

POLICY AND RESOURCES CABINET COMMITTEE

Thursday, 9th March, 2023

10.00 am

**Council Chamber, Sessions House, County Hall,
Maidstone**





AGENDA

POLICY AND RESOURCES CABINET COMMITTEE

Thursday, 9 March 2023, at 10.00 am
Council Chamber, Sessions House, County
Hall, Maidstone

Ask for: **Katy Reynolds**
Telephone: **03000 422252**

Membership (16)

- Conservative (12): Mr R J Thomas (Chair), Mr N Baker, Mr P V Barrington-King, Mr P Bartlett, Mr T Bond, Mr T Cannon, Mr N J D Chard, Mr G Cooke, Mr P C Cooper, Mr M Dendor, Mr J P McInroy and Mr H Rayner
- Labour (2): Mr A Brady and Dr L Sullivan
- Liberal Democrat (1): Mr A J Hook
- Green and Independent (1): Rich Lehmann

UNRESTRICTED ITEMS

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

- 1 Introduction/Webcast announcement
- 2 Apologies and Substitutes
- 3 Declarations of Interest by Members in items on the Agenda
- 4 Minutes of the meeting held on 18 January 2023 (Pages 1 - 10)
- 5 Update from the Contract Management Review Group (CMRG) (Pages 11 - 16)
- 6 Risk Management: Chief Executive's and Deputy Chief Executive's Departments (Pages 17 - 52)
- 7 Minor Works Construction Partnership Framework - Update (Pages 53 - 64)

- 8 Construction Consultancy Services Framework Commission - Update (Pages 65 - 76)
- 9 23/00020 - Granting of Long Lease to UK Power Networks for operation and use of Sub Station at St Edmunds Church of England Primary School, West Kingsdown. (Pages 77 - 86)
- 10 Work Programme 2023 (Pages 87 - 92)

Motion to exclude the press and public for exempt business

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.

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

EXEMPT ITEMS

(During these items the meeting is likely NOT to be open to the press and public)

- 11 Annual Cyber Security Update (Pages 93 - 108)

Benjamin Watts
General Counsel
03000 416814

Wednesday, 1 March 2023

KENT COUNTY COUNCIL

POLICY AND RESOURCES CABINET COMMITTEE

MINUTES of a meeting of the Policy and Resources Cabinet Committee held in the Council Chamber, Sessions House, County Hall, Maidstone on Wednesday, 18 January 2023

PRESENT: Mr R J Thomas (Chair), Mr P V Barrington-King, Mr P Bartlett, Mr T Bond, Mr A Brady, Mr T Cannon, Mr N J D Chard, Mr G Cooke, Mr M Dendor, Rich Lehmann, Mr J P McInroy, Mr H Rayner and Dr L Sullivan

ALSO PRESENT: Mr R W Gough, Mr P J Oakford, Mr O Richardson and Canon P Bruinvels

IN ATTENDANCE: Mr D Cockburn (Chief Executive), Mrs A Beer (Deputy Chief Executive), Ms Z Cooke (Corporate Director of Finance), Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mrs R Spore (Director of Infrastructure), Mr B Watts (General Counsel), Mr H D'Alton (Investment and Disposal Surveyor), Ms K Frearson (Head of Property Strategy, Infrastructure), Ms R Kennard (Chief Analyst, Strategic Commissioning Analytics), Mr T Woolmer (Policy & Partnerships Adviser - Kent Public Services), Miss T A Grayell (Democratic Services Officer) and Miss K Reynolds (Democratic Services Officer)

UNRESTRICTED ITEMS**121. Membership**

(Item 2)

It was noted that Mr N Baker and Mr H Rayner had joined the committee to fill the two Conservative vacancies.

122. Apologies and Substitutes

(Item 3)

1. Apologies for absence had been received from Mr N Baker. There was no substitute.
2. The committee noted that Mr A Hook was joining the meeting remotely.

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

(Item 4)

There were no declarations of interest.

124. Minutes of the meeting held on 23 November 2022

(Item 5)

It was RESOLVED that the minutes of the meeting held on 23 November 2022 are correctly recorded and they be signed by the Chair. There were no matters arising.

125. Annual Report on the Implementation of the Armed Forces Covenant in Kent (Item 6)

1. The Leader of the County Council, Mr R W Gough, introduced the report and emphasised the high value placed on the Covenant by the County Council and the importance of the Council's good relationship with the armed forces.
2. The Council's Armed Forces Champion, Mr O Richardson, advised that, although the Armed Forces Act of 2022 had placed on local authorities a legal duty to take account of the Covenant, the County Council already had an established relationship with the armed forces, and had signed up to and championed the Covenant since 2011. He summarised the activity in the last year to celebrate the role of the armed forces in Kent, to mark the anniversaries of major conflicts and to raise awareness of issues facing armed forces families currently serving, those leaving the services, and veterans. The 2021 census had included for the first time a question about service in the armed forces and had shown that 4.1% of the population of Kent were serving or had served.
3. The Covenant lead, Canon Peter Bruinvels, emphasised how much he valued the Council's support of the Covenant and of the armed forces and the close relationship they enjoyed. He advised that Council was one of the first signatories and was unusual in having its Covenant signed by both a County Council and a Unitary Authority. He emphasised that the Armed Forces Act had received cross-party support in Parliament and that support for the armed forces was very much unaffected by any party politics. He advised that many of the duties and requirements introduced by the Act were already in place and being met as part of Kent's regular practice. He then set out his wishes and aims for the future, to further improve the work being done and raise the profile of the Covenant, and encouraged all County Council Members to continue championing and supporting the armed forces in Kent. The Chair referred to the purpose of the Covenant set out in the report, to *'encourage support for the Armed Forces Community working and residing in Kent and to recognise and remember the sacrifices they have made for us to keep Britain safe and free.'* and added that all Members would surely endorse this aim wholeheartedly.
4. Canon Bruinvels then responded to comments and questions from the committee, including the following:-
 - a) the Covenant highlighted the debt of gratitude that Kent owed to its armed service personnel, past and present. The work being undertaken within the Covenant was described as inspirational;
 - b) Members who had attended events run by Canon Peter and the team commented that events had been well attended and supported;
 - c) the current Vice-Chairman of the Council, Mr G Cooke, stated that he would continue the current commitment to the Covenant when he became Chairman later in 2023;
 - d) asked how the Council could support the work being undertaken by Kent Hospital Trusts, Canon Peter advised that he was keen for all hospitals and

GPs' surgeries to have as high an awareness as possible of the issues facing ex-service personnel, veterans and their families. Current training initiatives should achieve a new level of awareness by March 2023, and it was hoped and planned that health premises would advertise their awareness and support of ex-service personnel and encourage them to feel more confident about raising wellbeing issues. Members were invited to check this awareness in their local areas. The committee was reminded that ex-service personnel did not tend to like to seek help;

- e) asked about the experience of children of service families in accessing school places and coping with regular school moves, he advised that each Directorate would include a Covenant Champion who would raise the profile of these issues, for example, in relation to SEND issues. The 'Pupil Voice' initiative of the Department for Education would help support these issues, and he urged County Council Members who served as school governors to check that their local schools were using this properly and not absorbing it into the Pupil Premium; and
- f) asked about casework with army reservists, he advised that this used the armed forces charities SSAFA across Kent, which provided volunteer caseworkers to visit families in their homes to advise on and help them apply for benefits, such as the Disabled Facilities Grant. The charity was short of suitable volunteer caseworkers and would always welcome more. It was known that as many as 4% of ex-service personnel could suffer from Post-Traumatic Stress Disorder (PTSD), and some campaigners seeking to raise awareness of this condition, along with other funds such as Help for Heroes, had access to specific funds to help support those living with the condition. All cases would be considered on their individual merits.

5. It was RESOLVED that:-

- a) all that is being done to deliver the Armed Forces Covenant in Kent, and the County Council's continued commitment to the Armed Forces Covenant at both a county and district level, be noted and welcomed; and
- b) the future priorities set out in the report, including promoting the Council's ongoing work to continue being an Employer Recognition Gold Award exemplar, be agreed and committed to.

126. Draft Ten Year Capital Programme, Revenue Budget 2023-24 and Medium-Term Financial Plan 2023-26

(Item 7)

1. Mr Oakford introduced the report and advised that, although the County Council had received more funding from Central Government than it had expected, it still had a funding shortfall in the current year. He reminded the committee that the Council had a legal duty to agree a balanced budget and would need to identify savings of approximately £40m and draw down from reserves, replenishing them in years two and three to maintain general reserves at 5%. The main areas of increasing demand were in Adult Social Care and Health (ASCH) and Children, Young People and Education (CYPE). The current draft budget had assumed that the Council would

take the maximum possible precept from Council Tax, and he reminded the committee that 75% of the Council's income came from Council Tax.

2. Mr Oakford, Ms Cooke and Mrs Spore responded to comments and questions from the committee, including the following:-

- a) local projects run using the New Business Fund, to cover directions given by Central Government, would still continue, and assurance was sought that funding would continue, to allow such projects to be completed;
- b) more detail was sought on disposal costs, stated as £650,000 p.a. Mrs Spore advised that the issue was complex; disposal costs could include staff costs and the costs of applying for planning permission, depending on the disposal route taken. The Council could charge only a limited amount of these costs to capital receipts. The questioner asked that full detail on disposal costs, as well as full procurement costs, be included in all future reports to the committee;
- c) more detail was sought on the Capital Projects Asset Review. Mrs Spore advised that the asset utilisation line in the budget book covered investment to maintain the County Council's estate. This would go up in 2023/4 but would then reduce. This was the tail-end of funds made available to cover changes to the office estate, for example, leases ending, and was reviewed case by case;
- d) more detail was sought on the Strategic Reset Programme. Mrs Spore advised that the programme covered strategic ambitions, including technology and various other facets of activity and gave as an example the current consultation on Kent Community Assets;
- e) asked for how long the Council had been receiving insecure funding, Mr Oakford advised that the Council had always received this. Previously, it had diverted it into the base budget but this was not sustainable so the Council would seek instead to put it into reserves. Kent's current level of reserves, £55m, placed it near the bottom of the league table of local authorities. The Council would balance its budget this year and then rebuild its reserves;
- f) disappointment was expressed that the Council did not seem to invest more in preventative work, and a comment made that this was short-sighted;
- g) a view was expressed that the Council should seek to avoid closing its buildings but use them instead to group public services together, as this was what residents had said they wanted. More detail was sought on potential capital projects. Once the response to the Kent Community Assets consultation was known, the Council would need to look at long-term investment and solutions;

- h) a view was expressed that reserves were supposed to be for a rainy day. Mr Oakford advised that the Council would draw down reserves a lot in the future and they could soon become dangerously low;
- i) 5% in reserves would represent about £50m, and a question was asked about what level of reserve would keep the County Council viable. The deficit caused by an overspend must be taken from reserves, but this was not sustainable - £60m debt would cancel out £50m of reserves. It was surely expected that a Section 114 notice would shortly become necessary. The Council had failed to maintain sufficient reserves and needed to add to them now rather than later. The situation did not seem to have been properly monitored. Ms Cooke drew attention to the Council's Reserves policy, included as Appendix G of the budget book, and advised that 5% general reserve was a policy position which many local authorities used. Insecure funding was not used for non-recurring or time-limited activity, and reserves were earmarked to meet predicted risks. Management action would seek to bring down the overspend to as close to £25m as possible. Key areas of overspend, and ongoing pressures, were in ASCH and CYPE, in common with many other local authorities. Local authorities could not become bankrupt; a S114 notice meant that they would receive Government intervention to ensure that statutory service obligations were met. By the time of the budget County Council meeting, quarter 3 monitoring information would be available and officers would be able to give an update on reserves. The ability to achieve a balanced budget would depend on the ability to identify savings. The committee was reassured that monitoring was very tight, and its frequency would be increased. Mr Oakford added that all areas of the budget were impacted by ASCH pressures and that this situation would continue into the near future;
- j) a comment was made that no clear steps or detail was included to say how any savings would be delivered;
- k) Members needed to be clear about who was accountable for the policy which had led to the overspend;
- l) options for the future of the Chief Executive's Department Strategic Estate Programme stated an allocation of £6m, followed by £12m, but the spreadsheet did not give detail of what this would be spent on. Mrs Spore advised that full details of options for the future of Strategic Headquarters buildings would come to the next meeting of the committee;
- m) Members could not 'propose changes', as asked by the recommendation in the report, if they did not have a full picture. Mr Cockburn advised that it was key that all Members had all information in order to be able to make budget proposals; and
- n) asked if the reserves were sufficient to cover fluctuational spending, Ms Cooke advised that they were and that the situation was, and would continue to be, monitored regularly.

3. It was RESOLVED that Members' comments on the draft capital and revenue budgets relevant to this committee, including responses to consultation, be noted and reported to the Cabinet on 26 January 2023, before the draft was presented for approval at County Council on 9 February 2023.

127. Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department
(Item 8)

1. Ms Kennard introduced the report and, with Mrs Beer, Ms Cooke and Mr Watts, responded to comments and questions from the committee, including the following:-
 - a) asked about the sustained high volume of calls about the blue badge scheme, Mrs Beer advised that there was both a backlog of queries about the scheme and an ongoing challenge around the volume of calls received, which were both being managed through the Contact Point but being delayed by the volume of calls and the ongoing struggle, which the committee had heard about on previous occasions, to recruit, train and retain sufficient call centre staff. Members sympathised with the issues faced by call handlers coping with a demanding volume of calls;
 - b) asked if similar problems might be encountered when a large number of bus passes became due for renewal at the same time, Mrs Beer advised that this could be predicted so had been planned for, and managers would ensure that there was a mechanism to deal with questions effectively;
 - c) asked why the number of visits to the Kent County Council website had been 'above expectation', and what the expected level was, Mrs Beer undertook to check the target and advise the questioner outside the meeting;
 - d) the report referred to 'partnership' with Agilisys and the point was made that the Council commissioned a service from them and was therefore surely a customer rather than a partner. Mrs Beer advised that Agilisys provided the service but the company and the Council managed the impact of various issues together. It was up to the Council to help by doing all it could to deliver timely services and give clear information to minimise the volume of queries and complaints coming to the call centre. Call handlers were well supported to deal with angry and distressed callers and Agilisys had good customer satisfaction ratings;
 - e) asked about the level of overpayment to people in receipt of ASCH services, and how much it would cost to recover the overpaid money, Ms Cooke undertook to provide figures to the questioner outside the meeting. The cost of recovery was in terms of staff time, which would be absorbed by the team as part of daily work;
 - f) referring to target FN05, asked how the ability to collect funds was assessed, and if arrangements to recover any overspend were built into the process in advance, Ms Cooke advised that the overspend was an

issue of the timing of the transfer of funds and had arisen very recently. Monitoring of payments was rigorous but also necessarily sensitive when helping vulnerable service users to manage potential debt;

- g) asked about progress on target GL03, and when this might be brought back on track, Mr Watts advised that most subject access requests came from the CYPE subject area and undertook to liaise with the Director to discuss how this performance might be improved. He advised, however, that he had no spare resources available to address this immediately. The target response time assumed that the information requested would be easy to access, but many requests referred to historic information which needed to be found in paper files, and the nature of many such requests meant that sensitive information would also need to be reviewed by social workers before being released;
 - h) one committee member advised that the legislation which established the blue badge assessment process gave rise to an anomaly which made applications complex. The process worked on a point system, with 10 points being the threshold. Applicants scoring 11 or 12 points, however, may not necessarily be eligible and would need to enter a separate stage of assessment. This may account for the high number of repeat calls, as applicants struggled to understand their eligibility. A simple re-wording of the legislation to set the threshold as '10 or more points' would remove this problem. Mr Watts undertook to look into this issue with officers and the relevant Cabinet Member, advise the committee of the outcome outside the meeting and assess the need for any further and more detailed report on the blue badge scheme;
 - i) many people needing to renew a blue badge or bus pass would not have digital skills or access to computer equipment so would need to ring the call centre for help, and were likely to be frustrated and distressed by the time they did so. If access to the blue badge scheme could be improved, the number of complaints to the call centre about it would be reduced, addressing two performance targets in one. Mrs Beer advised that Council had digital champions who could help users to access systems. To reduce complaints, the Council would need to optimise access to its services via all possible routes, not just digital; and
 - j) a view was expressed that the data presented in the dashboard would be more useful if there were a shorter time between it being gathered and being presented to the committee, and a suggestion that the dashboard be reported instead to every meeting to allow the committee to see more up to date information. Ms Kennard advised that most data would not change between meetings and a report to every meeting would therefore see the same data being repeated. The pattern of reporting had been disrupted a little by the postponement of meeting dates in autumn 2022 as a result of the period of national mourning. Mr Watts suggested that the issue of dashboard reporting be discussed at the next agenda setting.
2. It was RESOLVED that the performance position for the Chief Executive's Department and Deputy Chief Executive's Department be noted, with thanks,

and the issues raised about the blue badge scheme, set out above, be addressed as indicated.

