AGENDA

POLICY AND RESOURCES CABINET COMMITTEE

Tuesday, 19 September 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, Mr P V Barrington-King, Mr P Bartlett, Mr T Bond, Mr D L Brazier, Mr T Cannon, Mr N J D Chard, Mr P C Cooper, Mr M Dendor (Vice-Chairman), Mr J P McInroy, Mr H Rayner and Mr M Whiting

Labour (2): Ms M Dawkins and Dr L Sullivan

Liberal Democrat (1): Mr A J Hook

Green and Independent (1): Rich Lehmann and Mr P Stepto

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 26 July 2023 (Pages 1 - 10)

5   Election of Chair

6   Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department (Pages 11 - 28)

7   Information Governance Update (Pages 29 - 30)

EXEMPT ITEMS

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

Ben Watts,
General Counsel
03000 416814

Monday, 11 September 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, 26 July 2023

PRESENT: Mr R J Thomas (Chair), Mr N Baker, Mr P V Barrington-King, Mr P Bartlett, Mr T Cannon, Mr N J D Chard, Mr M Dendor, Mr J P McInroy, Mr H Rayner, Mr P Stepto, Dr L Sullivan, Mr M Whiting, Mrs R Binks (Substitute), Mr A Brady (Substitute), Mr I S Chittenden (Substitute) and Mr D Jeffrey (Substitute)

ALSO PRESENT: Mr R Gough, Mr P Oakford, Mrs S Prendergast

IN ATTENDANCE: Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mrs A Beer (Deputy Chief Executive), Mrs R Spore (Director of Infrastructure), Mr B Watts (General Counsel), Ms L Gannon (Director of Technology), Miss K Reynolds (Democratic Services Officer), Ms Z Cooke (Corporate Director of Finance), Ms C Grosskopf (Policy Manager), Mr J Sanderson (Head of Property Operations), Mr M Thomas-Sam (Strategic Business Adviser, Social Care), Ms C Maynard (Interim Head of Commissioning), and Ms K Frearson (Head of Property Strategy)

UNRESTRICTED ITEMS

149. Apologies and Substitutes
(Item 2)

Apologies for absence had been received from Mr Hook, Mr Bond, Mr Cooper, Ms Dawkins, and Mr Lehmann. Mr Chittenden, Mr Jeffrey, Mrs Binks and Mr Brady were present as substitutes.

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

There were no declarations of interest.

151. Minutes of the meeting held on 24 May 2023
(Item 4)

It was RESOLVED that the minutes of the meeting held on 24 May 2023 are correctly recorded and they be signed by the Chair. There were no matters arising.

152. Election of Vice-Chair
(Item 5)

1. Mr Baker proposed, and Mr Rayner seconded that Mr Dendor be elected Vice-Chair of the Cabinet Committee.

2. It was agreed unanimously that Mr Dendor be elected Vice-Chair of the Cabinet Committee.

RESOLVED that Mr Dendor be elected Vice-Chair of the Cabinet Committee.

153. Property Accommodation Strategy - Strategic Headquarters
(Item 6)

It was moved that, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for this item. The item was deferred to Part 2 of the meeting and considered in private. A summary of the minutes has been provided where access to these minutes remains restricted.

1. Mr Oakford and Mrs Spore introduced the report and updated the Policy and Resources Cabinet Committee following the decision 21-00064 on 13 August 2021 which confirmed a preferred option for the development of the KCC Property Accommodation Strategy for its Strategic Headquarters. It was said that a review of the options was necessary as previous, more comprehensive options were no longer achievable given the financial constraints that KCC was operating within. Members were reminded that a significant constraint with the SHQ estate is the restrictive covenants in the favour of the Ministry of Justice (MoJ). The officers were working closely with the MoJ to establish viable options for SHQ.

