proposed decision to delegate to the Director of Infrastructure in consultation with the Cabinet Member for Corporate and Democratic Services, the award of contracts with a provider for the purchase of new primary and secondary hardware, including the necessary contractual negotiations and enter into any subsequent necessary legal agreements.

8. Background Documents

ICT Strategy 2016 - 2020

9. Contact details

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Relevant Directors:

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson, Cabinet Member for Corporate and Democratic Services

DECISION NO:

18/00065

For publication

Subject: Storage Replacement Solution

Decision:

Proposed decision – The Cabinet Member for Corporate & Democratic Services authorises the Director of Infrastructure in consultation with the Cabinet Member for Corporate and Democratic Services to award the contract(s) for the provision of a replacement storage solution including the necessary contractual negotiations and enter into any subsequent necessary legal agreements.

Reason(s) for decision:

A key decision is required owing to the contract levels exceeding the financial criteria for Key Decisions as set out in the Council's constitution. This decision will result in a contract with a supplier to deliver the required ICT hardware to deliver the new storage solution.

Cabinet Committee recommendations and other consultation:

To be entered after the meeting and considered by the Cabinet Member when taking the decision.

Any alternatives considered:

None

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

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From: Susan Carey, Cabinet Member for Customers, Communications and Performance
 Eric Hotson, Cabinet Member for Corporate and Democratic Services
 Peter Oakford, Cabinet Member for Finance and Traded Services
 David Cockburn, Corporate Director for Strategic and Corporate Services

To: Policy and Resources Cabinet Committee – 20 November 2018

Subject: Strategic and Corporate Services Performance Dashboard

Classification: Unrestricted

Summary:

The Strategic and Corporate Services Performance Dashboard shows progress made against targets set for Key Performance Indicators.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to NOTE the report.

1. Introduction

- 1.1. Part of the role of Cabinet Committees is to review the performance of the functions of the Council that fall within the remit of the Committee.
- 1.2. To support this role Performance Dashboards are regularly reported to each Cabinet Committee throughout the year.

2. Performance Dashboard

- 2.1. The Strategic and Corporate Services Performance Dashboard is attached in Appendix 1.
- 2.2. This is the second Dashboard report for the current financial year and includes performance results up to the end of September 2018.
- 2.3. The Dashboard includes twenty-five (25) Key Performance Indicators (KPIs) detailed in the Strategic and Corporate Services Directorate Business Plan 2018/19.
- 2.4. The Dashboard also includes a range of activity indicators which help give context to the Key Performance Indicators.
- 2.5. Key Performance Indicators are presented with RAG (Red/Amber/Green) alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.
- 2.6. Latest performance is reported as Green for 20 indicators, Amber for four indicators, with three indicators Red.

2.7. Direction of Travel shows seven KPIs improving, 12 stable (including six at 100%) and six indicators showing worse results when compared to the previous reporting period.

3. Recommendation(s):

The Policy and Resources Cabinet Committee is asked to NOTE the performance position for Strategic and Corporate Services

4. Background Documents

The Strategic and Corporate Services Directorate Business Plan

<http://www.kent.gov.uk/about-the-council/strategies-and-policies/corporate-policies/business-plans>

5. Contact details

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Strategic and Corporate Services Performance Dashboard

Financial Year 2018/19

Results up to September 2018

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Produced by Strategic Commissioning - Analytics

Publication Date: October 2018



Guidance Notes

Key Performance Indicators

All Key Performance Indicators are provided with RAG (Red/Amber/Green) ratings and Direction of Travel Alerts.

RAG ratings are based on Targets and Floor Standards set out at the start of the year in the Directorate Business Plans.

RAG Ratings

GREEN	Target has been achieved
AMBER	Floor Standard* achieved but Target has not been met
RED	Floor Standard* has not been achieved

DoT (Direction of Travel) Alerts

↑	Performance has improved
↓	Performance has worsened
↔	Performance has remained the same

*Floor Standards are set in Directorate Business Plans and if not achieved must result in management action

Activity Indicators

Activity Indicators representing demand levels are also included in the report. They are not given a RAG rating or Direction of Travel alert. Instead, where appropriate, they are tracked within an expected range represented by Upper and Lower Thresholds. The Alert provided for Activity Indicators is whether results are within the expected range or not. Results can either be in expected range (**Yes**) or they could be **Above** or **Below**. Expected activity Thresholds are based on previous years' trends.

When activity indicators do not have expected levels stated in the Directorate Business Plans, they are shown in the report to provide context for the Key Performance Indicators. In such cases the activity indicators are simply shown with comparison to activity for the previous year.

Key Performance Indicator Summary

Engagement, Organisation Design and Development (EODD)	Month RAG	YTD RAG
CS01 : Callers who rate the advisors in Contact Point as good	GREEN	GREEN
CS04 : Calls to Contact Point answered	GREEN	GREEN
CS05 : Calls to Contact Point answered in 40 seconds	AMBER	AMBER
CS07 : Complaints responded to in timescale	GREEN	GREEN
HR25: Percentage of completed corporate themed Health and Safety audits (NEW)	GREEN	GREEN
HR09 : Training evaluated by participants as having delivered stated learning outcomes	GREEN	GREEN
HR23 : Staff who have completed all 3 mandatory learning events	AMBER	N/a