128. 22/00115 - Disposal of Land and Buildings at Victoria Road/Park Crescent Road, Margate, CT9 1NB

(Item 9)

1. Mr Oakford introduced the report and, with, Mrs Spore and the officer team, responded to comments and questions from the committee, including the following:-
 - a) asked how much the County Council had paid for the site when it purchased it, Mr D'Alton advised that the site had been acquired in 2020, based on population projections which would have justified the creation of a new secondary school in the locality. Following subsequent updates to population projections, the school development was cancelled and the site had been declared surplus to the Council's operational requirements. He undertook to provide details of the price paid for the site outside the meeting. The Council sought to provide services in the best possible location for service users, not necessarily where its premises had become redundant;
 - b) asked what discussions had gone on prior to the site being declared surplus to requirements, Mr Oakford advised that, as was standard practice, the site had been declared surplus by the CYPE Directorate and had then been passed to the Infrastructure team for disposal. As part of the Council's disposals policy, alternative uses had been considered;
 - c) it was requested that future reports about property disposals include full details of the costs of disposal. Similarly, full details of the discussion about the business case, leading up to a disposal decision, should be included; and
 - d) asked if the Council could seek a partner with whom to develop the site, Mr Oakford advised that this option had been considered 2-3 years ago and a decision made that the County Council taking on a property development role was not an appropriate use of public money.
2. It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to agree to the disposal of the property, Lots 4 and 5 of Land and Buildings at Victoria Road/Park Crescent Road, Margate, CT9 1NB, and delegate authority to:
 1. the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the terms of the disposal; and
 2. the Director of Infrastructure, to authorise the execution of all necessary or desirable documentation required to implement the above,be endorsed.

Mr A Brady, Rich Lehmann and Dr L Sullivan asked that their abstentions from this resolution be minuted.

129. Work Programme 2023

(Item 10)

It was RESOLVED that the committee's planned work programme for 2023 be noted.

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From: Peter Oakford, Deputy Leader
Clare Maynard, Interim Strategic Commissioner

To: Policy and Resources Cabinet Committee

Date: 9 March 2023

Subject: Update from the Contract Management Review Group (CMRG)

Classification: Unrestricted

Summary:

An update on the work of the Contract Management Review Group (CMRG), following the previous report in July 2022, and the proposed forward plan of reviews for 2023.

Recommendation(s):

Policy and Resources Cabinet Committee is asked to **consider** this update and **endorse** the proposed forward plan of reviews for CMRG.

1. Introduction

- 1.1 The Contract Management Review Group (CMRG) was originally convened in September 2016. In July 2022, Policy and Resources Cabinet Committee were presented with an update on progress following a relaunch of the group with changes to updated Terms of Reference (TORs), -in March 2022.
- 1.2 This report provides an update on the work of the CMRG group since July 2022. The report also sets out a proposed forward plan of contract reviews for the next twelve months and work underway by the Commissioning Standards team to provide access to Learning and Development opportunities to upskill contract managers across KCC.

2. Membership

- 2.1 The Deputy Leader previously requested that the Deputy Cabinet Member for Finance should continue to chair the CMRG. Mr Paul Cooper agreed to this and was keen to ensure membership was drawn from across the political spectrum. The following standing membership was agreed.

Members

- Chair – Deputy Cabinet Member for Finance – Mr Paul Cooper
- Member 1 – Labour Group Representative – Dr Lauren Sullivan
- Member 2 – Green Party Representative – Mr Paul Stepto

Officers

- Interim Strategic Commissioner
- Head of Finance Operations or Corporate Accountant
- Commissioning Standards Managers
- Commissioning Standards Programme Officer
- Commissioning and Commercial Assistant (Minutes)

For each meeting, additional invitees would be:

- Presenting Contract Manager/s (mandatory)
- Head of Service for the Contract and/or Commissioning Manager (mandatory)
- Operational Director for the Service (optional)
- Cabinet Member for the Service (optional)

3. Changes to CMRG Process and Contract Register –

- 3.1 CMRG is a “Member-chaired forum to review strategically important contracts”. The three appointed Members met with the Commissioning Standards Managers in June 2022, to agree a range of principles underpinning how the CMRG would work, in practical terms, going forward.
- 3.2 To ensure maximum levels of engagement, communication and clarity, the CMRG meetings are held in person, unless extenuating circumstances apply in which case a virtual meeting can be held if agreed by the chair.
- 3.3 The aim of the CMRG presentations is to review the outcomes achieved through the contract in particular focusing on how the contract benefits Kent Residents. An overview of the performance against KPIs is included in the presentation in addition to how opportunities for continuous improvement and value for money are maximised.
- 3.4 In January 2023, an agreement was made to change the frequency of the meetings from monthly to bi-monthly. This amendment was proposed following a reduction to resource in the Commissioning Standards Team, as the lead officer is currently on a secondment to the Strategic Reset Programme, and also to allow for greater time for planning and distribution of documentation following the meetings including action plans. Bi-Monthly meetings also allow for sufficient time in between meetings for any recommendations or actions to be implemented and feedback provided. The Chair, Mr Cooper noted and agreed that the frequency of future CMRG meetings be moved to bi-monthly. The forward plan has been adapted to reflect the move to bi-monthly meetings
- 3.5 A forward plan for contracts to be presented for the following six months is presented and agreed at CMRG, including agreed meeting dates. The Contracts Register is the source of information for Commissioning Standards to select contracts to be invited for review at CMRG. The Contract Register is updated on a monthly basis and includes all contracts across KCC over a threshold of £25k.
- 3.6 The ToRs set out clear criteria on which contracts can be selected for review, including information available in the Contract Register such as value and

proximity to end date. Additional considerations include complexity, risk, performance, and overall strategic importance. The Chair, in conjunction with the two appointed Members, may also request contracts of political or strategic interest, or where there are expressed concerns.

3.7 An initial forward plan has been proposed and agreed by Members for 2023 meetings. This can be seen below:

Meeting Date	Contract/s	Area	Total Value	Expiry Date
7 th March 2023	SC18031- Household Waste Recycling Centre and Waste Transfer Services (Mid Kent and East Kent)	GET	£79.4M	31/10/2025
11 th May 2023	Kent Excellent Homes for All (PFI) Better Homes Active Lives (PFI)	Adults Adults	£95.8M £161M	03/12/2040 28/04/2039
Date TBC July 2023	Road Asset Renewal	GET	£120m	31/12/2024
Date TBC September 2023	KCC and Kent Community Health NHS Foundation Trust Public Health Partnership	Public Health	£38M pa	31/5/2025
Date TBC November 2023	Agilisys	Corporate Services	Circa £2.9M pa	08/12/2025

4. Findings from Recommendations from CMRG Meetings July 2022-January 2023 – 20 June 2022 –

4.1 There have been five contracts presented to CMRG since the last P&R paper in July 2022. These are:

- Adults Drug and Alcohol Treatment and Recovery Service
- Integrated Community Equipment Service (ICES) and Technology Enabled Care Service (TECS)
- East Kent PFI (West View and Westbrook House)
- Kent Public Service Network
- Whole School Nurture

4.2 The themes and recommendations identified through these meetings are summarised below:

- Evidence of strong relationships with providers across the board with the recommendation that whilst a strong relationship is positive, it needs to be ensured that the importance of strong commercial challenge and management of the supplier is not lost.
- A clear understanding of improvements that can be made to the service in the next period as the contract is extended.
- Contract managers demonstrated substantial experience and in-depth knowledge of the service area and the commercial arrangements in place
- There was evidence of regular scrutiny of provider performance and a process in place for regular contract management meetings.
- Contract managers were open and offers of visits to the service were made on a number of occasions to demonstrate the service.

- There was an understanding of the wider impact and environmental value/social value were seen in some of the contracts (e.g the equipment recycling scheme for ICES/TEC and any equipment they cannot recycle or re-use or equipment that is partially damaged is donated to countries who would not have these pieces of equipment
- Overall current ratings put forward by the contract manager appeared to broadly reflect the current maturity of the contract management in the service area.
- A risk regularly highlighted to CMRG related to the current financial climate and the impact on service providers and how this is being managed.
- A recommendation made on a number of contracts was to ensure flexibility is built into the contract based on lessons learned such as managing inflation, correct contract duration and flexibility within service provision to ensure contracts are future proof
- A recommendation was made particularly on higher value and complex contracts such as the PFI scheme that the resources match the complexity and is sufficient to ensure sufficient resource is available for effective contract management.
- Overall, there is a well-rounded understanding of the major risks and issues associated with these contracts, which have been clearly identified and are assessed and monitored on an ongoing basis.

5. Contract Management Accreditation and L&D

5.1 The Commissioning Standards team have been working with the Cabinet Office to assess KCC against the Commercial Continuous Improvement Assessment Framework (CCIAF). The framework is designed to help drive continuous improvement in commercial practices across the public sector by enabling organisations to benchmark their commercial operations against good practice. As a participating organisation, we formed a network with other public sector bodies to share commercial insights, common challenges and lessons learned before completing an assessment which was submitted for peer review. On 26 July 2022, Cabinet Office delivered its assessment of KCC's commercial maturity against the Commercial Continuous Improvement Framework (CCIAF) and KCC received an overall maturity rating of 'GOOD'.

5.2 The Commissioning Standards team have also been working with Crown Commercial Service (CCS) and the Department for Levelling Up, Housing and Communities who are investing to boost commercial capability across local government through a new contract management training programme called the Contract Management Pioneer Programme (CMPP). KCC has been offered some spaces on this training course which we have taken up, a cohort of 15 are currently on the programme and we managed to secure a further 5 spaces for the next cohort. This is the practitioner level which is aimed at those contract managing high risk or high value and complex contracts. The Government Commercial Function also have an online Government Commercial College with a wide range of training available for free, this is recommended through our Commissioning Standards pages and we have asked that all contract managers within Strategic Commissioning have completed the foundation contract management training for the CMPP programme.

6. Conclusion

- 6.1 Members of the CMRG have provided clear direction on the type of information required from presentations to provide assurance to demonstrate how value for money and key objectives are being delivered in each contract. The contracts that have been presented since the last report have shown key strengths in these areas.
- 6.2 The actions and recommendations identified will provide additional assurance and their completion will be monitored, with outcomes reported back to the group. The ongoing learning and development programme will ensure continued upskilling of staff on all areas of contract management and targets contract managers who are managing complex and high value contracts. The Cabinet Office Commercial Continuous Improvement Assessment Framework (CCIAF) improvement plan will be progressed with an aim to move from Good to Better and this will be reported back to the group in due course.

7. Recommendation(s)

Policy and Resources Cabinet Committee is asked to **consider** this update and **endorse** the proposed forward plan of contracts for CMRG.

8. Contact details

Report Author/s:

Louise Merchant, CIPS Accreditation Manager (03000 416 476)

Relevant Director/s:

Clare Maynard, Interim Strategic Commissioner (03000 416449)

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From: Roger Gough, Leader of the Council
David Cockburn, Chief Executive Officer

To: Policy & Resources Cabinet Committee – 9th March 2023

Subject: **Risk Management: Chief Executive’s and Deputy Chief Executive’s Departments**

Classification: **Unrestricted**

Past Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: All

Summary: This paper presents the strategic risks relating to the Chief Executive’s and Deputy Chief Executive’s Departments, in addition to the risks featuring on the Corporate Risk Register that fall within the relevant Cabinet portfolios.

Recommendation(s):

The Cabinet Committee is asked to consider and comment on the risks presented.

1. Introduction

- 1.1 Risk management is a key element of the Council’s Internal Control Framework and the requirement to maintain risk registers ensures that potential risks that may prevent the Authority from achieving its objectives are identified and controlled. The process of developing the registers is therefore important in underpinning service delivery planning, performance management and operating standards. Risks outlined in risk registers are taken into account in the development of the Internal Audit programme for the year.
- 1.2 Directorate risks are reported to Cabinet Committees annually and contain strategic or cross-cutting risks that potentially affect several functions across the Chief Executive and Deputy Chief Executive Departments, and often have wider potential interdependencies with other services across the Council and external parties.
- 1.3 Chief Executive and Deputy Chief Executive Department Directors also lead or coordinate mitigating actions in conjunction with other Directors across the organisation to manage risks featuring on the Corporate Risk Register. The Directors in the Chief Executive and Deputy Chief Executive Departments are designated ‘Risk

Owners' (along with the rest of the Corporate Management Team (CMT)) for several corporate risks.

- 1.4 The majority of these risks, or at least aspects of them, will have been discussed in depth at relevant Cabinet Committee(s) throughout the year, demonstrating that risk considerations are embedded within core business.
- 1.5 A standard reporting format is used to facilitate the gathering of consistent risk information and a 5x5 matrix is used to rank the scale of risk in terms of likelihood of occurrence and impact. Firstly, the current level of risk is assessed, taking into account any controls already in place to mitigate the risk. If the current level of risk is deemed unacceptable, a 'target' risk level is set and further mitigating actions introduced, with the aim of reducing the risk to a tolerable and realistic level. If the current level of risk is acceptable, the target risk level will match the current rating.
- 1.6 The numeric score in itself is less significant than its importance in enabling categorisation of risks and prioritisation of any management action. Further information on KCC risk management methodologies can be found in the risk management guide on the 'KNet' intranet site.

2. Chief Executive's and Deputy Chief Executive's Departments, led Corporate risks

- 2.1 Economic disruption from the aftermath of the coronavirus pandemic and from the Ukraine war, high levels of inflation and severe labour shortages have had a massive impact on the council's services and finances. This affects the risk environment, which is likely to be volatile, complex and ambiguous for some time to come.
- 2.2 The Chief Executive's and Deputy Chief Executive's Departments were formed from what was previously the Strategic and Corporate services directorate. There are eight corporate risks of particular relevance to this Committee. A summary, including changes over the past year, are outlined below, with more detail of the risks and their mitigations contained in appendix 1.