RESOLVED to endorse the proposed decision to:
   a) Agree to discontinue with the Preferred Option as set out decision 21-00064;
   b) Note and agree the current business case and Value for Money assessment recommendations and that a further market test of Sessions House will be progressed to enable the next steps and approach to be agreed;
   c) Allocate £3.4m from the 2023-33 approved capital budget to enable the essential and urgent backlog maintenance works at Invicta House to be completed; and
   d) Agree to delegate authority to the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, Corporate Director, Finance and General Counsel to authorise the execution of necessary contractual and land agreements required to implement the above.

154. Regular Medium Term Financial Plan (MTFP) update
(Item 7)

1. Mrs Zena Cooke and Mr Dave Shipton introduced the report which provided an update on the development of 2024-25 budget and 2024-27 medium term financial plan. It was said that since the launch of the budget consultation on 13th July, approximately 400 responses had been received. This was consistent with previous years.

2. In response to questions and comments from Members it was said that:

   a) The Outcomes Based approach replaced the previous incremental demographic demand growth and service improvements based approach.

Each budget proposal would be accompanied with a detailed risk assessment to allow Members to make an informed judgement of the proposal.

b) The Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services said that the budget may not fully align with Framing Kent's Future, the top-level council strategy for 2022 to 2026, due to the Council's financial position.

c) The funding assumptions for 2024/25 take into account the government's published spending plans, specifically a higher settlement in the form of additional social care grants. There would be an opportunity to consider the 2025/26 funding assumptions at a future meeting.

RESOLVED to note the report.

155. Update on the Afghan Resettlement and United Kingdom Resettlement Schemes
(Item 8)

1. Mr Michael Thomas-Sam and Ms Christine Grosskopf introduced the report which provided an overview of the following refugee resettlement schemes being managed by Kent County Council (in partnership with the district housing authorities) and an update on the work being undertaken to inform the future support service arrangements. Members were reminded that the scheme was self-funded using ring-fenced funding received from Government.

2. In response to questions and comments from Members it was said that:

a) There were 52 Afghan families settled across Kent under Afghan Relocation and Assistance Policy (ARAP) or Afghan Citizens Resettlement Scheme (ACRS) at the time of the meeting. It was expected that this would increase to about 95 families by the end of August, following the closure of the Afghan bridging hotels. The team were working closely with all the district housing authorities across Kent to find suitable homes.

b) Eligible individuals granted settled status under the ARAP or ACRS were able to enter into rental agreements and claim benefits and other public funds. In these cases, the tenancy arrangements were primarily between the individual family and the private sector landlord. In contrast, asylum seekers were accommodated by the Home Office in dispersed housing arrangements.

c) Mr Roger Gough highlighted that the Government's programme to increase the use of dispersed accommodation for adult asylum seekers in the South East presented a challenge for the Council as there were currently significant numbers in hotels and other contingency accommodation, such as Napier Barracks.

RESOLVED to note the contents of the report and note that a paper on future service options would be presented to this Cabinet Committee before the end of the year.

156. Homes for Ukraine Programme Update
(Item 9)

1. Mr Gough introduced the report which provided an update on the Homes for Ukraine Scheme since the implementation of decision 22/00037.

2. In response to questions and comments from Members it was said that:

   a) Rebecca Spore would provide clarification on the number of Ukrainian refugees leaving Ukraine to neighbouring countries to flee the conflict.
   b) Mr Shipton confirmed that the additional 'Thank You' payments agreed by KCC were funded using the Homes for Ukraine Scheme government grant. It was said that the while the underspend for 2022/23 had been rolled into 2023/24, it had not yet been confirmed if this would be permissible for the next financial year.
   c) There was additional funding to councils to provide education services, including early-years learning, for children from families arriving from Ukraine under this scheme. KCC worked closely with key partners to communicate with families in the scheme to understand the specific education needs and to put appropriate measures in place.

RESOLVED to note the contents of the update report.