Finance	Month RAG	YTD RAG
FN01 : Pension correspondence processed within 15 working days	GREEN	GREEN
FN02 : Retirement benefits paid within 20 working days of all paperwork received	GREEN	GREEN
FN07 : Invoices received by Accounts Payable within 30 days of KCC received date	RED	GREEN
FN05: Sundry debt due to KCC which is under 60 days old	GREEN	N/a
FN06: Sundry debt due to KCC outstanding over 6 months old	GREEN	N/a
FN08 : Invoices received on time by Accounts Payable processed within 30 days	GREEN	GREEN
FN11 : Financial assessments fully completed within 15 days of referral	GREEN	GREEN

Governance and Law	Month RAG	YTD RAG
GL01 : Council and Committee papers published at least five days before meetings	GREEN	GREEN
GL02 : Freedom of Information Act requests completed within 20 working days	RED	RED
GL03 : Data Protection Act Subject Access requests completed within 40 calendar days	AMBER	GREEN

Infrastructure	Month RAG	YTD RAG
ICT01 : Calls to ICT Help Desk resolved at the First point of contact	GREEN	GREEN
ICT02 : Positive feedback rating with the ICT help desk	GREEN	GREEN
ICT03 : Working hours where Kent Public Sector Network is available to staff	GREEN	GREEN
ICT04 : Working hours where ICT Service available to staff	GREEN	GREEN
ICT05 : Working hours where Email is available to staff	GREEN	GREEN
PI01 : Rent due to KCC outstanding over 60 days	AMBER	N/a
PI03 : Annual net capital receipts target achieved	RED	N/a
PI04 : Reactive tasks completed in Service Level Agreement standards	GREEN	GREEN

Service Area	Director	Cabinet Member	Delivery by:
EODD - Customer Services	Amanda Beer	Susan Carey	Agilisys

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
CS01	Percentage of callers who rate the advisors in Contact Point as good	98%	GREEN	↔	98%	GREEN	95%	90%	98%
CS04	Percentage of calls to Contact Point answered	96%	GREEN	↓	95%	GREEN	95%	80%	94%
CS05	Percentage of calls to Contact Point answered in 40 seconds	74%	AMBER	↓	76%	AMBER	80%	70%	70%

Activity Indicators

Ref	Indicator description	Year to Date	In expected range?	Expected Activity		Previous Year YTD
				Upper	Lower	
CS08	Number of calls answered by Contact Point (000s)	306	Above	267	219	307
CS12	Number of visits to the KCC website, kent.gov (000s)	2,688	Yes	2,700	2,300	2,638

CS05 – Call volumes were higher than forecast for the last quarter, and this resulted in the service level reducing. Recruitment and training on a continuous rolling programme is necessary, as it is in all call centre environments. Agilisys have recently intensified the level of recruitment of additional advisors in order to enable performance to be improved over the next quarter.

CS08 – There has been an increase in calls relating to Concessionary Fares with a large renewal process this year, Highways potholes and vegetation, Blue Badges, Adult Social Services and Young Persons Travel passes. A great deal of work is being undertaken with the contractor in relation to demand management to reduce call volumes over the remainder of the financial year.

Service Area	Director	Cabinet Member	Delivery by:
EODD	Amanda Beer	Eric Hotson	EODD

Key Performance Indicators – Quarterly

Ref	Indicator description	Latest Qtr	RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
CS07	Percentage of complaints responded to in timescale	86%	GREEN	↑	85%	GREEN	85%	80%	88%
HR25	Percentage of completed corporate themed Health and Safety audits (NEW)	100%	GREEN	↔	100%	GREEN	90%	85%	N/a

Key Performance Indicators – Monthly

Ref	Indicator description	Latest Month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
HR09	Training evaluated by participants as having delivered stated learning outcomes	100%	GREEN	↑	100%	GREEN	95%	90%	99%
HR23	Percentage of staff who have completed all 3 mandatory learning events	87%	AMBER	↔	N/a		90%	80%	78%

HR23 - Whilst the percentage of staff who have completed their mandatory learning events is under target, it has continued to increase every month from the beginning of the financial year. We expect to see a further increase in the completion of mandatory learning, as managers now have mandatory training dashboards within Delta which support them to easily identify when staff are due to complete or are overdue with mandatory training, as well as the additional reminder messages which were introduced last quarter.

Service Area	Director	Cabinet Member	Delivery by:
EODD	Amanda Beer	Eric Hotson	EODD

Activity Indicators

Ref	Indicator description	Latest Month	In expected range?	Expected Activity		Prev. Yr Same Month
				Upper	Lower	
HR12	Number of current change activities being supported	72	Yes	75	60	51
HR13	Total number of E-learning training programmes completed	33,431	Above	22,500	17,500	23,318
HR16	Number of registered users of Kent Rewards	19,577	Below	22,500	22,200	18,886
HR21	Number of current people management cases being supported	86	Above	85	70	92

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HR13 – There has been an increase in the number of E-learning training programmes completed as mandatory learning retake periods are due for large volumes of staff. In addition, since introducing face to face bookings on Delta in April, coupled with the expanding eLearning offering, eLearning has become much more accessible and as a result numbers of course completions are rising.

HR16 – Whilst the number of registered users is below target, the figure has risen since the last quarter due to increases in communication, highlighting how Kent Rewards can be used to access both Childcare Vouchers and Cycle2Work schemes. This has been an effective way of encouraging new Kent Rewards registrations and reminding staff to utilise the site to access their employee benefits.