Risk Reference	Risk Description	Current Score	Target Score
CRR0009	Future financial operating environment for Local Government.	High (20)	High (16)
<p>The risk focuses on the Council's ability to operate effectively within an extraordinarily challenging external environment and uncertainty around sufficiency of the council's core spending power when faced with service demand and other pressures. The overall local government finance settlement for 2023-24 was insufficient to fully fund forecast demand and cost growth pressures facing services across the council (even after additional funding for social care). The Council's budget was approved at County Council on 9th February 2023, although the significant financial risks were noted and debated. Savings rely on more significant policy decisions than previous budgets and increased income from other sources (including fees and charges and company dividends).</p>			

Risk Reference	Risk Description	Current Score	Target Score
CRR0014	Cyber and Information Security Resilience	High (20)	High (20)
<p>The risk has been de-scoped to focus solely on cyber and information security threats. This is due to key systems being moved to the cloud, which helps to improve resilience. The target residual rating for the risk has been raised to match the current level of 20. This is to reflect that despite continuing improvements to the council's security environment, the risk level will remain high due to constantly evolving threats that require controls to remain effective and fit-for-purpose. The risk reflects controls of a technical nature as well as those that provide training and awareness raising of cyber threats for our workforce.</p>			
CRR0039	Information Governance	Medium (15)	Medium (9)
<p>This risk is focused on the obligations of the Council to meet requirements of the UK General Data Protection Regulations (GDPR) and ensuring that the appropriate processes, procedures and behaviours are embedded to meet requirements.</p> <p>The risk rating has recently been reduced has reduced to reflect the Information Commissioner's Office (ICO) revised approach to public sector enforcement, which focuses on increased use of the ICO's wider powers, including warnings, reprimands and enforcement notices, with fines issued in only in the most serious of cases. This does not negate the need for the Authority to continue its rigorous efforts to mitigate information governance risks, including automating processes where appropriate.</p>			
CRR0045	Maintaining effective governance and decision making in a challenging financial and operating environment	Medium (15)	Low (5)
<p>This risk focuses on the need for effective governance and decision making as well as robust internal control mechanisms to support timely and challenging policy decisions.</p> <p>The risk level is being increased slightly to reflect both the increasingly challenging financial environment and the subsequent pressure it puts on decision-making, as well as several areas being identified in the Council's Annual Governance Statement that require addressing.</p>			
CRR0049	Fraud and Error	Medium (10)	Low (5)
<p>This risk acknowledges the inherent risk of fraud and/or error that exists within any organisation and the need for the council, like all public bodies, to be attuned to the risks facing their organisations and the public sector. The risks are heightened by the cost-of-living crisis.</p>			

CRR0053	Capital Programme Affordability	High (25)	High (16)
<p>This risk is focused on the affordability of the capital programme, and the uncertainty surrounding grant funding for capital expenditure, with particular concern relating to impacts on our ability to meet operational requirements and/or statutory duties and invest in infrastructure. The major risks and issues associated with the capital programme have been discussed as part of the budget process.</p>			
CRR0054	Supply chain and market challenges	High (20)	TBC
<p>This risk focuses on challenges being faced by the Council as a result of the impact on its supply chains and the markets it works with. Economic uncertainty, competition and availability of the workforce, resilience of suppliers and geopolitical events all impact on the financial and operating environment.</p> <p>Officers are working with providers to help with costs, including accessing grants for energy efficiencies, energy deals through Commercial Services, and advice on reviewing general operating costs. There is also a focus on making sure that the Council's overall commissioning standards and procedures remain fit for purpose.</p>			
CRR0058	Recruitment and retention of the workforce	High (16)	Medium (9)
<p>The risk relating to supporting the workforce transition to hybrid working has been closed and this new risk has been entered onto the corporate register which focuses specifically on workforce recruitment and retention in relation to key roles across KCC. Notable consequences include workforce capacity challenges and impact on delivery of projects to expected time scales.</p>			

3. Chief Executive and Deputy Chief Executive's Department risk profile

- 3.1 The Chief Executive's and Deputy Chief Executive's departments are considering whether there are specific risks that require management across those departments e.g., workforce capacity risks.

4. Key Divisional Risks

- 4.1 Underpinning the corporate risks are a number of divisional risks across both the Chief Executive's and Deputy Chief Executive's Departments, typically of a more operational nature, for which the Department Management Teams have regular oversight, for example relating to:

- Compliance with legislative duties and associated requirements

- Workforce and succession planning arrangements
- Stability of the voluntary sector
- Resource availability and capacity in individual divisions to discharge their functions in a timely fashion.
- Revenue and capital budget challenges
- ICT Commissioning
- Preparedness for and management of major events that impact KCC, and Kent residents.
- Policies / frameworks for legal assurance across the council.
- Maintained schools, which have a large deficit, moving to becoming academies; at which point the deficit will pass to KCC.
- Fair cost of care

5. Recommendation

Recommendation:

The Policy & Resources Cabinet Committee is asked to consider and comment on the risks presented.

6. Background Documents

- 6.1 KCC Risk Management Policy and associated risk management toolkit on KNet intranet site. <https://kentcountycouncil.sharepoint.com/sites/KNet>

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KCC Corporate Risk Register

Extract for presentation to Policy & Resources Cabinet
Committee on 09/03/2023

Corporate Risk Register - Summary Risk Profile

Low = 1-6	Medium = 8-15	High =16-25
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Risk No.*	Risk Title	Current Risk Rating	Target Risk Rating	Direction of Travel since July 2022
CRR0009	Future financial and operating environment for local government	High (20)	High (16)	↔
CRR0014	Cyber and information security resilience	High (20)	High (20)	↔
CRR0039	Information Governance	Medium (15)	Medium (9)	↓
CRR0045	Maintaining effective governance and decision making in a challenging financial and operating environment for local government	Medium (15)	Low (5)	↑
CRR0049	Fraud and Error	High (10)	Low (5)	↓
CRR0053	Capital Programme affordability (impacts on performance and statutory duties)	High (25)	High (16)	↔
CRR0054	Supply Chain and market factors	High (20)	TBC	↔
CRR0058	Recruitment and Retention of the workforce	High (16)	Medium (9)	New Risk

NB: Current & Target risk ratings: The 'current' risk rating refers to the current level of risk taking into account any mitigating controls already in place. The 'target residual' rating represents what is deemed to be a realistic level of risk to be achieved once any additional actions have been put in place. On some occasions the aim will be to contain risk at current level.

Likelihood & Impact Scales					
Likelihood	Very Unlikely (1)	Unlikely (2)	Possible (3)	Likely (4)	Very Likely (5)
Impact	Minor (1)	Moderate (2)	Significant (3)	Serious (4)	Major (5)

Risk ID	CRR0009	Risk Title	Future financial and operating environment for Local Government			
Source / Cause of risk	Risk Event	Consequence	Risk Owner (s)	Current Likelihood	Current Impact	
The Autumn Statement 2022 set out the Government's high level public plans to 2027-28. Detailed departmental plans (including local government) were set out up to 2024-25. This included additional grant announcements for social care and increased council tax referendum limits for 2023-24 and 2024-25. This included additional grant announcements for social care and increased council tax referendum limits for 2023-24 and 2024-25. The local government finance settlement announced in December 2022 provided detailed allocations for 2023-24 with guiding principles for the additional amounts available for social care in 2024-25. We know from the spending plans that any further growth in resources is likely to be limited and that further savings are likely to be required, although without detailed spending plans it is difficult to predict how significant	Forecast budget monitoring 2022/23 showed a £60.9m overspend for the year as at quarter 2 with the risk that initially further monitoring forecasts could show an increase in subsequent quarters. Levels of spending and growth pressures across services outstrip the Council's core spending power. Threatening the financial sustainability of KCC, its partners and service providers. In order to set a balanced budget, the council is likely to have to continue to make significant year on year savings. Quality of KCC commissioned / delivered services suffers as financial situation continues to worsen. Continued delays and uncertainty surrounding review of local government funding impacts on KCC's	Unsustainable financial situation and potential drawdown from reserves, ultimately resulting in s114 notice. Failure to delivery statutory obligations and duties or achieve social value. Potential for partner or provider failure – including sufficiency gaps in provision. Reduction in resident satisfaction and reputational damage. Increased and unplanned pressure on resources. Decline in performance. Legal challenge resulting in reputational damage to the Council.	On behalf of CMT: Zena Cooke, Corporate Director Finance (Section 151 Officer) Responsible Cabinet Member(s): All Cabinet Members	Likely (4) Target Residual Likelihood Likely (4)	Major (5) Target Residual Impact Serious (4) Timescale to Target 1-2 years	

<p>these will be or how much of the additional funding for 2023-24 and 2024/25 will be included in the baseline for future settlements.</p> <p>The long-awaited Fair Funding review of local authority funding has been further delayed for at least two years (until 2025-26) as have the reforms to social care charging.</p> <p>The overall settlement for 2023-24 was insufficient to fully fund forecast demand and cost growth pressures facing services across the council (even after additional funding for social care). The spending growth for 2023-24 was extraordinary in that it had to include the full year effect of forecast overspending from 2022-23 as well as forecast future price increases significantly above the government's target and forecast future demand. Savings rely on more significant policy decisions than previous budgets and increased income from other sources (including fees and charges and company dividends).</p> <p>Uncertainty also applies to services funded via ring-fenced specific grants. Of particular</p>	<p>medium term financial planning.</p>	<p>Impact on Council Tax.</p>
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concern is the special educational needs and disability (SEND) provision funded by the Dedicated Schools Grant (DSG). The high needs block of DSG has not kept pace with the substantial increase in demand for SEND (see CRR0056) resulting in deficit accruing on DSG spending. The Council is now part of the DfE Safety Valve programme and, as part of this, will need to bring High Needs spending back into balance over the medium term and contribute to repaying the historic deficit.

There are a number of geo-political uncertainties in the current environment which additionally impact on the financial and operating environment. As a result of economic uncertainty, there are inflation, interest rate and cost pressures that we need to manage, alongside decreased purchasing power.

Control Title	Control Owner
Processes in place for monitoring delivery of savings and challenging targets to bear down on future cost growth, as well as the budget as a whole.	Zena Cooke, Corporate Director Finance (Section 151 Officer)

Independent review of savings proposals and growth estimates	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Forecasts for future spending growth to be revised as necessary once estimates become more certain and only finalised in controllable budgets once uncertainties have been resolved.	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Regular analysis and refreshing of forecasts to maintain a level of understanding of volatility of demand and cost pressures, which feeds into the relevant areas of the MTFP and business planning process.	Richard Smith, Corporate Director ASCH / Sarah Hammond, Corporate Director CYPE / Simon Jones, Corporate Director GET
Robust budgeting and financial planning in place via Medium Term Financial Planning (MTFP) process, including stakeholder consultation.	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Financial analysis conducted after each budget statement	Dave Shipton, Head of Finance (Policy, Strategy and Planning)
Ensure evidence of any additional KCC spend required to cover impacts relating to new burdens imposed, e.g., EU exit, Supporting Families grant.	Dave Shipton, Head of Finance (Policy, Strategy and Planning)
Continued engagement with Government regarding High Needs funding concerns	Sarah Hammond, Corporate Director (CYPE) / Christine McInnes, Director of Education / Dave Shipton, Head of Finance (Policy, Strategy and Planning)
Engagement with County Councils Network, Society of County Treasurers and other local authorities and Government of potential opportunities and issues around devolution and public service reform	David Whittle, Director SPRCA
KCC Strategic Statement and Strategic Reset Framework developed, outlining how the Council will operate in future, taking into account medium term implications of the Covid-19 pandemic and the challenging operating environment more broadly.	David Whittle, Director SPRCA / Amanda Beer, Deputy Chief Executive

KCC Quarterly Performance Report monitors key performance and activity information for KCC commissioned or delivered services. Regularly reported to Cabinet.	Rachel Kennard, Chief Analyst, KCC	
Ongoing monitoring and modelling of changes in supply and demand in order to inform strategies and service planning going forward.	Rachel Kennard, Chief Analyst, KCC	
Assessing impact and responding to Government plans for the future of social care, including Health and Social Care Integration White Paper, including assessing and quantifying the costs of social care reforms to analyse sufficiency of additional funding over the medium term to cover the cost of the reforms.	Richard Smith, Corporate Director ASCH / Zena Cooke, Corporate Director Finance	
Ongoing policy analysis of the devolution agenda and devolution deals agreed by the government.	David Whittle Director SPRCA	
Regular review of HM Treasury forecasts and Government planned spending levels for local government	Zena Cooke, Corporate Director Finance	
Quarterly budget meetings between Cabinet Member for Finance and Corporate Director for Finance with Cabinet Members and Corporate Directors as relevant.	Zena Cooke, Corporate Director Finance (Section 151 Officer)	
Action Title	Action Owner	Planned Completion Date
Outcomes Based Budgeting approach being developed to strengthen links between outcomes and funding, using robust analysis and evidence, with resource envelopes issued	Zena Cooke, Corporate Director Finance	April 2024 (review)
Robust plan to be developed urgently to reduce current year overspend in order to reduce potential calls on reserves and spending growth pressures in subsequent years.	Zena Cooke, Corporate Director Finance (Section 151 Officer)	March 2023
Robust plan for 2024/25 to be developed.	Zena Cooke, Corporate Director Finance (Section 151 Officer)	January 2024

Risk ID	CRR0014	Risk Title	Cyber & Information Security Resilience			
Source / Cause of Risk	Risk Event	Consequence	Risk Owner(s)	Current Likelihood	Current Impact	
Malicious (intentional) actions against KCC from individuals, cyber criminals and state sponsored attacks.	Confidentiality, integrity and availability of data or systems is negatively impacted or compromised leading to loss of service, data breaches and other significant business interruptions.	Data Protection breach and consequent Information Commissioner's Office (ICO) sanction.	Lisa Gannon, Director of Technology	Likely (4)	Major (5)	
Human error leading to staff revealing information or taking actions which assist malicious actor in being able to affect systems or data, including responding to phishing emails and losing account credentials.		Damages claims. Reputational Damage. Potential significant impact on business interruption if systems require shutdown until magnitude of issue is investigated.	Ben Watts, General Counsel and KCC Data Protection Officer Paul Royel, Director HR/OD	Target Residual Likelihood Likely (4)	Target Residual Impact Major (5)	
Compromise of physical security controls and/or infrastructure including unauthorised access to data centres, network cables and natural disaster (flood, fires etc.)		Loss or corruption of data. Loss of key systems potentially impacting ability to deliver statutory services.	Responsible Cabinet Member(s): Peter Oakford, Finance, Corporate and Traded Services		Timescale to Target At Target	
Supply chain compromise including vulnerabilities in purchased equipment and supplier system breaches.		Partners unable to discharge their duties.				
Gaps in existing resources and capabilities, including technological controls and resource challenges in provider's operational teams.		Complaints	Shellina Prendergast, Communications and People.			