157. 23/00063 - Enterprise Business Capabilities Modernisation
(Item 10)

It was moved that, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for this item. The item was deferred to Part 2 of the meeting and considered in private. A summary of the minutes has been provided where access to these minutes remains restricted.

1. Ms Lisa Gannon and Mr Oakford introduced the report which updated the Policy and Resources Cabinet Committee with the details of the Full Business Case (FBC). It was recommended that KCC move to a new Enterprise Business Capabilities (EBC) platform, Oracle Cloud Fusion Software. This would be achieved through a multi-year implementation programme.

RESOLVED to consider and endorse the proposed decision to:
   a) award a contract of 8 years for the provision of a cloud-based finance, HR, procurement and payroll service;
   b) award a contract for a System Implementor Partner, to support the Enterprise Business Capabilities Programme in implementing and Integrating the Cloud solution; and
   c) delegate authority to the Director of Technology in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, for the necessary contractual negotiations and authority to enter into any legal agreements to implement the above.

158. Commissioning of Legal Services
(Item 11)

It was moved that, under Section 100A of the Local Government Act 1972, the press and public be excluded from the meeting for this item. The item was deferred to Part 2 of the meeting and considered in private. A summary of the minutes has been provided where access to these minutes remains restricted.

1. Mr Ben Watts introduced the report which provided an update in relation to the arrangements for the commissioning of legal services within the Council.

RESOLVED to note the Legal Commissioning Update.

159. Annual Information Governance Update
(Item 12)

1. Mr Ben Watts introduced the report which set out some of the activities and actions that had been undertaken in relation to the Council's repeated failure to meet the statutory and performance targets relating to responses provided to FOI queries and Subject Access Requests. A planned Member briefing would facilitate a deep dive into some of the complex issues. Members were told the Information Governance team were looking at how to use technology to support further efficiencies. It was also highlighted that the performance of the relevant directorates in responding to FOI queries and Subject Access Requests would be included for consideration at the appropriate Cabinet Committee meeting.

2. In response to questions and comments from Members it was said that:

   a) The processes in place for responding to these requests were being reviewed, including the step involving Cabinet Member sign-off of all responses. The use of technology and automation was intended to increase transparency.
   b) Further information regarding the correlation between the subjects of unanswered complaints and FOI queries could be provided at the briefing.
   c) Members were encouraged to email the Clerk with their requests for clarification or further information ahead of the briefing.

RESOLVED to:
   a) Note the update on the proposed changes to the Freedom of Information Request Process; and
   b) Note the activity undertaken within Governance, Law and Democracy to transform Information Governance processes and improve compliance with KCC policies.
   c) Note plans to organise a Member Briefing ahead of the next meeting of the Committee to provide further details of the FOI process, requests and improvements planned.

160. Decision taken between Cabinet Committee Meetings - 23/00067
(Item 13)

1. Mr James Sanderson and the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services introduced the report which outlined why Decision No. 23/00067, Reinforced Autoclave Aerated Concrete (RAAC) in Schools, was taken in accordance with sections 12.32 and 12.35 of the Council's constitution. It was said that since the key decision was taken, another school had RAAC identified. The school was likely to re-open by the end of August 2023.

2. In response to questions and comments from Members it was said that:

   a) A future paper would be brought to the Committee following the conclusion of the commissioned RAAC survey of all the corporate landlord sites.
   b) There were ongoing conversations with the DfE regarding the classification of capital and revenue costs and reimbursement of costs associated with the works relating to this Decision.

RESOLVED to note that Decision No. 23/00067, Reinforced Autoclave Aerated Concrete in Schools, was taken in accordance with sections 12.32 and 12.35 of the Council's constitution.