HR21 - Case activity is driven by demand from the wider business and will fluctuate from month to month, some cases will also span more than one month. Cases also vary significantly in complexity, requiring different levels of resource and work to be carried out.

Service Area	Director	Cabinet Member	Delivery by:
Finance	Zena Cooke	Peter Oakford	Finance

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
FN01	Pension correspondence processed within 15 working days	100%	GREEN	↔	100%	GREEN	98%	95%	100%
FN02	Retirement benefits paid within 20 working days of all paperwork received	97%	GREEN	↑	93%	GREEN	90%	85%	98%
FN07	Invoices received by Accounts Payable within 30 days of KCC received date	79%	RED	↓	86%	GREEN	85%	80%	83%

FN07: A further communication will be sent to Budget Managers via the internal electronic channels reminding them about the importance of submitting invoices promptly for payment.

Activity Indicators

Ref	Indicator description	Year to date	Prev. yr YTD
FN01b	Pension correspondence processed	3,175	2,625
FN02b	Retirement benefits paid	1,220	1,033
FN07b	Number of invoices paid by KCC	56,604	57,593

Service Area	Director	Cabinet Member	Delivery by:
Finance	Zena Cooke	Peter Oakford	Business Service Centre

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
FN05	Percentage of sundry debt due to KCC which is under 60 days old	77%	GREEN	↑	N/a		75%	57%	86%
FN06	Percentage of sundry debt due to KCC outstanding over 6 months old	8%	GREEN	↑	N/a		15%	20%	10%
FN08	Percentage of invoices received on time by Accounts Payable processed within 30 days	97%	GREEN	↔	97%	GREEN	97%	94%	98%
FN11	Percentage of financial assessments fully completed within 15 days of referral	97%	GREEN	↔	96%	GREEN	90%	85%	92%

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Activity Indicators

Ref	Indicator description	Year to date	Prev. yr YTD
FN09b	Value of debt due to KCC (£000s)	24,987	14,752
FN11b	Number of financial assessments received	3,939	3,664

Service Area	Director	Cabinet Member	Delivery by:
Governance and Law	Ben Watts	Eric Hotson	Governance and Law

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
GL01	Council and Committee papers published at least five clear days before meetings	100%	GREEN	↔	100%	GREEN	100%	96%	99%
GL02	Freedom of Information Act requests completed within 20 working days	87%	RED	↔	85%	RED	92%	90%	89%
GL03	Data Protection Act Subject Access requests completed within 40 calendar days	86%	AMBER	↓	88%	GREEN	87%	85%	79%

Activity Indicators

Ref	Indicator description	Year to date	In expected range?	Expected Activity		Prev. Yr YTD
				Upper	Lower	
GL01b	Committee meetings	83		N/a		56
GL02b	Freedom of Information requests	1,175	Above	1,125	1,050	1,069
GL03b	Data Protection Act Subject Access requests	225	Above	160	115	144

GL02 & GL03 – Members received a detailed report in relation to the challenges faced in this area and the work being done by staff in response to those challenges at the February Cabinet Committee. The report explained the resourcing available to manage requests and the considerable increase in the number and complexity of requests over recent years. The Information Resilience & Transparency Team continues to provide advice on the most efficient ways to prepare records to save time and resource. Guidance is also available on KNet and is issued with every referral.

GL02b and 03b - The advent of GDPR may have raised awareness on issues around personal data leading to more requests. There has also been an increase in the use of FOI and Subject Access Requests, as a means to make a complaint. There has also been an increase for requests regarding Brexit and Information Governance. About a quarter of FOI requests concern Highways, Transport and Waste.

Service Area	Director	Cabinet Member	Delivery by:
Infrastructure - ICT	Rebecca Spore	Eric Hotson	Business Service Centre

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
ICT01	Calls to ICT Help Desk resolved at the First point of contact	74%	GREEN	↔	74%	GREEN	70%	65%	71%
ICT02	Positive feedback rating with the ICT help desk	95%	GREEN	↓	97%	GREEN	95%	90%	98%
ICT03	Working hours where Kent Public Sector Network is available to staff	100%	GREEN	↔	100%	GREEN	99.8%	99.0%	99.8%
ICT04	Working hours where ICT Service available to staff	100%	GREEN	↔	100%	GREEN	99.0%	98.0%	99.8%
ICT05	Working hours where Email is available to staff	100%	GREEN	↔	100%	GREEN	99%	98%	100%

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Activity Indicators

Ref	Indicator description	Year to date	Prev. yr YTD
ICT01b	Calls to ICT Help Desk	30,094	29,878
ICT02b	Feedback responses provided for ICT Help Desk	3,196	3,883

Service Area	Director	Cabinet Member	Delivery by:
Infrastructure - Property	Rebecca Spore	Eric Hotson	Infrastructure

Key Performance Indicators

Ref	Indicator description	Latest Month	Month RAG	DoT	Target	Floor Standard	Previous Year
PI01	Percentage of rent due to KCC outstanding over 60 days	10%	AMBER	↑	5%	15%	8%
PI03	Percentage of annual net capital receipts target forecast to be achieved (£30m)	71%	RED	↓	95%	90%	50%

Activity Indicator

Ref	Indicator description	Year to date	Prev. yr YTD
PI01b	Total rent outstanding (£'000s)	753	1,329

PI01 – In all cases where a debt is outstanding over 60 days the reasons for this are investigated by Gen2 and appropriate action implemented to obtain a satisfaction outcome whether this is the introduction of payment plans, escalation to the Property Commissioner to assist in obtaining a suitable resolution or legal action.