Control Title	Control Owner
Multiple layers of logical, physical and administrative security controls Defence in depth is a key cyber security concept that the Authority adheres to, involving multiple layers of security control for protection from various threats.	James Church ICT Compliance & Risk Manager
Security engagement, training and awareness. Ongoing program of security engagement, training and awareness, upskilling staff to reduce human error. This includes communications, e-learning and training for staff.	James Church ICT Compliance & Risk Manager
Supply chain risk management Program of activities to reduce supply chain risk, including tracking supplier security assurances.	James Church ICT Compliance & Risk Manager
Investment in and implementation of new controls and technologies including capabilities of M365 E5 licenses. Cyber security threats are constantly evolving and therefore new tools and capabilities are required to keep up and mitigate the risk.	Dave Lindsay Interim Head of Technology, Commissioning and Strategy
Frequent security audits, penetration tests and compliance submissions External review of security posture provides validation that our controls work and are being managed effectively.	James Church ICT Compliance & Risk Manager
Internal assurance programme including audits, risk assessment and vulnerability management. Completion of internal audits and assurance audits to ensure cyber is being managed effectively. Continuing to action audit recommendations via the Consolidated Security Action Plan. Risk assessments completed on new implementations to ensure that cyber risks are highlighted and treated. Vulnerability management activities to identify and treat vulnerabilities in good time.	James Church ICT Compliance & Risk Manager
Data Protection and Information Governance training is mandatory and requires staff to refresh periodically. Progress rates monitored regularly.	Ben Watts, General Counsel and KCC Data Protection Officer / Paul Royel, Director HR/OD
Additional messages warning staff of cyber threats are being sent out regularly.	Diane Trollope, Head of OD and Engagement

<p>Messages to encourage increased awareness of information security amongst staff are communicated to align with key implementation milestones of the ICT Transformation Programme.</p>	<p>Diane Trollope, Head of OD and Engagement</p>	
Action Title	Action Owner	Planned Completion Date
<p>Cloud migration and reducing reliance on physical infrastructure Activities to migrate away from physical infrastructure to the cloud which has increased resilience and stronger physical security controls.</p>	<p>Dave Lindsay Interim Head of Technology, Commissioning and Strategy</p>	<p>May 2023</p>
<p>Commissioning and procurement processes include cyber standards and requirements. Ensuring that new products and services are built with the Authority's minimum requirements for cyber security.</p>	<p>James Church ICT Compliance & Risk Manager</p>	<p>June 2023</p>

Risk ID	CRR0039	Risk Title	Information Governance			
Source / Cause of risk	Risk Event	Consequence	Risk Owner	Current Likelihood	Current Impact	
The Council is required to maintain the confidentiality, integrity and proper use, including disposal of data under the Data Protection Act 2018, which is particularly challenging given the volume of information handled by the authority on a daily basis.	Failure to embed the appropriate processes, procedures and behaviours to meet regulations.	Information Commissioner's Office sanction (e.g., undertaking, assessment, improvement, enforcement or monetary penalty notice issued against the Authority).	Ben Watts, General Counsel and Data Protection Officer in collaboration with David Whittle, Senior Information Risk Owner	V. Likely (5)	Significant (3)	
The Council has regulatory obligations into the management of SAR/FOI/EIR requests.	Failure to meet regulatory reporting deadlines.	Increased risk of litigation.		Target Residual Likelihood	Target Residual Impact	
United Kingdom General Data Protection Regulations (UK GDPR) came into effect that have introduced significantly increased obligations on all data controllers, including the Council.	Information security incidents (caused by both human error and / or system compromise) resulting in loss of personal data or breach of privacy / confidentiality.	Reputational damage.	Responsible Cabinet Member(s):	Possible (3)	Significant (3)	Timescale to Target
The Covid-19 pandemic has introduced new risks e.g., staff adapting to new ways of working and increasing information security threats.	Council accreditation for access to government and partner ICT data, systems and network is withdrawn.		Roger Gough, Leader			1-2 years
There are resourcing challenges to undertake comprehensive oversight / assurance activity that provides assurance on compliance with existing information governance standards.	Cantium Business Solutions prioritises commercial work or does not undertake information governance compliance work in an appropriate and timely fashion.		Shellina Prendergast, Communications and People			
	Providers processing KCC data fail to embed the appropriate processes and behaviours.		Peter Oakford, Deputy Leader and Cabinet Member for Corporate and Traded Services			

There is a critical dependency on the Council's Local Authority Trading Companies (CBS) and other material third parties to support Information Governance compliance for the KCC systems and network.

KCC services' requirement for non-standard systems creates vulnerabilities.

Control Title	Control Owner
Staff are required to complete mandatory training on Information Governance and Data Protection and refresh their knowledge every two years as a minimum.	Ben Watts, General Counsel and KCC Data Protection Officer / Paul Royel, Director HR and OD
Senior Information Risk Owner for the Council appointed with training and support to undertake the role.	David Whittle, Director SPRCA
ICT Commissioning function has necessary working/contractual relationship with the Cantium Business Solutions to require support on KCC ICT compliance and audit.	Dave Lindsay, Interim Head of ICT Commissioning and Strategy
Caldicott Guardian appointed with training and support to undertake the role.	Richard Smith, Corporate Director ASCH
A number of policies and procedures are in place including KCC Information Governance Policy; Information Governance Management Framework; Information Security Policy; Data Protection Policy; Freedom of Information Policy; and Environmental Information Regulations Policy all in place and reviewed regularly. Data Protection Officer in place to act as a designated contact with the ICO.	Ben Watts, General Counsel and KCC Data Protection Officer
Management Guide/operating modules on Information Governance in place, highlighting key policies and procedures.	Ben Watts, General Counsel and KCC Data Protection Officer

Privacy notices as well as procedures/protocols for investigating and reporting data breaches reviewed and updated.	Caroline Dodge, Team Leader Information Resilience & Transparency	
Information Resilience and Transparency team in place, providing business information governance support.	Caroline Dodge, Team Leader Information Resilience & Transparency	
Cross Directorate Information Governance Working Group in place.	Michael Thomas-Sam, Strategic Business Adviser Social Care	
Corporate Information Governance Group established, chaired by the DPO and including the SIRO and Caldecott Guardian acting as a point of escalation for information governance issues and further escalation to the Corporate Management Team if required	Ben Watts, General Counsel and KCC Data Protection Officer	
Action Title	Action Owner	Planned Completion Date
Cloud migration and reducing reliance on physical infrastructure activities to migrate away from physical infrastructure to the cloud which has increased resilience and stronger physical security controls.	Dave Lindsay Interim Head of Technology, Commissioning and Strategy	May 2023
Data breach process to be enhanced by automated system, changes include auto reminders to services where further information is required. More data will be available on service performance in relation to breach management and also allow for timely escalation where appropriate	Ben Watts, General Counsel and KCC Data Protection Officer	April 2023
Working from Home Information Governance and Records Management audit implementation of recommendations	Ben Watts, General Counsel	June 2023
Each directorate is responsible for carrying out data mapping exercises to find out what personal data is held and to understand how the information flows through the organisation.	Michael Thomas-Sam, Chair of Cross-Directorate Information Governance Working Group	June 2023 (completion of updates in outstanding areas)

Risk ID CRR0045 Risk Title Maintaining effective governance and decision making in a challenging financial and operating environment for local government.					
Source / Cause of risk	Risk Event	Consequence	Risk Owner	Current Likelihood	Current Impact
<p>The continuation of a challenging financial and operating environment for Local Government (see risk CRR0009) will require difficult policy decisions to be made in a timely manner, which requires continued effective governance and decision making as well as robust internal control mechanisms. Examples from other local authorities has shown the impact that ineffective decision making can have on financial resilience. KCC's constitution explicitly references the demarcation of Member and Officer roles which consequently places dependency on the effectiveness of the member governance of the Council. Elected Members may require additional training and expertise to enable capability of effective challenge.</p>	<p>Members are unwilling or unable to agree necessary policy (service) decisions to deliver a legally balanced budget and sustainable medium-term financial plan (MFTP).</p>	<p>Decisions challenged under judicial review on the appropriateness of the decision-making within KCC.</p>	<p>David Cockburn, Chief Executive Officer</p>	<p>Possible (3)</p>	<p>Major (5)</p>
	<p>Members agree a budget requiring unrealistic and undeliverable efficiency savings leading to significant in-year overspends.</p>	<p>Monitoring Officer / Head of Paid Service statutory report to Council.</p>	<p>Zena Cooke, Corporate Director Finance (s151 Officer)</p>	<p>Target Residual Likelihood V. Unlikely (1)</p>	<p>Target Residual Impact Major (5)</p>
	<p>Statutory officers (S151, Monitoring Officer, Head of Paid Service) are required to use their powers to intervene or alert the Council to inappropriate/illegal decision-making.</p>	<p>Reputational damage to the Council.</p>	<p>Ben Watts, General Counsel and Monitoring Officer</p>	<p>Responsible Cabinet Member(s): Roger Gough, Leader of the Council Peter Oakford, Deputy Leader and Cabinet Member for Corporate and Traded</p>	<p>Timescale to Target TBC</p>

Services

Control Title	Control Owner
KCC's Strategic Statement agreed by County Council and published setting out objectives and priorities for the Council.	Roger Gough, Leader of the Council
Medium Term Financial Plan and Budget Book agreed by Full Council and support/briefings provided for all political groups by officers on budget development options.	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Effective internal audit arrangements in place and robust monitoring arrangements for the delivery of internal audit recommendations to Governance & Audit Committee	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Appropriately detailed and timely financial monitoring reports considered by Cabinet and Cabinet Committees	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Governance reviews from across the local government sector are analysed to identify any lessons learned and reported to relevant stakeholders, including Governance & Audit Committee.	Zena Cooke, Corporate Director Finance (Section 151 Officer)
Appropriate officer development and training programme in place and overseen by CMT	Paul, Royel, Director HR and OD
Appropriate and effective corporate risk management procedures in place for the Council	David Whittle, Director SPRCA
Informal governance arrangements authorised by the KCC Constitution have been published on KNet as a practical guide for how officers work with elected Members to help them support effective decision making for our service users, residents and communities.	David Whittle, Director SPRCA
Operating standards for KCC officers that support KCC's constitution published on KNet, signposting officers to essential policy information and additional guidance on specific topics, to help officers discharge their responsibilities effectively.	David Whittle, Director SPRCA
Key and significant decision-making process in place for Executive decisions and appropriately published Forward Plan of Executive Decisions	Ben Watts, General Counsel and KCC Data Protection Officer

Annual Governance Statement (AGS) arrangements in place with returns made across both senior and statutory officers.	Ben Watts, General Counsel and KCC Data Protection Officer	
Democratic Services support effective Committee governance and scrutiny arrangements.	Ben Watts, General Counsel and KCC Data Protection Officer	
Member and Officer codes of conduct in place and robustly monitored and enforced	Ben Watts, General Counsel and KCC Data Protection Officer	
Member development and training programme in place and overseen by Selection and Member Services Committee	Ben Watts, General Counsel and KCC Data Protection Officer	
Provision for Chief Officers to seek written direction from Executive Members within the KCC Constitution	Ben Watts, General Counsel and KCC Data Protection Officer	
Appropriate performance reporting of service and corporate performance to Cabinet, Cabinet Committee and Full Council	David Whittle, Director SPRCA	
Action Title	Action Owner	Planned Completion Date
Review of KCC Informal Governance arrangements and Operating Standards	David Whittle, Director SPRCA	June 2023
Completion of the activities required, including the review of the Constitution, to ensure that the Chief Executive Officer (CEO) has a fit for purpose support and governance structure (as agreed by the County Council) to continue the effective discharge of duties.	David Cockburn, CEO / Ben Watts, General Counsel	June 2023

Risk ID	CRR0049	Risk Title	Fraud and Error			
Source / Cause of risk	Risk Event	Consequence	Risk Owner	Current Likelihood	Current Impact	
<p>As with any organisation, there is an inherent risk of fraud and/or error that must be acknowledged and proactively managed.</p> <p>The fraud threat posed during emergency situations is higher than at other times, and all public bodies should be attuned to the risks facing their organisations and the public sector. This is further impacted by inflation and the cost-of-living crisis.</p> <p>It is critical that management implements a sound system of internal control and always demonstrates commitment to it, and that investment in fraud prevention and detection technology and resource is sufficient.</p> <p>This includes ensuring that new emerging fraud/error issues are sufficiently risk assessed.</p>	<p>Failure to prevent or detect significant acts of fraud or error from internal or external sources, in that within any process or activity there are:</p> <ul style="list-style-type: none"> - false representations are made to make a gain or expose another to a loss - failure to notify a change of circumstances to make a gain or expose another to a loss - abuses their position, in which they are expected to safeguard to make a gain or expose another to a loss. <p>Given the size and complexity of KCC, with a significant number of payments going to a wide range of suppliers and other public bodies, whom have a legitimate need to amend their bank details, that this process is used to submit a fraudulent change of bank details (mandate fraud) to KCC in order to divert funds.</p>	<p>Financial loss leading to pressures on budgets that may impact the provision of services to service users and residents</p> <p>Reputational damage, particularly if the public see others gaining services or money that are not entitled to, leading to resentment by the public against others.</p>	<p>On behalf of CMT:</p> <p>Zena Cooke, Corporate Director Finance (Section 151 Officer)</p> <p>Responsible Cabinet Member(s):</p> <p>Peter Oakford, Finance, Corporate and Traded Services</p>	<p>Very likely (5)</p> <p>Target Residual Likelihood</p> <p>Very likely (5)</p>	<p>Moderate (2)</p> <p>Target Residual Impact</p> <p>Minor (1)</p> <p>Timescale to Target</p> <p>TBC</p>	

Control Title	Control Owner
KCC is part of the Kent Intelligence Network (KIN), a joint project between 12 district councils, Medway Council, Kent Fire & Rescue and Kent County Council which analyses and data matches financial and personal information to allow fraudulent activity in locally administered services to be detected more proactively within Kent.	Nick Scott, Operations Manager, Kent Intelligence Network / James Flannery, Counter-Fraud Manager KCC
Training and awareness raising is conducted periodically.	James Flannery, Counter-Fraud Manager
An agreed Memorandum of Understanding is in effect with partners (District Councils, Police and Fire Service) outlining the minimum standards expected to be applied by collection authorities (District Councils) to address fraud and error relating to council tax and business rates. Additional work jointly funded to identify and investigate high risk cases based on each authority's share of the tax base.	Dave Shipton, Head of Finance (Policy, Strategy and Planning)
Internal Audit includes proactive fraud work in its annual audit plan, identifying potential areas where frauds could take place and checking for fraudulent activity.	Jonathan Idle, Head of Internal Audit
Whistleblowing Policy in place for the reporting of suspicions of fraud or financial irregularity	James Flannery, Counter-Fraud Manager
Preventing Bribery Policy in place, presenting a clear and precise framework to understand and implement the arrangements required to comply with the Bribery Act 2010.	James Flannery, Counter-Fraud Manager
Anti-fraud and corruption strategy in place and reviewed annually	James Flannery, Counter-Fraud Manager
Counter Fraud Manager liaises with CMT regarding all new policies, initiatives and strategies to be assessed for the risk of fraud, bribery and corruption through engagement with the Counter Fraud Team.	James Flannery, Counter-Fraud Manager
Systems of internal control which aim to prevent fraud and increase the likelihood of detection	Corporate Management Team
Fraud risk assessments have been developed by the Counter-Fraud team and are being considered by service directorates to aid awareness and facilitate appropriate mitigations.	James Flannery, Counter-Fraud Manager
Commissioning standards reviewed, including rules relating to "Spending the Council's Money", which have been clarified.	Clare Maynard, Interim Strategic Commissioner
KCC Counter Fraud & Trading Standards are a member of the Kent Fraud Panel to help inform current fraud trends and emerging risks that may impact KCC and its residents.	James Flannery, Counter-Fraud Manager