161. Work Programme
(Item 14)

RESOLVED to consider and note the planned work programme for 2023 subject to the addition of a regular update item on the Enterprise Business Capabilities (EBC) Modernisation implementation.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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From: Roger Gough, Leader of the Council

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

          Dylan Jeffrey, Cabinet Member for Communications and Democratic Services

          Amanda Beer, Interim Chief Executive Officer

To: Policy and Resources Cabinet Committee – 19 September 2023

Subject: Performance Dashboard for the Chief Executive's Department and Deputy Chief
          Executive's Department

Classification: Unrestricted

Summary:

The Performance Dashboard for the Chief Executive's Department (CED) and Deputy
Chief Executive's Department (DCED), shows performance against targets set for Key
Performance Indicators (KPIs).

21 of the 27 KPIs achieved target for the latest month and were RAG (Red/Amber/Green)
rated Green, two were below target but did achieve the floor standard (Amber) and four did
not achieve the floor standard (Red).

Recommendation:

The Policy and Resources Cabinet Committee is asked to NOTE the performance position
for the Chief Executive's Department and Deputy Chief Executive's Department**.**

1.   Introduction

1.1. Part of the role of Cabinet Committees is to review the performance of the functions
of the Council that fall within the remit of the Cabinet Committee. To support this role
performance dashboards are regularly reported to each Cabinet Committee throughout the
year, and this is the first report for the 2023/24 financial year.

2.   Performance Dashboard

2.1. The current Performance Dashboard for CED and DCED provides results up to June
2023 and is attached in Appendix 1.

2.2. The Dashboard provides a progress report on performance against target for the 27
KPIs for 2023/24. The Dashboard also includes a range of activity indicators which help
give context to the KPIs.

2.3. KPIs are presented with RAG alerts to show progress against targets. Details of how the alerts are generated are outlined in the Guidance Notes, included with the Dashboard in Appendix 1.

2.4. Of the 27 KPIs, the latest RAG status is as follows:

- Twenty-one are rated Green – the target was achieved or exceeded;

- Two are rated Amber – performance achieved or exceeded the expected floor standard but did not meet the target for Green;

- Four are rated Red – performance did not meet the expected floor standard. These are:

    o FN07: Invoices received by Accounts Payable within 15 days of KCC received date
    o CS07: Complaints responded to in timescale
    o GL02: Freedom of Information Act requests completed within 20 working days.
    o GL03: Data Protection Act Subject Access Requests (SARs) completed within statutory timescales.

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3.   Recommendation

The Policy and Resources Cabinet Committee is asked to NOTE the performance position for the Chief Executive's Department and Deputy Chief Executive's Department**.**

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4.   Contact details

Report Author:

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Chief Executive's Department
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Relevant Director:
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Director of Strategy, Policy, Relationships & Corporate Assurance
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Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department

Financial Year 2023/24

Results up to June 2023

Produced by Kent Analytics

Guidance Notes

Key Performance Indicators

All Key Performance Indicators are provided with RAG (Red/Amber/Green) ratings.

RAG ratings are based on Targets and Floor Standards brought before the Cabinet Committee in May 2023.

Where relevant, RAG ratings are given for both the latest month and year to date (YTD).

RAG Ratings

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

*Floor Standards are the minimum performance expected and if not achieved must result in management action

Activity Indicators

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

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

Key Performance Indicator Summary

Finance	Latest RAG	YTD RAG
FN06: Sundry debt due to KCC outstanding over 6 months old	GREEN	N/A
FN07: Invoices received by Accounts Payable within 15 days of KCC received date	RED	RED
FN08: Invoices received on time by Accounts Payable processed within 30 days	GREEN	GREEN
FN11: Percentage of financial assessments completed within 15 days of referral	GREEN	AMBER
FN12: Percentage of working days aggregate bank balance is in credit	AMBER	AMBER
FN13: Percentage of working days average credit rating for internally managed cash portfolio is no lower than AA	GREEN	GREEN
FN14: Percentage of third-party insurance claims resolved within the designated timescales	GREEN	GREEN

Governance, Law & Democracy	Latest RAG	YTD RAG
GL01: Council and Committee papers published at least five days before meetings	GREEN	GREEN
GL02: Freedom of Information Act requests completed within 20 working days	RED	RED
GL03: Subject Access Requests (SARs) completed within statutory timescales	RED	RED