PI03 - The capital receipt forecast has been reduced due to a number of properties where sale have been renegotiated due to the newly emerging market conditions. Purchasers are beginning to become very risk averse and are therefore either heavily discounting their pricing or carrying out comprehensive due diligence which takes time. Three specific sites have proven to be more complicated than initially predicted and are therefore expected to be sold later in the calendar year. These three have issues which relied on third parties for them to progress and have subsequently been delayed; these are: Astor of Hever, Kiln Court, and Nackington Lane.

Service Area	Director	Cabinet Member	Delivery by:
Infrastructure - Property	Rebecca Spore	Eric Hotson	Kier, Amey, and Skanska

Key Performance Indicators (August data)

Ref	Indicator description	Latest month	Month RAG	DoT	Year to Date	YTD RAG	Target	Floor Standard	Previous Year
PI04	Percentage of reactive tasks completed within Service Level Agreement standards	92%	GREEN	↑	90%	GREEN	90%	80%	95%

Activity Indicator

Ref	Indicator description	YTD	Previous Year
PI04b	Number of reactive tasks responded to	7,637	8,156

From: Eric Hotson, Cabinet Member for Strategic and Corporate Services
Rebecca Spore, Director of Infrastructure

To: Policy & Resources Cabinet Committee – 20th November 2018

Subject: Asset Management - Sessions House

Classification: Unrestricted

Past Pathway of Paper: this is the first committee to consider this report

Future Pathway of Paper: N/A

Summary:

Kent County Council, through its New Ways of Working strategy, has already reduced its office portfolio from 27 office buildings in 2012 to 14 office buildings in 2017. As a result, the Council has saved £4.5 million annual revenue savings and realised £20.4 million benefits (NPV terms). This programme has now come to an end.

Work has started to review the current office portfolio with a view to ensuring that this remains aligned with the Council's ongoing requirements, and in particular as staff embrace and utilise new technology, mobility is increasing and the way we work is changing across the Council's staff base.

This paper considers Sessions House within the context of the current office review.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to:

1. Note the current position and achievements following the implementation of the New Ways of Working Programme.
2. Note the next steps as we revisit the office portfolio.

1. Introduction

- 1.1 The New Ways of Working Programme (2012-2017) delivered the following:
 - Reduction in office estate
 - Reduction in workstations
 - Increased utilisation
 - Significant capital property investment
 - Capital receipts delivered
 - Annual revenue savings
 - Benefits in NPV terms
 - Implemented a new technology strategy increasing mobile capacity and new capabilities through Microsoft enterprise suite and office tools such as Skype for business
- 1.2 Invicta House formed part of the New Ways of Working Programme but Sessions House was omitted, in order that the funds could be redirected to improving the district offices.
- 1.3 The next phase of New Ways of Working is to review our office strategy, including the Head Office estate.
- 1.4 To develop our property strategy to the next stage there are a number of key steps we need to take to ensure that supply and demand are aligned:
 - 1.4.1 Engage via the business change group on the future shape of the organisation in 5, 10 and 15 years and what are the key drivers for change and what our future organisational shape will be.
 - 1.4.2 Overlay the demand profile against the office supply with a view to optimising space and releasing surplus space to generate income or a capital receipt
 - 1.4.3 Commence review of the optimisation options for SHQ and establish the project objectives and key success criteria
 - 1.4.4 Establish a Member working group to consider the Member accommodation requirements in the future
- 1.5 Sessions House is the County Council's main Headquarters building, which together with Invicta House and Cantium House, located on 'Sessions Square' form the corporate centre of Kent County Council and the 'SHQ campus'. Sessions House is the highest costing building in the portfolio.
- 1.6 Sessions House is a Grade II Listed Building of brick and stone construction and is connected to the prison wall. The building is built in a traditional manner with many internal structural walls and largely cellular in nature

2. History & Context

- 2.1 Sessions House is dominated by the neo-Baroque facade built 1910-1913, with further wings added in the 1930's. Behind the front façade facing onto an internal courtyard is the original Sessions House, designed by Sir Robert Smirke (architect of the British Museum) and dating from 1824-7.

- 2.2 The building is named because it was the original ‘Sessions House’, where the courts were located, and prisoners were ‘sent down’ the underground passage to Maidstone Prison, located immediately behind the building. The original prison building was based on a typical symmetrical prison design of the time, built a decade earlier.
- 2.3 Sessions House is a Grade II Listed Building, specifically The Old Sessions House façade and internally the stone staircase and balustrade. The building is of brick and stone construction and is connected to the prison wall at the end of the east wing, and in three locations along the rear elevation.
- 2.4 Sessions House provides the office accommodation for c.1100 staff working in the building, and the political centre for the County Council with Member accommodation, Council Chamber and ancillary accommodation. There is an access road and small car parking areas to the rear. The building is zoned into a number of different areas.
- 2.5 The building is managed under the TFM contract, by Amey who manage reception, facilities, room bookings, post etc.

3. Recommendation(s):

The Policy and Resources Cabinet Committee is asked to:

- 1. Note the current position and achievements following the implementation of the New Ways of Working Programme.
- 2. Note the next steps as we revisit the office portfolio.