Participate in the National Fraud Initiative exercise every two years to identify any fraud and error within key risk areas.	James Flannery, Counter-Fraud Manager
Counter Fraud Action plan in place to manage resources in conducting reactive and proactive work across KCC.	James Flannery, Counter-Fraud Manager
Process maps are in place to inform Control Team on the correct process to request a change of bank details.	Mark Sage, Corporate Accountant
Training of staff involved in the updating of bank details is in place to inform them of the agreed process.	Mark Sage, Corporate Accountant
Guidance is available on the Finance Page on KNet to inform those who receive change of bank details on the agreed process and this is communicated to payment, commissioning and contract management teams across KCC.	Mark Sage, Corporate Accountant
Mandate fraud risks are communicated as part of the fraud awareness sessions.	James Flannery, Counter-Fraud Manager
Any queries received on missing payments from suppliers is cross checked against recent change of bank requests to alert a possible mandate fraud.	Mark Sage, Corporate Accountant
Response Plan is in place within the Control Team to deal with any actual mandate frauds that have been identified.	Mark Sage, Corporate Accountant
Communication of mandate fraud / cyber security to KCC supply chain.	Clare Maynard, Strategic Commissioner

Risk ID	CRR0053	Risk Title	Capital Programme Affordability (impacts on performance and statutory duties)				
Source / Cause of risk	Risk Event	Consequence	Risk Owner	Current Likelihood	Current Impact		
<p>The affordability of the capital programme presents a number of risks to specific programmes, including Highways, Schools and the KCC Estate more broadly.</p> <p>The uncertainty includes capital expenditure funded by grants, many of which are crucial to delivery of statutory services, Ongoing investment to maintain and modernise our assets competes with the priority to protect frontline services from effects of public sector funding restraint.</p> <p>There are a number of geopolitical uncertainties in the current environment which additionally impact on the financial and operating environment.</p> <p>The construction industry is experiencing acute inflation pressures, long material lead time and sporadic material supply. Directly linked to material and labour shortages. Current inflationary pressures are impacting on the capital programme significantly.</p>	<p>Impact on ability to meet operational requirements and/or statutory duties.</p>	<p>Business interruption due to increasing level of reactive / emergency repairs, or parts of estate decommissioned (in whole or partially if deemed unsafe)</p>	<p>On behalf of CMT:</p>	<p>Very Likely (5)</p>	<p>Major (5)</p>		
	<p>Inability to invest in new infrastructure.</p>	<p>Health and safety incidents (potentially serious) associated with asset degradation.</p>	<p>Zena Cooke, Corporate Director Finance (Section 151 Officer)</p>	<p>Target Residual Likelihood</p>	<p>Likely (4)</p>	<p>Target Residual Impact</p>	<p>Serious (4)</p>
	<p>Increase in maintenance backlogs.</p>	<p>Inability to meet statutory duties e.g. lack of appropriate school place provision. Non-priority sites may not be maintained to a sufficient standard and may not be safe and fit for purpose leading to building closures.</p>	<p>Peter Oakford Cabinet Member for Corporate and Traded Services</p>			<p>Timescale to Target</p>	<p>3+ years</p>
	<p>Emergency works on essential sites are prioritised to avoid serious health and safety incidents, with knock-on impacts for non-priority sites.</p>	<p>Assets not maintained sufficiently now will require future additional spend to maintain with the possibility of reactive costs which may create a revenue pressure.</p>					

<p>Expectations of key stakeholders on capital spend.</p> <p>Risks associated with changes in legislation related to developer contributions. This could lead to a requirement for significant forward funding.</p> <p>The level of borrowing to fund the capital programme is not sustainable and the impact on the revenue budget is significant.</p>	<p>Delays result in additional inflationary costs.</p> <p>Funding annual rolling programmes from borrowing is unsustainable.</p>
Control Title	Control Owner
Asset safety factors associated with our assets are considered during the budget setting process.	Zena Cooke, Corporate Director Finance (Section 151 Officer)
An annual programme of planned preventative maintenance is undertaken at KCC sites by the relevant Facilities Management contract partners	Tony Carty, Head of Facilities Management
Prioritisation of the most urgent works across KCC sites	Jo Taylor, Head of Project Management, Property division
10-year capital programme published as part of the 23-33 capital programme. This identifies projected costs for some of the rolling programmes and a separate section of potential stand-alone projects which are markers and will need to have a full business case and identified funding planned evaluated and agreed.	Cath Head, Head of Finance (Operations)
Infrastructure is working with Area Education Officers to communicate to schools regarding their obligations for maintenance and their responsibilities for repairs under financial thresholds	James Sanderson, Head of Property Operations
Review of KCC estate – Future Assets Programme. Business cases for each of the three workstreams are being developed (Office Estate, Community Buildings, Specialist Assets) with associated consultations.	Rebecca Spore, Director of Infrastructure
Lobbying central Government re capital grants relating to Highways.	Harroona Chughtai, Director Highways and Transportation
Extensive lobbying of Government in relation to capital funding.	Zena Cooke, Corporate

Director Finance

Action Title	Action Owner	Planned Completion Date
Identify alternative funding options for annual rolling programmes to reduce the reliance on borrowing.	Cath Head (Head of Finance Operations), Dave Shipton Head of Finance (Policy, Planning & Strategy)	October 2023 (review)
External funding bid for 'priority school build programme' (DfE) has been submitted, awaiting confirmation of total funded costs.	James Sanderson, Head of Property Operations	June 2023 (Review)

Risk ID	CRR0054	Risk Title	Supply Chain and market challenges			
Source / Cause of risk	Risk Event	Consequence	Risk Owner	Current Likelihood	Current Impact	
Competition and availability of workforce and materials for both KCC and its suppliers.	Interruptions / disturbances within supply chain.	Material third parties / key suppliers are unable to provide services leading to KCC not meeting statutory requirements.	On behalf of CMT:	Likely (4)	Major (5)	
Economic uncertainty, for example interest rates, and the impact of inflation on existing and future contracts.	Suppliers unable to meet required levels of service or not provide all services.	Financial loss leading to pressures on budgets that may impact the provision of services to service users and residents.	Clare Maynard, Interim Strategic Commissioner	Target Residual Likelihood	Target Residual Impact	
Sustainability of suppliers in some markets, and whether they have sufficient resilience to still deliver when impacted by internal/external risks whether they be operational or financial.	Incorrect or fraudulent payments made.	Reputational damage, particularly if the public see others gaining services or money that are not entitled to, leading to resentment by the public against others.	Responsible Cabinet Member(s):	TBC	TBC	Timescale to Target
Fraud and Error – fraud within supply chains or errors with payments to suppliers.	Suppliers becoming insolvent.		Roger Gough, Leader of the Council			1-2 years
Serious and Organised Crime – inadvertently contracting with Organised Crime Groups within supply chains.	Loss of/access to KCC data		Peter Oakford, Finance, Corporate and Traded Services			
Changes to the regulatory environment, including environmental impacts.						
Suppliers within the chain lack sufficient controls to manage data effectively and keep it safe.						

Visibility of route to source.

There are a number of geo-political uncertainties in the current environment which additionally impact on the financial and operating environment. For example, the supply chain challenges as a result of global lockdowns, rising inflation and the war in Ukraine.

Inconsistent/ineffective application of contract managements processes across the organisation.

Control Title	Control Owner
Commissioning Standards Tools and templates – including terms and conditions in place for the organisation to ensure consistency of process	Louise Merchant, Senior Commissioner
Robust checking of suppliers during tender stage and continuing to look at market intelligence on suppliers and market sectors	Strategic Commissioning Management Team
Commissioning Support Unit providing support to Commissioners around compliance and standards	Clare Maynard, Interim Strategic Commissioner
Ongoing review of providers' performance and financial sustainability through effective contract management and working closely with the Performance and Analytics unit to ensure evidence is provided to support decision making.	Strategic Commissioning Management Team
Spending the Council's Money (procurement policy)	Clare Maynard, Interim Strategic Commissioner
Training programmes in place for commissioning and contract management	Louise Merchant, Senior Commissioner
Review of terms and conditions of main contracts to ensure arrangements for UKGDPR, Modern Slavery Action requirement etc are sufficient.	Louise Merchant, Senior Commissioner

Contract Management Review Group (CMRG) relaunched to periodically review a selection of contracts for compliance purposes and to identify best practice/process improvements	Louise Merchant, Senior Commissioner	
Working group set up to review risk of Serious and Organised Crime in supply chain procedures.	Natalie Liddiard, Intelligence and Standards Manager	
Officers are working with providers to help with costs, including accessing grants for energy efficiencies, energy deals through Commercial Services, and advice on reviewing general operating costs	Relevant Service / Contract Managers	
Proposal to review Strategic Commissioning key performance information and supply chain issues with Corporate Management Team on a regular basis.	Clare Maynard, Interim Strategic Commissioner	
Inflation clauses are written into some but not all contracts commissioned via Strategic Commissioning. Corporate Finance have been provided with data as to where inflation clauses exist. Where impact of inflation on contracts is being managed by negotiation and reported to Finance Business Partners.	Clare Maynard, Interim Strategic Commissioner	
Providers encouraged to register their premises with energy companies to ensure that if there is a loss of power, they will have same energy privileges as hospitals.	Clare Maynard, Interim Strategic Commissioner	
Action Title	Action Owner	Planned Completion Date
Review of the 'Spending the Council's Money policy to ensure it is fit for purpose	Clare Maynard, Interim Strategic Commissioner	March 2023
Post implementation review of the Commission Standards Tools and Templates.	Louise Merchant, Senior Commissioner	April 2023
Working group set up to review risk of Serious and Organised Crime (SOC) in supply chain and update procedures accordingly.	Carrie Hartwell, SOC Coordinator	March 2023 (review)

Risk ID	CRR0058	Risk Title	Recruitment and retention of the workforce			
Source / Cause of risk	Risk Event	Consequence	Risk Owner	Current Likelihood	Current Impact	
Attracting, and retaining staff continues to be reported as a challenge across directorates.	Workforce capacity challenges - insufficient staff to meet service demands.	Impact on productivity	On behalf of CMT	Likely (4)	Serious (4)	
Rolling turnover rate has increased to over 15% in the latter half of 2022, compared to 14.7% in April 22 and 9% in March 2021. Turnover rates for Q1 and Q2 2022 are in line with comparator authorities in the sector.	Inability to progress service development	Impact on performance and / or delivery of statutory functions.	Paul Royel – Director of HR OD	Target Residual Likelihood	Target Residual Impact	
There is a need to ensure that a suitably qualified, skilled and experienced workforce is in place to deliver services.	Impact on budgets from use of agency staff/contractors to fill roles.	Lack of experienced staff with specialist skills	Responsible Cabinet Member(s):	Possible (3)	Significant (3)	
National skills shortages in key areas, such as social work, Trading Standards, Coroners and technical roles for example surveyors and public health consultants are adding to difficulties with filling vacancies and increasing competition between employers.		Loss of corporate memory	Shellina Prendergast Communication s and People			Timescale to Target 1-3 years
The proximity of Kent to London presents challenges regarding pay in some parts of the county.		Reliance on interim and agency staff				
		Low staff morale				
		Impact on delivery of projects to expected timescales.				
		Employer and Service Reputational damage				

Buoyant market for the workforce opportunities to work remotely provide applicants with greater flexibility and choice of workplace.	
Control Title	Control Owner
Regular engagement with recognised trades unions.	Paul Royel, Director HR and OD
People Strategy for 2022-2027 approved by Personnel Committee	Paul Royel, Director HR and OD
KCC's Organisation Design principles set out and periodically refreshed and monitored to ensure they remain fit for purpose.	Paul Royel, Director HR and OD
Promoting even more regular communications between managers and their teams while working remotely via "Good Conversations" tools etc.	Diane Trollope, Head of OD and Engagement
KCC's values, behaviours and culture embedded by managers, linked to KCC Strategic Reset programme.	Diane Trollope, Head of OD and Engagement
Workforce profile report for the Personnel Committee gives detailed analysis on staffing levels and provides comparator information on previous years – now being provided more regularly to Personnel Committee for Member oversight and scrutiny.	Paul Royel, Director HR and OD
Workforce planning and appropriate career development and succession planning mechanisms in place.	Paul Royel, Director HR and OD
Regular staff survey conducted, followed by facilitation of engagement and action plans with senior management. Includes predictive analytics to explore key drivers of intention to leave to enable appropriate responses to develop.	Diane Trollope, Head of OD and Engagement
Targeted advice, support and interventions available via HR business partners for areas of particular recruitment / retention concern relating to key roles.	Paul Royel, Director HR and OD

Action Title	Action Owner	Planned Completion Date
Communication, implementation, and measurement of the impact of the People Strategy.	Paul Royel, Director HR and OD	June 2023 (First annual review)
Implementation of action plans arising from latest staff survey (conducted December 2022)	Corporate Management Team	June 2023

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From: Peter Oakford, Deputy Leader and Cabinet Member for Finance,
Corporate and Traded Services

Rebecca Spore – Director of Infrastructure

To: Policy and Resources Cabinet Committee – 9 March 2023

Subject: Minor Works Construction Partnership Framework – Update

Classification: Unrestricted

Future Pathway of Paper: For Cabinet Member Decision

Electoral Division: Countywide

Summary:

The Minor Works programme consists of small individual packages of work, traditionally valued at under £1m. This programme has previously been delivered through the Total Facilities Management contract (which expired on 31 October 2022), or openly competitively tendered. A new delivery model is required to allow future schemes to be procured expediently and efficiently in line with modern best practice.

Four options are set out in this report along with further detail of the recommended approach to develop the Minor Works Framework model and the procurement timetable.

Recommendation:

The Policy and Resources Cabinet Committee is asked to note the preferred procurement option and timetable for this activity.

1. Introduction

- 1.1 The Minor Works programme consists of small individual packages of work traditionally under £1m. The categories of work include general maintenance, roofing, boilers and windows across corporate and educational sites.
- 1.2 Projects valued under £50k within this programme were typically delivered by the Total Facilities Management (TFM) contractors either through their supply chains or for larger value works, through individual competitive competition. The TFM contracts expired on 31 October 2022. Currently these works are in part being delivered through the new Hard Facilities Management (FM) contract recently awarded to Skanska or through individual competition managed by in-house Kent County Council (KCC) minor works team. Where a competition is run the tender list would include nomination of a number of suppliers from KCC's contractor lists on a rotational basis. The KCC contractor lists, although closed in recent years to new applicants, contain many suppliers.
- 1.3 Total spend between financial years of 19/20 to 21/22 has been circa £40m. This is broken down in Appendix A which has categorised the spend over nine disciplines. The forecasted spend for 22/23 has also been included.

2. Delivery models

2.1 Four options for the future provision of these works have been set out below:

Option 1 – **Commission these works through the Hard FM Contract**
Discounted as contract has evolved since TFM and does not include these works within the core delivery.

Option 2 – **Competitively tender individual work packages**
Discounted as this will require substantial administration and does not allow KCC to work with a contained supply chain to deliver its future pipeline.

Option 3 – **Use External Frameworks**
Discounted as unlikely to access Kent based contractors. KCC would pay a margin for the use of other Frameworks.

Option 4 – **Minor Works Framework approach**
Carried Forward

2.2 The value of the procurement is above the Public Contract Regulations (PCR 2015) threshold of £213,499 (including VAT) for goods and services, and therefore needs to be procured and advertised in accordance with PCR 2015.

2.3 It is proposed to procure a Minor Works Framework. This report sets out the benefits and challenges facing the Council and its partners to implement this strategy, and the planned procurement process to select the Framework suppliers.

3. Minor Works Framework

3.1 The spend analysis conducted found that, since the 2019/20 financial year, there have been over 120 different companies commissioned to deliver minor works projects.

3.2 It is proposed that KCC develops a Minor Works Framework with fewer contractors to deliver the future work pipeline. If adopted, this will lead to significant change in the way that the Council delivers this programme, allowing greater opportunity to standardise components and streamline processes when appointing and overseeing a contractor undertaking the works.