4. Background Documents

4.1 None.

5. Contact details

<p>Report Author: Clare Jameson Strategic Programme Manager New Ways of Working 03000 416304 clare.jameson@kent.gov.uk</p>	<p>Relevant Director: Rebecca Spore Director of Infrastructure 03000 416716 rebecca.spore@kent.gov.uk</p>
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From: Eric Hotson, Cabinet Member for Corporate and Democratic Services
 Rebecca Spore, Director of Infrastructure

To: Policy and Resources Cabinet Committee - 20 November 2018

Subject: Total Facilities Management – Bi-annual Review

Classification: Unrestricted

Electoral Division: All

Summary: This paper considers the performance of the Total Facilities Management Contracts - Mid Kent with Amey, West Kent with Skanska, and East Kent with Kier.

Recommendations: The Policy and Resources Cabinet Committee is asked to note the current performance of the Total Facilities Management Contractors and assurance from the Policy & Resources Property Sub Committee.

1. Introduction

1.1 In January 2013, the Cabinet Member responsible for this portfolio took the decision (Decision No. 12/01838) to proceed with the implementation of a Total Facilities Management solution. Following a competitive procurement, contracts commenced with Amey and Skanska on 31 October 2014 and with Kier on 21 January 2015. The Policy and Resources Cabinet Committee reviews the performance of these contracts on a bi-annual basis to provide Member oversight and assurance.

This report is intended to update Members on the performance of these contracts since the previous review in January 2018, and to provide Members with assurance that management and monitoring of the three TFM contracts are in place.

2. Financial Implications

2.1 The financial savings identified in the MTFP of £1 million have been delivered following the implementation of the TFM Contracts.

3. Bold Steps for Kent and Policy Framework

3.1 The implementation of a Total Facilities Management solution directly relates to the delivery of the benefits from implementing a corporate landlord model as part of the change to keep succeeding plans, ensuring that our buildings are able to support front line service delivery and the delivery of the financial position as set out in the medium term financial plan.

4. The Report

4.1 The principles behind the contracts are:

- The delivery of outcomes. The authority's requirements were set out in an Output Specification. Bidders provided solutions to deliver the outcomes required by the Council. Bidders took the risk on how they were to deliver the required outcomes.
 - Performance in the delivery of outcomes is measured against a set of Key Performance Indicators (KPIs). This is supported by a performance regime where deduction penalties are made for poor performance. The contracts are for 5 years with an option to extend for 2 years and are designed to foster a partnering relationship.
 - Officers are currently liaising with the three TFM Suppliers to discuss the extension provisions.
- 4.2 As with all substantial contracts (approximately £15 million spend per annum across the three contracts) there is a need to ensure that there is a robust client function and contract management process in place to manage performance. Gen2 provide day to day contract management services.

5. Performance Review

- 5.1 The current summary report showing the TFM contractors' KPI performance, key trends in the performance data and current status against triggers is included in the exempt Appendix 1.
- 5.2 Over the last reporting period the following actions have been taken:
- 5.2.1 A continuing review of FM has been undertaken to monitor the key issues within FM delivery following reported issues with health & safety compliance. The management actions taken during the last period have supplied a greater transparency of the levels of performance of the TFM Suppliers with regards to Statutory Compliance and improvements to the overall compliance standards. The ongoing management approach will ensure:
- a more comprehensive contract management regime is in place to address all operational issues;
 - full implementation of KPI's to ensure audit tests on performance are undertaken and addressed;
 - analysis and transparency of FM spend and control of costs;
 - CAFM (Computer Aided Facilities Management) system review which remains ongoing and an independent compliance tracker being maintained to monitor performance.
- 5.2.2 A compliance audit process remains in place to ensure all resultant works are processed as required and as identified from assessments.
- 5.2.3 Service user bi-monthly meetings are ongoing to discuss issues and improve communications.
- 5.2.4 Site Audits are undertaken each quarter to check compliance documentation is in place and in date certificates are being held on site.
- 5.2.5 Audits of TFM Suppliers Help Desk systems and Contract Management processes have been undertaken and recommendations are being actioned by Gen 2 and the TFM Suppliers working in conjunction with Property Commissioning team.

- 5.2.6 Continuation of the Health & Safety Group workshops to ensure management and information flow relating to all Health & Safety matters are discussed and shared with all stakeholders
- 5.2.7 Escalation process through KCC Operations meetings and to the Joint Management Team to review and address long outstanding contractual issues, such as lack of functioning of the supplier CAFM systems.
- 5.2.8 Greater management of the asset enhancement programme, which includes works to enhance and replace assets within properties, improving health and safety and modernising facilities for users, to ensure full programme delivery of the 18/19 programme.
- 5.2.9 Client and service user engagement regarding the future of FM and potential procurement options.

6. Conclusions

- 6.1 During this six month period, a full independent review of FM has been undertaken to further understand health & safety issues and management processes. A joint approach has continued to operate between Gen2 and KCC to support the escalation of issues. Improved service user engagement through regular meetings continues to enhance communications and understand service user risk and concerns.
- 6.2 Corporate KPIs are reported on a monthly basis to Policy & Resources committee. These include a TFM related KPI namely 'Reactive Maintenance calls through TFM Helpdesk resolved within timescales. The 3 TFM helpdesks deal with circa 1600 reactive tasks per month, of which on average 1450 tasks (90.6%) are completed within the contract Response & Rectification times. Since April 2018, the KPI performance trend has been relatively flat and remained within a narrow range between 90% and 92% with the exception of July 2018 where the performance dipped to 87.8% due to a drop in one provider's reactive task completion performance.