3.3 Due to the different categories of work, it is proposed to split lots into the following specialisms:

Category	Page 54	Proposed Number of Suppliers to be awarded
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General Building Works	6
Roofing	5
Electrical	5
Mechanical	5
Asbestos Removal	4
Asbestos Survey	2

- 3.4 It is proposed to appoint between two and six suppliers to each lot as set out above due to the varying nature and volumes of the work balanced against the need to ensure that there is sufficient competition. It is expected that at least 90% of the works will be competitively tendered, with only emergency works directly awarded on a capacity basis via rotation. For instance, if a school boiler is not working, the Council can remedy the fault quickly. This approach will reduce the time and resources required to openly tender work opportunities across a greater number of suppliers and ensure that there is a timely route which enables emergency works to be progressed.
- 3.5 There is no guarantee of work through the Framework. All schemes awarded to suppliers will form their own call off contract, and such projects will need to be taken through the appropriate internal governance process. This agreement will provide an efficient route to market for approved decisions.
- 3.6 The framework will be in place for a minimum of four years, with scope for a potential two-year extension if permissible.
- 3.7 While the primary purpose of the framework is to deliver KCC's future capital programme, it is proposed that other public sector organisations in Kent will be able to use the framework.
- 3.8 As a consequence of the new framework the KCC contractor list, which has previously been in operation, will be decommissioned.

4. Benefits and Challenges of this approach

- 4.1 This approach will increase the speed of contract award and offer greater flexibility as the future pipeline is developed, including the ability to respond quickly to external funding opportunities and emergency works. Working directly with a few contractors (expected to be Kent based) will reduce contractor bidding costs which, in the current service model, will be passed on to the Council, as well as streamline the Council's in-house administration. In addition, a reduced number of contractors allows for the standardisation of components. It will also provide greater certainty of work to enable long term investment in skills and innovation, which could support the social value agenda by boosting the local economy with jobs, apprenticeships and community projects.
- 4.2 Reducing the number of contractors that the Council commissions for this work could be considered to be a higher risk, due to reduced competitive tension, but the current provision, of managing a large number of suppliers has resource implications for both parties and does not provide an incentive to invest in their organisations. This is an opportunity for the Council to seek the right suppliers and, if competition is high, achieve better value.

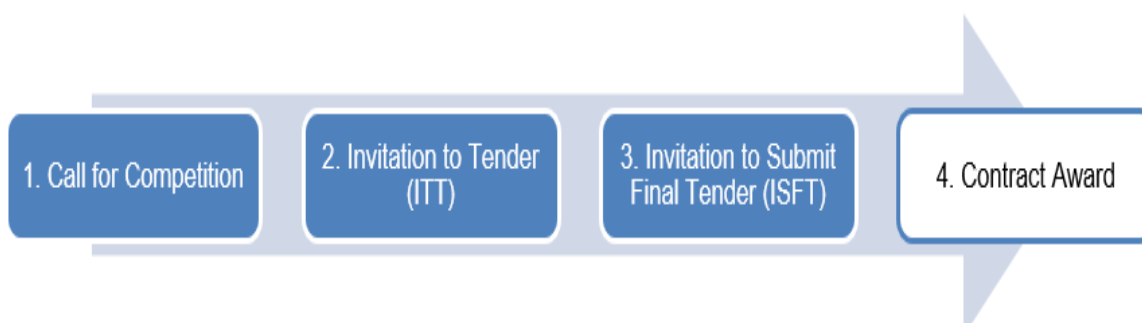
- 4.3 Working with a smaller supply chain increases the Council's bargaining power

when delivering this work pipeline. The proposal to limit the supply chain could incentivise those suppliers that deliver to time, quality and cost by rewarding those contractors with future work compared to the current approach.

- 4.4 This approach will help create sustainable relationships, which will keep bid costs down and lower project build costs. Furthermore, there will be increased flexibility and agility when commissioning new projects.
- 4.5 Commissioning an appropriate number of projects for fewer contractors will lead to greater investment in the local area, which will assist small and medium sized enterprises (SMEs) and contribute to greater social value, apprenticeships etc.
- 4.6 The Council will always retain the right not to utilise the framework or not award work if the supplier is not considered value for money or is seeking to manipulate the framework.

5. Next Steps

- 5.1 The value of this procurement is above the Public Contract Regulations (PCR 2015) threshold of £213,499 (including VAT) for goods and services, and therefore needs to be procured and advertised in accordance with PCR 2015.
- 5.2 The procurement is proposed to follow the “Competitive Procedure with Negotiation” which is a multiple stage procurement procedure, well recognized under PCR 2015.
- 5.3 The stages are graphically illustrated as below:



- 5.4 Procurement is currently at the beginning of stage 1, Call for Competition.

- 5.5 The delivery timetable for this new framework is proposed as follows:

Activity	Date
Commercial Case	December 2022
Policy and Resources Committee	9 March 2023
Selection Questionnaire Issued	April 2023
Selection Questionnaire Return	May 2023

Selection Questionnaire Evaluation	May 2023 to June 2023
Selection Questionnaire Moderation complete	June 2023
Selection Questionnaire Recommendation and Approval	July 2023
Policy & Resource Committee Update	July 2023
Invitation To Tender Out	August 2023
Tender Return	October 2023
Tender Response Evaluation	October to November 2023
Tender Response Moderation complete	December 2023
Policy & Resource Committee / Key Decision	December 2023
Complete Award Report	January 2024
Authority to Contract Granted	January 2024
Issue Award Letter	January 2024
Contract Award (standstill over)	February 2024
Contracts drafted signed/sealed	March 2024
Service Commencement Date	April 2024

Autumn 2022

5.6 Undertaken market engagement and reviewed the pipeline requirements. The final procurement strategy to deliver the preferred service delivery model has been developed.

January – March 2023

5.7 Prepare for the procurement process and develop the documentation.

April – June 2023

5.8 Conduct call for competition procurement process, including a Selection Questionnaire.

August 2023 – February 2024

5.9 Complete the invitation to tender, evaluation report and seek governance approval to award the framework.

March – April 2024

5.10 Commence the mobilisation period to ensure contractors are ready to begin work in April 2024.

5.11 The Property and Strategic Commissioning Teams will prepare the tender documents, including the Framework Information Schedule and draft Framework Agreement.

6. Financial Implication

6.1 There is no workload guarantee in the framework agreement. All schemes awarded to contractors will incorporate their own contract (NEC 4 suite) and as

such, projects will need to be taken through the appropriate governance and funding process.

6.2 The resources involved in this multiple procurement exercise are as follows:

- KCC Procurement resource from within Strategic Commissioning
- Internal KCC Operational resource from within Infrastructure
- Other KCC teams (e.g. Health and Safety)
- External Legal support
- External Technical support

6.3 The estimated cost of the procurement is shown in the table below. The internal costs are managed by utilising resources within existing teams across Strategic Commissioning, Infrastructure and other teams. No additional resources are being brought into these teams and business activity will be re-prioritised to enable the procurement to be progressed in accordance with the timescales set out above. The legal and technical advice will be funded from within infrastructure budgets.

Resource	Estimated Cost
Procurement	£110,000
Infrastructure	£150,000
Other KCC	£5,000
Legal (External)	£10,000
Technical (External)	£15,000
Total Estimate	£290,000

7. Legal Implications

7.1 The award of contracts will be in full compliance with all relevant procurement and governance regulations.

7.2 External legal advisors will be appointed in consultation with General Counsel.

7.3 As a consequence of the new framework the approved list which has previously been in operation will be decommissioned.

8. Equalities and Data Protection Implications

8.1 An Equality Impact Assessment (EqIA) was completed in February 2023, and it is not felt that this procurement activity presents any impact on any of the nine areas specified by KCC.

8.1 No Data Protection implications are anticipated as a result of this procurement activity.

9. Conclusion

9.1 There is a strong pipeline of projects across the education and corporate estate to support the proposed framework. It is proposed to progress with the establishment of a framework with 4 lots with a maximum of 27 suppliers.

9.2 A further update is expected to be brought to the Policy and Resources Cabinet Committee with a key decision expected to be taken in December 2023, to ensure that the key decision is in place ready for any contract awards.

10. Recommendation(s)

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to note the preferred procurement option and timetable for this activity.

11. Appendices

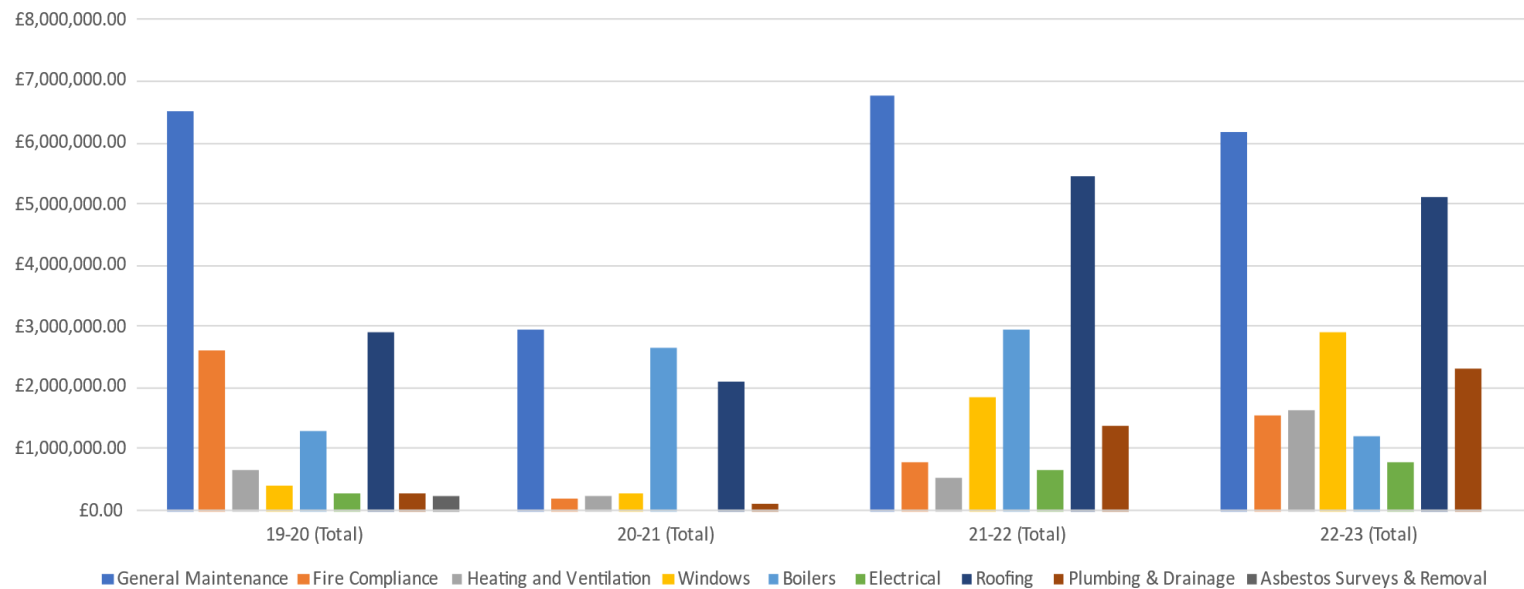
Appendix A – Spend by Category between 2019/20 and 2022/23
Appendix B EQIA - Minor Works Framework

12. Contact details

Report Author(s):	Relevant Director(s) :
Robert Clark Procurement and Commercial Manager Strategic Commissioning 03000 41 59 51 robert.clark@kent.gov.uk	Rebecca Spore, Director of Infrastructure Infrastructure 03000 41 67 16 rebecca.spore@kent.gov.uk
James Sanderson Head of Property Operations Infrastructure 03000 41 76 06 james.sanderson2@kent.gov.uk	Clare Maynard Interim Strategic Commissioner Strategic Commissioning 03000 416 4 49 Clare.maynard@kent.gov.uk

Spend by Category

Minor Works Spend by Category



*N.B where maintenance projects span more than one financial year, this spend has been categorised by programme year

EQIA Submission – ID Number

Section A

EQIA Title

Minor Works Framework

Responsible Officer

James Sanderson - ST INF

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

Commissioning/Procurement

Strategy/Policy

No

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Strategic and Corporate Services

Responsible Service

Infrastructure and Strategic Commissioning

Responsible Head of Service

James Sanderson - ST INF

Responsible Director

Rebecca Spore - ST INF

Aims and Objectives

The Minor Works programme consists of small individual packages of work traditionally under £1m. The categories of work include general maintenance, roofing, boilers and windows across corporate and educational sites.

Projects valued under £50k within this programme were typically delivered by the Total Facilities Management contractors through their supply chains, which expired on 31 October 2022. These works are currently being delivered through the new Hard Facilities Management (FM) contract recently awarded to Skanska although this are competitively tendered it is not a core part of the new contract with Skanska

It is proposed that KCC develops a Minor Works Framework with fewer contractors to deliver the future work pipeline. If adopted, this will lead to significant change in the way that the Council delivers this programme.

Due to the different categories of work, it is proposed to split lots into the following specialisms:

General Building Work

Roofing

Electrical

Mechanical

Asbestos Removal

Asbestos Survey

The proposal of between appointing two and six suppliers each lot was due to the varying nature and volumes of the works which will ensure sufficient competition. It is expected that least 90% of the works will be competitively tendered, with only emergency works directly awarded on a capacity basis via rotation. For instance, if a school boiler was not working, the Council can remedy the fault quickly. This approach will reduce the time and resources required to openly tender work opportunities across a greater number of suppliers.

There is no guarantee of work through the Framework. All schemes awarded to suppliers will form their own call off contract, and such projects will need to be taken through the appropriate internal governance process. This agreement will provide an efficient route to market for approved decisions.

The framework will be in place for a minimum of four years, with scope for a potential two-year extension if permissible.

While the primary purpose of the framework is to deliver KCC future capital programme, it is proposed that other public sector organisations in Kent will be able to use the framework.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

No

Is there national evidence/data that you can use?

No

Have you consulted with stakeholders?

Yes

Who have you involved, consulted and engaged with?

Infrastructure and Strategic Commissioning
Informal Market Engagement

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

No

Do you have evidence that can help you understand the potential impact of your activity?

Yes

Section C – Impact

Who may be impacted by the activity?

Service Users/clients

Service users/clients

Staff

Staff/Volunteers

Residents/Communities/Citizens

Residents/communities/citizens

Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?