7. Recommendation(s)

Recommendations: The Policy and Resources Cabinet Committee is asked to note the current performance of the Total Facilities Management Contractors and assurance from the Policy & Resources Property Sub Committee.

8. Background Documents

- 8.1 Policy and Resources Cabinet Committee Report 27 September 2012
- 8.2 Record of Decision No: 12/01838
- 8.3 Attachments Exempt Appendix 1: Mid Kent Performance; East Kent Performance, West Kent Performance

9. Contact details

Rebecca Spore, Director of Infrastructure - 03000 416716

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

Rebecca Spore, Director of Infrastructure

To: Policy and Resources Cabinet Committee – 20 November 2018

Decision No: 18/00063

Subject: Kings Hill: Phase 3 (Areas 10, 11 & 15) Freehold Disposal

Classification: Unrestricted (Exempt Appendix – appendix C, D)

Exempt appendix under schedule 12a of the Local Government Act 1972. Matters contained in the report are commercially sensitive.

Past Pathway of Paper: N/A

Future Pathway of Paper: Decision by the Cabinet Member for Corporate and Democratic Services

Electoral Division: Malling Rural East

Summary:

This report requests that Phase 3 Land areas 10, 11 and 15 be drawn down and sold subject to contract on the terms provided in the exempt appendix C in accordance with the Kings Hill Development Agreement dated 18th January 1989, as amended by the Deed of Variation 23 January 2018.

Recommendation(s):

The Policy and Resources Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Corporate and Democratic Services on the proposed decision, see appendix A to agree the draw down for sale of Kings Hill Development Land areas 10, 11 and 15 on terms as set out in exempt appendix C. The decision as follows:

As Cabinet Member for Corporate and Democratic Services, I agree to:

1. Note the terms of the disposal proposed by the partnership attached in CONFIDENTIAL appendix C and the valuation attached in CONFIDENTIAL appendix D.
2. The Draw-down of land areas 10, 11 and 15 in accordance with the Kings Hill Partnership 1989 and subsequent agreements identified in appendix B of the report corresponding to this decision.
3. Delegate to the Director of Infrastructure, in consultation with the Head of Paid Service and General Counsel, the finalisation of the process for draw down in accordance with the provisions set out in the Kings Hill provisions within the Constitution's Property Management Protocol and the Kings Hill Partnership Agreement.

1. Introduction

- 1.1 The decision requested is pursuant to the contractual arrangements which are in place and relate with all land which falls within the Kings Hill Development Agreement, dated 18th January 1989, as amended by the Deed of Variation 23 January 2018.
- 1.2 Land and Property at Kings Hill (with limited exceptions) is committed to the objectives of a long-term Joint Venture arrangement with Liberty Property Trust. The primary KCC objectives of the Joint Venture was to bring forward land for the rapid delivery of both high-quality employment regeneration and quality new housing. An inherent part of this is to also further maximise financial receipts for KCC.
- 1.3 The Kings Hill Partnership is progressing with Phase 3 at Kings Hill. Phase 3 provides a total of 635 houses of which 17.5% (112 units) are affordable. The Phase 3 area has been subject to significant infrastructure investment and all the identified development parcels are prepared for development for sale.
- 1.4 Funding for affordable housing is complex and susceptible to fluctuations and time limits. Development viability is a major factor, and this is underpinned with blending affordable and private housing components, to support the necessary levels of commercial viability.
- 1.5 This decision will delegate authority for the Director of Infrastructure to agree to a draw down of 3 land areas described in plans at appendix B for residential schemes totalling 166 homes on Kings Hill.

2. The Proposal

- 2.1 Draw down Areas 10,11 & 15 in accordance with the Kings Hill Development Agreement, dated 18th January 1989, as amended by the Deed of Variation 23 January 2018, so that they can be sold by private treaty to a Registered Social Landlord and Developer identified in confidential appendix C along with the conditions of sale.
- 2.2 A Planning Application was submitted by the prospective purchaser on the 6 July 2018 to TMBC. A decision is expected imminently.
- 2.3 The scheme proposed by the purchaser on each site is as follows:

	Area 15	Area 11	Area 10	Total
Area (ha)	1.2	1.47	0.42	3.09
Affordable Units	67	34	11	112
Private Units	12	32	10	54
TOTAL	79	66	21	166

2.4 In the Phase 3 Outline Planning parameter plan the three Areas are defined as areas of high-density development. The Phase 3 Planning Consultation response stated that high density was around 40 units per hectare. There has been extensive liaison with TMBC planners, the Kings Hill Parish and Borough Councillors on the proposed plans and the associated densities.

2.5 This transaction will deliver the entire affordable component spread over three parcels, whilst complying with the planning requirements.

3. Financial Implications

3.1 Sale of the three land parcels of land by the Kings Hill Partnership will realise a land sale receipt to The Kings Hill Partnership. Total consideration payable on completion by the purchaser is outlined in confidential appendix C. The achievement of open market value has been verified via a Report & Valuation undertaken by CBRE, the Partnership's acting agent dated May 2018. This is attached in appendix D.

3.2 KCC receives an agreed equal share of these receipts after infrastructure costs allowable under the terms set out in the Development Agreement. Until final accounts are determined, the share to KCC cannot be allocated.