Yes

Details of Positive Impacts

Minor works projects being delivered through this framework generally support keeping KCC's estate warm, safe and dry

Negative impacts and Mitigating Actions
19. Negative Impacts and Mitigating actions for Age
Are there negative impacts for age?
No
Details of negative impacts for Age
Not Applicable
Mitigating Actions for Age
Not Applicable
Responsible Officer for Mitigating Actions – Age
Not Applicable
20. Negative impacts and Mitigating actions for Disability
Are there negative impacts for Disability?
No
Details of Negative Impacts for Disability
Not Applicable
Mitigating actions for Disability
Not Applicable
Responsible Officer for Disability
Not Applicable
21. Negative Impacts and Mitigating actions for Sex
Are there negative impacts for Sex
No
Details of negative impacts for Sex
Not Applicable
Mitigating actions for Sex
Not Applicable
Responsible Officer for Sex
Not Applicable
22. Negative Impacts and Mitigating actions for Gender identity/transgender
Are there negative impacts for Gender identity/transgender
No
Negative impacts for Gender identity/transgender
Not Applicable
Mitigating actions for Gender identity/transgender
Not Applicable
Responsible Officer for mitigating actions for Gender identity/transgender
Not Applicable
23. Negative impacts and Mitigating actions for Race
Are there negative impacts for Race
No
Negative impacts for Race
Not Applicable
Mitigating actions for Race
Not Applicable
Responsible Officer for mitigating actions for Race
Not Applicable
24. Negative impacts and Mitigating actions for Religion and belief
Are there negative impacts for Religion and belief
No
Negative impacts for Religion and belief

Not Applicable
Mitigating actions for Religion and belief
Not Applicable
Responsible Officer for mitigating actions for Religion and Belief
Not Applicable
25. Negative impacts and Mitigating actions for Sexual Orientation
Are there negative impacts for Sexual Orientation
No
Negative impacts for Sexual Orientation
Not Applicable
Mitigating actions for Sexual Orientation
Not Applicable
Responsible Officer for mitigating actions for Sexual Orientation
Not Applicable
26. Negative impacts and Mitigating actions for Pregnancy and Maternity
Are there negative impacts for Pregnancy and Maternity
No
Negative impacts for Pregnancy and Maternity
Not Applicable
Mitigating actions for Pregnancy and Maternity
Not Applicable
Responsible Officer for mitigating actions for Pregnancy and Maternity
Not Applicable
27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships
Are there negative impacts for Marriage and Civil Partnerships
No
Negative impacts for Marriage and Civil Partnerships
Not Applicable
Mitigating actions for Marriage and Civil Partnerships
Not Applicable
Responsible Officer for Marriage and Civil Partnerships
Not Applicable
28. Negative impacts and Mitigating actions for Carer's responsibilities
Are there negative impacts for Carer's responsibilities
No
Negative impacts for Carer's responsibilities
Not Applicable
Mitigating actions for Carer's responsibilities
Not Applicable
Responsible Officer for Carer's responsibilities
Not Applicable

From: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

Rebecca Spore, Director of Infrastructure

To: Policy and Resources Cabinet Committee – 9 March 2023

Subject: Construction Consultancy Services Framework Commission – Update

Key decision: *Savings or expenditure of more than £1m; Affects two or more Electoral Divisions.*

Classification: Unrestricted

Past Pathway of Paper: Policy and Resources Cabinet Committee – 13 July 2022

Future Pathway of Paper: For Cabinet Member decision

Electoral Division: Countywide

Summary:

This report updates The Policy and Resources Cabinet Committee on progress with the Construction Consultancy Services Framework procurement.

Recommendation(s): The Policy and Resources Cabinet Committee is asked to note progress.

1. Background

1.1 As set out in the report that was presented to the Policy and Resources Cabinet Committee on 13 July 2022, the recommended delivery model (establishment of a framework) has been progressed to procurement.

1.2 As part of this the lotting strategy has been finalised to align to the requirements as defined under the NEC Engineering and Construction Contract.

1.3 The defined lots are shown in the table below:

Lot 1 - Multi-discipline (client delegated duties)
<p>Client delegated duties as required by the Client and under the NEC Engineering and Construction Short Contract (ECSC) when issued to a contractor for minor projects, including the roles of quantity surveyor, planner, clerk of works and Principal Designer.</p> <p>This lot will include:</p> <ul style="list-style-type: none"> ▪ Multi-discipline (client delegated duties) including the role of the quantity surveyor. ▪ Multi-discipline (client delegated duties) excluding the role of the quantity surveyor.

<p>Lot 2 - Project Manager (inc. client delegated Quantity Surveying duties)</p> <p>This lot will include:</p> <p>Project Manager All Project Manager duties as required under the NEC Engineering and Construction Contract (ECC) when issued to a Contractor for major projects.</p> <p>Client Delegated Quantity Surveying Duties Client delegated quantity surveyor duties:</p> <ul style="list-style-type: none"> ▪ for minor projects, where the quantity surveyor is not required under the Multi-Disciplinary lot 1. ▪ where the Client is appointed as Project Manager under the NEC Engineering and Construction Contract (ECC) and the ECC is issued to a Contractor for major projects. ▪ under the NEC Professional Services Short Contract (PSSC), when issued to a Contractor for early contractor involvement.
<p>Lot 3 - Supervisor</p> <p>All Supervisor duties as required under the NEC Engineering and Construction Contract (ECC), when issued to a Contractor for major projects.</p>
<p>Lot 4 - Technical Advisor</p> <p>Providing the 'critical friend' role in respect of design to the Client as required:</p> <ul style="list-style-type: none"> ▪ when a contract is issued for minor projects to a Contractor under the NEC Engineering and Construction Short Contract (ECSC). ▪ for early contractor involvement under the NEC Professional Services Short Contract (PSSC). ▪ for major projects under the NEC Engineering and Construction Contract (ECC).
<p>Lot 5 - Construction Design Management Advisor</p> <p>Construction Design Management Advisor when a contract is issued to a Contractor under the NEC Engineering and Construction Short Contract (ECSC):</p> <ul style="list-style-type: none"> ▪ for minor projects, only if notifiable ▪ under the NEC Engineering and Construction Contract (ECC) for major projects

2. Progress and Activity Update

Procurement Route

- 2.1 The value of this procurement is above the Public Contract Regulations (PCR 2015) threshold of £213,499 (including VAT) for goods and services, and therefore needs to be procured and advertised in accordance with PCR 2015.

2.2 This procurement is following “Competitive Procedure with Negotiation” which is a multiple stage procurement procedure, well recognized under PCR 2015.

2.3 The stages are graphically illustrated as below:



2.4 Procurement is currently at the tail end of stage 1, Call for Competition, undergoing evaluation and moderation of the responses received from the market.

Call for Competition

2.5 The activity associated with The Call for Competition with selection questionnaire is summarised as follows:

- The Call for Competition was published on 20 October 2022 (as required under PCR Regs) on Contracts Finder, Find a Tender Service and the Kent Business Portal which is open to any supplier who wanted to submit an expression of interest.
- Included the selection questionnaire which sets out the questions, scoring system, weightings for each question and the evaluation model.
- Advised potential candidates that all Suppliers who passed the mandatory section and the project specific quality questions would be invited to tender.
- Advised potential candidates that they could bid for as many or as few of the lots but, if successful for Lot 1 (Multi-Disciplinary Consultant) they would not be able to be awarded any of the other Lots. However, if successful for more than 1 of Lots 2 to 5 then multiple awards could be made.
- Gave potential candidates time and opportunity to ask any questions during the Call for Competition period. A number of questions were asked across a range of subjects including but not limited to:
 - Clarification around ISO9001 (Quality Management Systems) requirements
 - General case study clarifications
 - Some clarifications around the Lots and disciplines
 - The remainder were usually general questions that were already covered in the Call for Competition documentation.
- Stipulated a return date of 9 December 2022.

Selection Questionnaire Questions

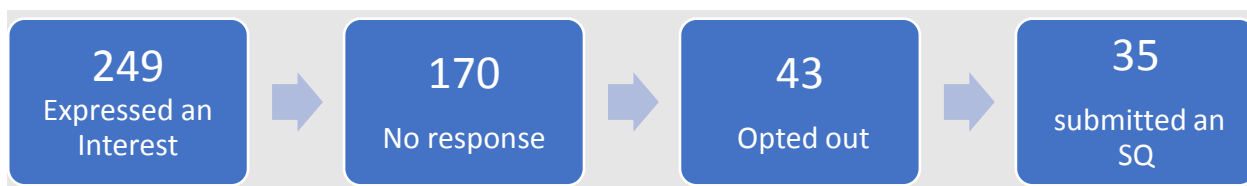
- 2.6 Evaluation was based on a mandatory pass/fail section and then project specific questions tailored for the requirements of the Consultancy Services.
- 2.7 Project Specific questions can only be backward looking and are to demonstrate that the supplier has the capability and capacity to undertake the service. They cannot be forward facing questions at this stage of the procurement process.
- 2.8 The Mandatory Pass/Fail included:
- Part 1: Potential Supplier Information (Standard) – for information only
 - Part 2: Exclusion Grounds (Standard); and
 - Part 3: Selection Questions, including:
 - Economic & Financial Standing
 - Requirements Under Modern Slavery Act 2015
 - Insurances (Employers, Public, Professional Indemnity, Product, Construction Third Party)
 - Equality and Diversity
 - Environmental Management
 - Health & Safety
 - Data Protection
 - Skills and Apprentices
- 2.9 The Project Specific Questions included:
- Section 6 - Technical and Professional Ability
 - 6.1 Discipline specific case studies (2 or 3 depending on Lot)
 - 6.2 Supply Chain Sub-contracting
 - Section 8.8 - Professional Capacity
 - 8.8a ISO 9001
 - 8.8b Royal Institution of Chartered Surveyors (RICS) regulated member
 - 8.8c Partnering and Collaboration approach

Evaluation and moderation of the Selection Questionnaire

- 2.10 There are 16 evaluators and 1 moderator involved in the selection questionnaire evaluation and moderation process.
- 2.11 Evaluation of the mandatory pass/fail questions have taken place.
- 2.12 At the time of writing this report, the evaluation of the Section 6 and Section 8 questions are still taking place. These are, in the main, essay type/case study questions. Each evaluator will undertake an independent evaluation and all scores and comments will be consolidated. Moderation meetings are taking place with the evaluators to agree overall commentary and scores for each question and each supplier.

Selection Questionnaire Evaluation and Moderation Results

2.13 KCC Received 35 responses including several from small and medium-sized enterprises (SME's) and Companies with Kent based offices:



2.14 When the moderation is complete, the successful suppliers to be taken through to tender. Suppliers will be advised of their success or otherwise and will be given feedback on their submissions.

The Tender Process

2.15 Drafting of contractual documentation including the main contract, framework information schedules, conditions of contract, pricing tables, key performance indicator's, tender quality questions and quality and price evaluation models etc. are currently being produced.

2.16 The tender process will include:

- Further Quality Questions – There will be a number of quality questions included as part of the tender, these will be forward facing questions for the suppliers to demonstrate how they will deliver against requirements. These questions will be weighted.
- Price – the supplier's notional tender value will be based on approximate volumes of project types with the supplier's fee percentages applied.
- Price per Quality Point (PPQP) - The overall evaluation model will be Price per Quality Point whereby the supplier's total notional tender value is divided by the Suppliers overall quality score. This model provides a way of ensuring that quality is a strong contribution to the evaluation model and the lower the PPQP the better value for money.

2.17 The Suppliers will be ranked in order of PPQP and the supplier with lowest PPQP would be recommended to be awarded the contract. Suppliers who are successful for Lot 1 and other Lots will not be awarded more than one Lot.

3. Programme

3.1 The programme has been updated since the indicative key activities were presented previously to the July 2022 Policy and Resource Cabinet Committee. The programme has been delayed due to significant resources being required during the scoping phase to ensure the proposed roles and services required aligned to the NEC roles and responsibilities under the various forms of contract across Major and

Minor works. The completion date is expected to be October 2023 (subject to no further delay in the programme).

3.2 The preparation of the documents, the evaluation and moderation has taken a considerable amount of resource but has been contained in the original time allocated for these phases. The key programme activities and milestones for the next stages are shown in the table below:

Activity	Date
Selection Questionnaire Evaluation	Early December 2022 – January 2023
Selection Questionnaire Moderation complete	Mid-February 2023
Selection Questionnaire Recommendation and Approval	Late February 2023
Policy & Resource Committee Update	March 2023
Invitation To Tender Out (minimum 30 days)	April 2023
Tender Return	May 2023
Tender Response Evaluation	June 2023
Tender Response Moderation complete	July 2023
Policy & Resource Committee / Key Decision	July 2023
Complete Award Report	August 2023
Authority to Contract Granted	August 2023
Issue Award Letter	August 2023
Contract Award (standstill over)	August 2023
Contracts drafted signed/sealed	September 2023
Service Commencement Date	October 2023

4. Financial Implication

4.1 The resources involved in this multiple procurement exercise are as follows:

- KCC Procurement resource from within Strategic Commissioning
- Internal KCC Operational resource from within Infrastructure
- Other KCC teams (e.g. Health and Safety)
- External Legal support from Browne Jacobson
- External NEC Technical support from Stradia

4.2 The estimated cost of the procurement is shown in the table below. There is also an internal cost whereby we are utilising resources within existing teams across Strategic Commissioning, Infrastructure and other teams. No additional resources

are being brought into these teams with business activity being re-prioritised to support the procurement of the framework. The legal and technical costs are associated with third-party organisations and will be funded from infrastructure budgets.

Resource	Estimate Cost - September 2022 to January 2023	Estimate Cost - February 2023 to October 2023	Estimate Cost over 14 months
Procurement	£42,391	£76,303	£118,694
Infrastructure	£36,000	£108,000	£144,000
Other KCC	-	£8,000	£8,000
Legal (External)	-	£11,000	£11,000
Technical (External)	£1,185	£25,700	£26,885
Total Estimate	£79,576	£229,003	£308,579

5. Legal Implications

- 5.1 The form of contract used is an industry standard contract for construction (NEC Engineering and Construction Contract).
- 5.2 External legal advice will be sought and KCC Legal have advised that Browne Jacobson should be appointed.
- 5.3 The award of contracts will be in full compliance with all relevant procurement and governance regulations.

6. Equalities and Data Protection Implications

- 6.1 An Equality Impact Assessment (EqIA) was completed in March 2022, and it is not felt that this procurement activity presents any impact on any of the nine areas specified by KCC.
- 6.2 No Data Protection implications are anticipated as a result of this procurement activity.

7. Conclusion

- 7.1 A positive number of suppliers have submitted a selection questionnaire. It is envisaged that the new Construction Consultancy Services Framework is implemented in October 2023 to support the Construction Partnership Framework and the proposed Minor Works Framework.
- 7.2 A further update will be brought to the Policy and Resources Cabinet Committee ahead of a key decision which is expected to be taken in July 2023 to ensure contract awards to enable the framework to become operational in October 2023.

8. Recommendation(s)

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to Note progress.

9. Background documents

Appendix A - Equalities Impact Assessment (EQIA)

10. Contact details

<p>Report Authors: Carolyne Harrington Procurement and Commercial Manager, Strategic Commissioning 03000 41 69 59 carolyne.harrington@kent.gov.uk</p> <p>Lyndon Smith Procurement Lead, Strategic Commissioning. 03000 41 96 53 lyndon.smith@kent.gov.uk</p> <p>James Sanderson Head of Property Operations Telephone: 03000 41 76 06 E-mail: james.sanderson2@kent.gov.uk</p>	<p>Relevant Directors: Rebecca Spore, Director of Infrastructure Infrastructure 03000 41 67 16 rebecca.spore@kent.gov.uk</p> <p>Clare Maynard Interim Strategic Commissioner Strategic Commissioning 03000 41 64 49 Clare.maynard@kent.gov.uk</p>
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EQIA Submission – ID Number

Section A

EQIA Title

Construction Consultancy Services Framework

Responsible Officer

Emily Nicholson - ST INF

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

Commissioning/Procurement

Strategy/Policy

No

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Strategic and Corporate Services

Responsible Service

Infrastructure

Responsible Head of Service

James Sanderson - ST INF

Responsible Director

Rebecca Spore - ST INF

Aims and Objectives

The procurement and management of a New Consultancy Framework which will currently contract circa 18 suppliers to support the delivery of the Capital Programme delivering design, cost and quality consultancy support.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

No

It is possible to get the data in a timely and cost effective way?

Yes

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

No

Who have you involved, consulted and engaged with?

Internally, Strategic Commissioning are leading on this New Procurement exercise. Currently seeking a FED decision.

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

No

Do you have evidence that can help you understand the potential impact of your activity?