3.3 The sale will be subject to VAT. This means that KCC can recover VAT without affecting its partial exemption limit.

4. Key Risks

4.1 Failure to draw down the parcels of land. This would cause unacceptable delays to the compliance of planning obligations and conditions and subsequently directly impact the Calibrated Land Disposal Programme for Phase 3. This would ultimately result in a significant negative impact on distributions payable to both Partners and working cashflows.

- 4.2 Exposure to exceeding partial exemption limits. All the land parcels have been elected for VAT and whilst the transactions involve affordable housing, there will be no partial exemption liability for KCC due to the careful sale structure.
- 4.3 Failure not to comply with the Development Agreement. Essentially KCC as partner is contracted to supply land for development within the Kings Hill boundary as described in the 1989 agreement. In not providing the land as required, KCC risks litigation.
- 4.4 Hardening of the residential development market. The UK and particularly the South East is entering into a period of uncertainty. Already, the market has begun to slow. Not proceeding at some pace may result in a failure to conclude the transaction at the level agreed.
- 4.5 KCC failing to verify correct draw down according to the contract. The Director of Infrastructure under the terms of the Property Management Protocol is required to consult with identified Cabinet Members and Corporate Directors on the decision to permit draw down, but specifically she must be satisfied that:
- a. The process for arriving at a proposal to dispose has been followed in accordance with the 1989 agreement. (The Open Market Value Test)
 - b. The calibrated disposal programme has had due regard to the market (i.e. not a fire sale scenario) (The Over Supply Test)
 - c. Risks relating to the protection of value of the land remaining for draw down are being properly mitigated. (Right Product – Right Place Test)
 - d. And for KCC itself the draw down will not leave the authority with any residual liability. (Liability Protection Test)

5. Policy Considerations

- 5.1 KCC, through the Partnership, delivers economic regeneration, housing and essential receipts to be reinvested in the development and modernisation of Council services. The Partnership can commit to a rapid and accelerated disposal programme of the higher value private residential land and the planning obligations.

6. Conclusions

- 6.1 This transaction will deliver 166 private and affordable homes and a substantial capital receipt to the Kings Hill Partnership where KCC is a 50% partner. This scheme will mitigate affordable housing contributions to the rest of sites on phase three facilitating enhanced land values.
- 6.2 KCC is contracted to make this land available for draw down and it is proposed that the Director of Infrastructure in accordance with the Kings Hill provisions in the Property Management Protocol verify the land is being correctly drawn down and authorises its release to the transaction.

7. Recommendation(s)

Recommendation(s):

Policy and Resources Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Corporate and Democratic Services on the proposed decision, see appendix A to agree the draw down for sale of Kings Hill Development Land areas 10, 11 and 15 on terms as set out in exempt appendix C. The decision as follows:

As Cabinet Member for Corporate and Democratic Services, I agree to:

1. Note the terms of the disposal proposed by the partnership attached in CONFIDENTIAL appendix C and the valuation attached in CONFIDENTIAL appendix D.
2. The Draw-down of land areas 10, 11 and 15 in accordance with the Kings Hill Partnership 1989 and subsequent agreements identified in appendix B of the report corresponding to this decision.
3. Delegate to the Director of Infrastructure, in consultation with the Head of Paid Service and General Counsel, the finalisation of the process for draw down in accordance with the provisions set out in the Kings Hill provisions within the Constitution's Property Management Protocol and the Kings Hill Partnership Agreement.

8. Background Documents

8.1 The Kings Hill Development Agreement 1989 and Deed of Variation 2018

8.2 CBRE Report and Valuation – May 2018

9. Contact details

Report Author:
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Relevant Director:
Rebecca Spore – Director of Infrastructure
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KENT COUNTY COUNCIL - PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Eric Hotson, Cabinet Member for Corporate and Democratic Services

DECISION NO:

18/00063

For publication *[Do not include information which is exempt from publication under schedule 12a of the Local Government Act 1972]*

Key decision

The decision will result in income/capital, which is significant to the Council's budget and capital programme.

Subject: Kings Hill: Phase 3 (Areas 10, 11 & 15) Freehold Disposal
Decision:

As Cabinet Member for Corporate and Democratic Services, I agree to:

1. Note the terms of the disposal proposed by the partnership attached in CONFIDENTIAL appendix C and the valuation attached in CONFIDENTIAL appendix D.
2. The Draw-down of land areas 10, 11 and 15 in accordance with the Kings Hill Partnership 1989 and subsequent agreements identified in appendix B of the report corresponding to this decision.
3. Delegate to the Director of Infrastructure the finalisation of the process for draw down in accordance with the provisions set out in the Kings Hill provisions within the Constitution's Property Management Protocol and the Kings Hill Partnership Agreement.

Reason(s) for decision:

To further the objectives in respect of the Kings Hill partnership, delivering 166 homes including 112 affordable units delivering a capital receipt to the partnership.

Cabinet Committee recommendations and other consultation:

To be added after the Policy and Resources Cabinet Committee meeting on 20th November 2018.