Yes

Section C – Impact
Who may be impacted by the activity?
Service Users/clients Service users/clients
Staff Staff/Volunteers
Residents/Communities/Citizens No
Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?
Yes
Details of Positive Impacts
The Framework will be supporting Kents Strategic Plan and meeting the targets set by the Local Authority.
Negative impacts and Mitigating Actions
19. Negative Impacts and Mitigating actions for Age
Are there negative impacts for age?
No
Details of negative impacts for Age
Not Applicable
Mitigating Actions for Age
Not Applicable
Responsible Officer for Mitigating Actions – Age
Not Applicable
20. Negative impacts and Mitigating actions for Disability
Are there negative impacts for Disability?
No
Details of Negative Impacts for Disability
Not Applicable
Mitigating actions for Disability
Not Applicable
Responsible Officer for Disability
Not Applicable
21. Negative Impacts and Mitigating actions for Sex
Are there negative impacts for Sex
No
Details of negative impacts for Sex
Not Applicable
Mitigating actions for Sex
Not Applicable
Responsible Officer for Sex
Not Applicable
22. Negative Impacts and Mitigating actions for Gender identity/transgender
Are there negative impacts for Gender identity/transgender
No
Negative impacts for Gender identity/transgender
Not Applicable
Mitigating actions for Gender identity/transgender
Not Applicable

Responsible Officer for mitigating actions for Gender identity/transgender
Not Applicable
23. Negative impacts and Mitigating actions for Race
Are there negative impacts for Race
No
Negative impacts for Race
Not Applicable
Mitigating actions for Race
Not Applicable
Responsible Officer for mitigating actions for Race
Not Applicable
24. Negative impacts and Mitigating actions for Religion and belief
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27. Negative impacts and Mitigating actions for Marriage and Civil Partnerships
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Mitigating actions for Marriage and Civil Partnerships
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Responsible Officer for Marriage and Civil Partnerships
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28. Negative impacts and Mitigating actions for Carer's responsibilities
Are there negative impacts for Carer's responsibilities
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Negative impacts for Carer's responsibilities
Not Applicable
Mitigating actions for Carer's responsibilities
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Responsible Officer for Carer's responsibilities
Not Applicable

From: Peter Oakford, Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

Rebecca Spore, Director of Infrastructure

To: Policy and Resources Cabinet Committee – 9 March 2023

Subject: Granting of Long Lease to UK Power Networks for operation and use of Sub Station at St Edmunds Church of England Primary School, West Kingsdown.

Decision: Non-Key Decision

Classification: Unrestricted

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Sevenoaks Rural North East

Summary: This report seeks approval to grant a Lease for over 20 years to UK Power Networks for occupation and use of a new Electricity Sub Station located within the grounds of St Edmunds Church of England Primary School, West Kingsdown.

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to consider and endorse or make recommendations to the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on the proposed decision to:

1. authorise the granting of a new lease, for a term in excess of 20 years, in order for a new electricity substation to be built within the school grounds. This will serve new operational accommodation and development within the school grounds; and
2. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

1. Introduction

- 1.1 Kent County Council (KCC) is currently converting and upgrading the heating system from oil to a more efficient air source heat pump system following the receipt of external funding. The air source heat pumps cannot be powered by the existing electricity supply to the school. In order that an adequate electricity supply can be provided for the new pumps, it is necessary for a new electricity substation to be provided on site by UK Power Networks. The proposed new substation will serve the school only and no other properties.

- 1.2 UK Power Networks have been appointed to install and connect the proposed sub station, which will remain their property. To enable the sub station to be provided, UK Power Networks require the KCC to grant to them a lease of a term of 99 years, to provide them with security of tenure for their desired legal estate in the land, having regard to the costs incurred in providing and maintaining the sub station. UK Power Networks also require such a long lease to be granted to them for nominal consideration i.e. a rent of £1 (one pound) per annum.
- 1.3 UK Power Networks' lease requirements accord with previous leases granted to them by KCC for sub stations within school sites, which serve developments within the school only.
- 1.4 In order that UK Power Networks can proceed with the provision, connection, use and maintenance of a new sub station it first requires KCC to commit to the granting of a 99 year Lease.

2. Proposed Terms

2.1 The proposed terms are as follows:

- a lease term of 99 years, together with rights of access and associated cable rights,
- a rent of £1 per annum, if demanded, without review, throughout the term of the lease,
- UK Power Networks to enclose the substation so it cannot be accessed by users of the adjoining school,
- the substation to serve the school only,
- UK Power Networks to be responsible for all repairs and maintenance of the new substation,
- UK Power Networks to be responsible for maintaining insurance cover in respect of the new sub station.
- upon expiry or sooner determination of the new lease, UK Power Networks
 - to remove the substation, cap off all service connections
 - thereto and reinstate all surfaces disturbed to KCC's reasonable satisfaction.

2.2 Any other terms as may be agreed between KCC and UK Power Networks and recommended for authorisation to the Director of Infrastructure.

3. Financial Implications

3.1 Each party to bear its own costs upon completion of the Lease.

3.2 A rent of £1 (one pound) per annum, if demanded, is proposed within the 99 year lease, in line with usual practice.

3.3 The project was part of KCC's bid to the government's Public Sector Decarbonisation Scheme, which was announced as part of the Chancellor's 'Plan for Jobs 2020' and launched in September 2020. Phase 1 of the scheme provides grants to public sector bodies to fund heat decarbonisation and energy efficiency measures. KCC were successful on several schemes and KCC have received £250k towards the cost

of upgrading to air source heat pumps at St Edmunds Church of England Primary School.

4. Legal implications

- 4.1 KCC is the current owner of the land upon which the substation is to be located, together with all necessary rights of access and associated cable rights.
- 4.2 External legal advisors will be appointed as appropriate, in consultation with General Counsel.

5. Equalities implications

An Equality Impact Assessment (EqIA) was completed in February 2023 and it is not felt that this decision presents any impact on any of the nine areas specified by KCC Consultations.

6. Consultation

- 6.1 The local Member has been notified.

7. Governance

- 7.1 A Cabinet Member decision is required due to the length of the lease exceeding 20 years.
- 7.2 The proposed decision will delegate authority to the Director of Infrastructure to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this decision.

8. Conclusion

- 8.1 In order for the new air source heat pumps to be commissioned and become operational, a new electricity substation is required to be provided on site by UK Power Networks and therefore requires KCC to grant them a lease of a term of 99 years.

9. Recommendation(s)

Recommendation(s):

The Policy and Resources Cabinet Committee is asked to consider and endorse or make recommendations to the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services on the proposed decision to:

- 1. authorise the granting of a new lease, for a term in excess of 20 years, in order for a new electricity substation to be built within the school grounds. This will serve new operational accommodation and development within the school grounds; and
- 2. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

10. Background Documents

- Appendix A – Proposed Record of Decision
- Appendix B – Published EQIA

11. Contact details

Report Author(s):	Relevant Director(s):
<p>Andrew White Principal Estates Manager Infrastructure Telephone: 03000 41 68 25 E-mail: Andrew.White@kent.gov.uk</p> <p>James Sanderson Head of Property Operations Infrastructure Telephone: 03000 41 76 06 E-mail: James.sanderson2@kent.gov.uk</p>	<p>Rebecca Spore Director of Infrastructure Infrastructure Telephone: 03000 416716 E-mail: Rebecca.spore@kent.gov.uk</p>

KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY:

Mr Oakford, The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services

DECISION NO:

To be allocated by Democratic Services

For publication

Key decision: Non-Key Decision

Subject Matter / Title of Decision:

Grant of Long Lease to UK Power Networks for operation and use of Sub Station at St Edmunds Church of England Primary School, West Kingsdown

Decision:

As Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, I agree to:

1. authorise the granting of a new lease, for a term in excess of 20 years, in order for a new electricity substation to be built within the school grounds. This will serve new operational accommodation and development within the school grounds; and
2. authorise the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to take necessary actions, included but not limited to entering into relevant contracts or other legal agreements, as required to implement this.

Reason(s) for decision:

In order for the new air source heat pumps to be commissioned and become operational, a new electricity substation is required to be provided on site by UK Power Networks and therefore requires Kent County Council to grant them a lease of a term of 99 years.

Cabinet Committee recommendations and other consultation:

To be discussed at the Policy and Resources Cabinet Committee on 9 March 2023.

Any alternatives considered and rejected:

None.

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

None.

.....
signed

.....
date

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EQIA Submission – ID Number

Section A

EQIA Title

Granting of a long lease for an electricity sub station at St Edmunds C of E Primary School at West Kingsdown

Responsible Officer

Andrew White - ST INF

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

Project/Programme

Commissioning/Procurement

No

Strategy/Policy

No

Details of other Service Activity

No

Accountability and Responsibility

Directorate

Strategic and Corporate Services

Responsible Service

Children Young People and Education

Responsible Head of Service

James Sanderson - ST INF

Responsible Director

Rebecca Spore - ST INF

Aims and Objectives

To seek Member approval to the granting of a long lease and delegation of authority to the Director of Infrastructure in consultation with the Cabinet Member for Finance, Corporate and Trading Services.

Section B – Evidence

Do you have data related to the protected groups of the people impacted by this activity?

Yes

It is possible to get the data in a timely and cost effective way?

Yes

Is there national evidence/data that you can use?

Yes

Have you consulted with stakeholders?

Yes

Who have you involved, consulted and engaged with?

We have consulted the Local member, Mr Brazier, on 1st February 2023, who has acknowledged receipt of such consultation and has not raised any queries. We will be consulting the County Council's Members via the Policy and Resources Cabinet Committee on 9th March 2023.

Has there been a previous Equality Analysis (EQIA) in the last 3 years?

No

Do you have evidence that can help you understand the potential impact of your activity?

Yes
Section C – Impact
Who may be impacted by the activity?
Service Users/clients Service users/clients
Staff Staff/Volunteers
Residents/Communities/Citizens Residents/communities/citizens
Are there any positive impacts for all or any of the protected groups as a result of the activity that you are doing?
Yes
Details of Positive Impacts
The electricity sub station will serve new air source heat pumps being installed at the school, which will have a positive impact on the users of the school accommodation and provision of education to such users.
Negative impacts and Mitigating Actions
19. Negative Impacts and Mitigating actions for Age
Are there negative impacts for age?
No
Details of negative impacts for Age
Not Applicable
Mitigating Actions for Age
Not Applicable
Responsible Officer for Mitigating Actions – Age
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Mitigating actions for Carer's responsibilities
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Responsible Officer for Carer's responsibilities
Not Applicable

From: Peter Oakford, Deputy Leader, Cabinet Member for Finance,
Corporate and Traded Services

Ben Watts, General Counsel

To: Policy and Resources Cabinet Committee – 9 March 2023

Subject: **Work Programme 2023**

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 note its planned work programme for 2023

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 Chair, Vice-Chair and group spokesmen.
- 1.2 Whilst the Chair, 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” and these should also inform the suggestions made by Members for appropriate matters for consideration.

3. Work Programme 2023

- 3.1 The Cabinet Committee is requested to consider and note the items within the proposed Work Programme, set out in the appendix to this report, and to suggest any additional topics to be considered for inclusion on agendas 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 Chair or the Democratic Services Officer between meetings for consideration.

5. Recommendation: The Policy and Resources Cabinet Committee is asked to consider and note its planned work programme for 2023

6. Background Documents

None.

7. Contact details

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POLICY AND RESOURCES CABINET COMMITTEE - WORK PROGRAMME 2023

24 May 2023 – 10 am (moved from 11 May) – agenda setting 30 March at 3.00 pm (online)		
<ul style="list-style-type: none"> Property Accommodation Strategy - Strategic Headquarters 	Rebecca Spore James Sanderson Karen Frearson Simon Dodd	<i>decision report</i> <i>Moved from March</i>
<ul style="list-style-type: none"> Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department 	David Whittle Rachel Kennard	<i>Regular item – agreed at 19 Jan agenda setting to maintain pattern of alternate meetings</i>
<ul style="list-style-type: none"> Facilities Management update (bi-annual) 	Rebecca Spore	<i>Regular item</i> <i>Moved from March</i>
Page 89 <ul style="list-style-type: none"> Kent Partnerships Update - Kent Estates Partnership (KEP) and Kent Connects 	Rebecca Spore Phil Murphy Julie Johnson	
<ul style="list-style-type: none"> Disposal of Phase II Youth Centre Site, Station Road, New Romney 	Rebecca Spore Karen Frearson Simon Dodd	<i>Key Decision</i> <i>Moved from March</i>
<ul style="list-style-type: none"> Kent Public Service Network (KPSN) 	Lisa Gannon Stuart Cockett	<i>Regular item</i> <i>Moved from March as procurement process has taken longer than expected</i>
<ul style="list-style-type: none"> Renewal of Microsoft Enterprise Agreement 	Lisa Gannon	<i>Key decision</i>
<ul style="list-style-type: none"> Enterprise Business Capability MAY OR JULY? TBC 	Lisa Gannon	
<ul style="list-style-type: none"> Disposal of Former Rosemary Centre, High Road, Dartford, DA2 7DP 	Rebecca Spore Karen Frearson Hugh D'Alton	<i>Key Decision</i> <i>Moved from March</i>
<ul style="list-style-type: none"> Commissioning of legal services, incl full costings 	Ben Watts	<i>requested at 23 November mtg</i> <i>Moved from March</i>

• Work Programme 2023		
4 July 2023 – 2 pm – agenda setting 18 May at 3.00 pm (online)		
• Contract Management Review Group update	Clare Maynard Chris Wimhurst	<i>Regular item</i>
• Regular Medium Term Financial Plan (MTFP) update	Zena Cooke Dave Shipton	<i>Regular item – every other meeting (not in March as too soon after budget setting)</i>
• Enterprise Business Capability MAY OR JULY? TBC	Lisa Gannon	
• Work Programme 2023		

Page 90	MARCH 2024 – date not yet set	
	• Update on Asset Management Plan	Karen Frearson Mark Cheverton
		<i>Moved to 2024 due to new Facilities Management arrangements. (frequency thereafter to be confirmed)</i>

PATTERN OF REGULAR ITEMS

JANUARY	Annual	Draft Revenue and Capital Budget and Medium-Term Financial Plan	Zena Cooke Dave Shipton
	Annual	Implementation of the Armed Forces Covenant in Kent	Tim Woolmer
	Every other meeting	Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department	David Whittle Rachel Kennard
MARCH	Annual	Risk Management (Including RAG ratings)	David Whittle Mark Scrivener
	Annual	Cyber Security	Lisa Gannon

	Six-monthly	Contract Management Review Group update	Clare Maynard Chris Wimhurst
	Every other meeting	Regular Medium Term Financial Plan (MTFP) update	Zena Cooke Dave Shipton
MAY	Annual	Kent Partnerships Update - Kent Estates Partnership (KEP) and Kent Connects	Rebecca Spore Phil Murphy Julie Johnson
	Six-monthly	Facilities Management update	Rebecca Spore
	Every other meeting	Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department	David Whittle Rachel Kennard
JULY	Every other meeting	Regular Medium Term Financial Plan (MTFP) update	Zena Cooke Dave Shipton
SEPTEMBER	Six-monthly	Contract Management Review Group update	Clare Maynard Chris Wimhurst
	Every other meeting	Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department	David Whittle Rachel Kennard
NOVEMBER/ DECEMBER	Annual	Annual Equality and Diversity Report (in 2022 moved to January)	David Whittle
	Six-monthly	Facilities Management update	Rebecca Spore
	Every other meeting	Regular Medium Term Financial Plan (MTFP) update	Zena Cooke Dave Shipton

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