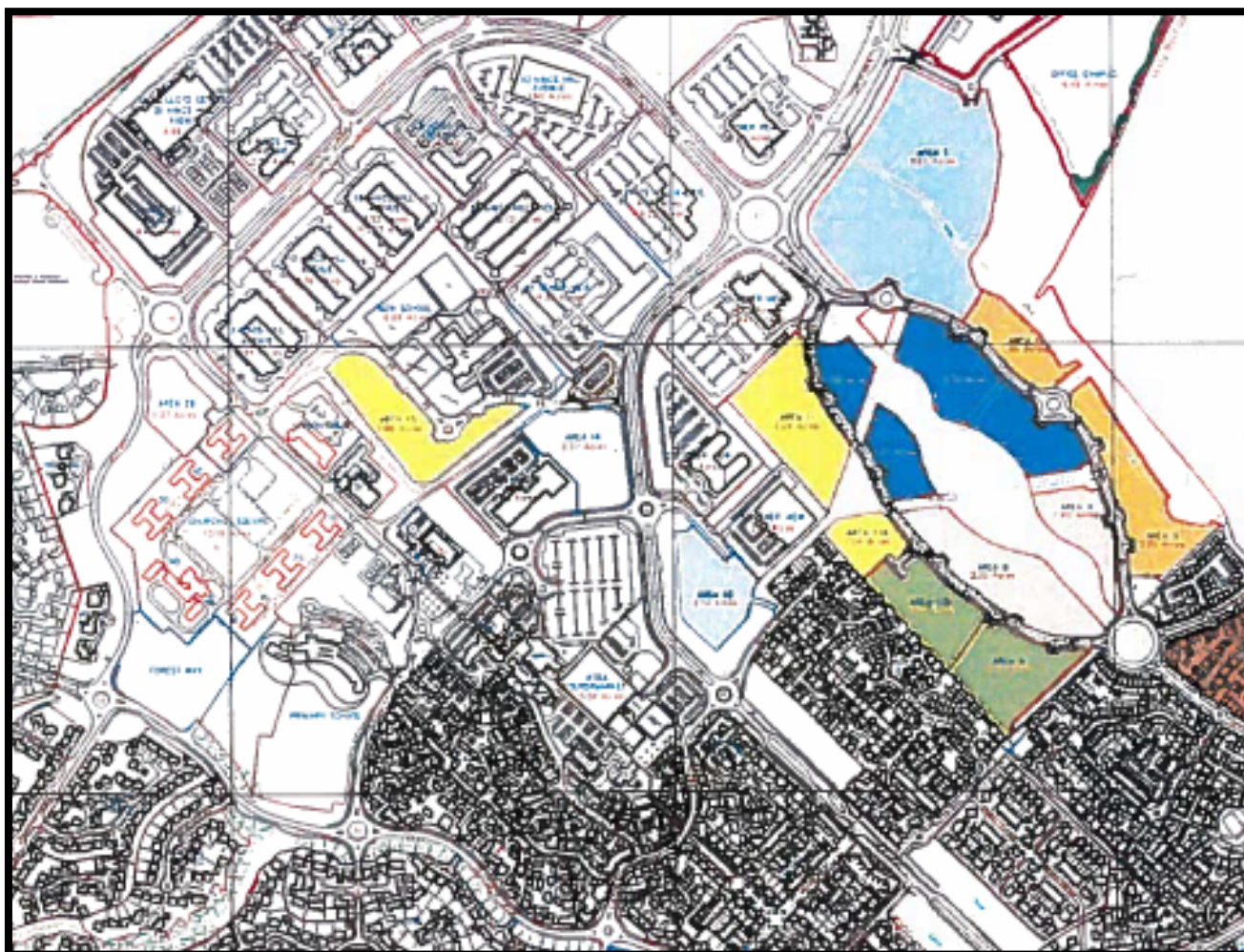
Any alternatives considered and rejected:

None. The process for draw down is required under the Kings Hill Partnership Agreement, subject to the checks necessary to ensure it meets criteria set out in the report.

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

To be added after the Policy and Resources Cabinet Committee meeting on 20th November 2018.

Plan of Sites 10, 11 & 15



Areas 10, 11 & 15 coloured yellow.

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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 – 20 November 2018

Subject: Work Programme 2019/20

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 2019/20.

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 2019/20.

6. Background Documents

None.

7. Contact details

Report Author:
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Democratic Services Officer
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Relevant Director
Benjamin Watts
General Counsel
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POLICY & RESOURCES CABINET COMMITTEE - WORK PROGRAMME 2018/19

Friday 18 January 2019		
Items:	Requested by/when:	Has it been Deferred?
• 2018/19 Budget and Medium-Term Financial Plan		
• Consideration of Rent Abatement		Deferred from 20 Nov 2018 CC mtg
• Asset Management – Oakwood House	At P&R agenda setting on 10 Oct 2018	
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Update on Invicta Law – every 6 months	Ben Watts following P&R CC mtg on 29 June 2018	
• Work Programme 2019/20	Standard item	
Friday 8 March 2019		
Items:	Requested by/when:	Has it been Deferred?
• Total Facilities Management (Exempt)		
• Corporate Assurance	Annual report	
• Risk Register		
• Directorate Business Plans	David Whittle	
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Thursday 16 May 2019		
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Thursday 13 June 2019		

• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Friday 20 September 2019		
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Friday 8 November 2019		
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Tuesday 21 January 2020		
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Friday 20 March 2020		
• Corporate Assurance	Annual report	
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	
Tuesday 12 May 2020		
• Hold Co Update (Exempt)	Standard item	
• Contract Management update (Exempt)	Standard item	
• Strategic and Corporate Service Directorate Performance Dashboard	Standard item	
• Work Programme 2019/20	Standard item	

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