Marketing and Resident Experience	Latest RAG	YTD RAG
CS01: Callers who rate the advisors in Contact Point as good	GREEN	GREEN
CS04a: Daytime calls to Contact Point answered	GREEN	GREEN
CS04b: Out of hours calls to Contact Point answered	AMBER	AMBER
CS06a: Daytime calls achieving 85% of quality scorecard	GREEN	GREEN
CS06b: Out of hours calls achieving 85% of quality scorecard	GREEN	GREEN
CS07: Complaints responded to in timescale	RED	RED

Human Resource and Organisational Development	Latest RAG	YTD RAG
HR09: Training evaluated by participants as having delivered stated learning outcomes	GREEN	GREEN

Health and Safety	Latest RAG	YTD RAG
HR25: Completed corporate themed Health and Safety audits sent within timescale	GREEN	GREEN

Technology	Latest RAG	YTD RAG
ICT01: Calls to ICT Help Desk resolved at the first point of contact	GREEN	GREEN
ICT02: Positive feedback rating with the ICT help desk	GREEN	GREEN
ICT03: Working hours where Kent Public Sector Network is available to staff	GREEN	GREEN
ICT04: Working hours where ICT Services available to staff	GREEN	GREEN
ICT05: Working hours where email is available to staff	GREEN	GREEN

Infrastructure	Latest RAG	YTD RAG
PI01: Rent due to KCC outstanding over 60 days	GREEN	N/a
PI05: Percentage of scheduled Planned Preventative Maintenance completed by due date	GREEN	GREEN
PI06: Percentage of reactive help desk tasks completed by due date	GREEN	GREEN
PI07: Percentage of help desk calls answered within timescale	GREEN	GREEN

Chief Executive's Department

Service Area	Director	Cabinet Member
Finance	**Zena Cooke**	**Peter Oakford**

Key Performance Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Month RAG	YTD	YTD RAG	Target	Floor	Mar-23
FN06	Percentage of sundry debt due to KCC outstanding over 6 months old	11%	19%	20%	**21%**	GREEN	n/a		30%	35%	11%
FN07	Percentage of invoices received by Accounts Payable within 15 days of KCC received date	Revised indicator	56%	63%	**65%**	RED	**61%**	RED	90%	85%	Revised indicator
FN08	Percentage of invoices received on time by Accounts Payable processed within 30 days	99%	97%	98%	**98%**	GREEN	**98%**	GREEN	98%	95%	99%
FN11	Percentage of financial assessments completed within 15 days of referral	91%	75%	90%	**93%**	GREEN	**87%**	AMBER	90%	85%	91%
FN12	Percentage of working days aggregate bank balance is in credit	New Indicators for 2023/24	95%	94%	**95%**	AMBER	**95%**	AMBER	100%	90%	New Indicators for 2023/24
FN13	Percentage of working days average credit rating for internally managed cash portfolio is no lower than AA		100%	100%	**100%**	GREEN	**100%**	GREEN	100%	90%	
FN14	Percentage of third-party insurance claims resolved within the designated timescales		99%	98%	**99%**	GREEN	**99%**	GREEN	95%	85%	

FN07 – This KPI has been revised to measure invoices received within 15 days instead of within 30 days which it was last year. This was identified as a key revision to ensure payments are made on time. Of the 6,684 invoices received in June, 2,337 invoices were received in Exchequer after 15 days. The performance information relating to the submission of invoices will be reviewed by the Corporate Director (Finance) with the details provided to the relevant Corporate Director on a monthly basis to ensure that this is prioritised and the performance improved. The previous KPI set at 30 days shows a YTD performance of 79% and so still short of achieving the new floor standard.

FN11 – This KPI met target in May and June. There is a reduced target of 70% for April due to the anticipated additional workload to complete the annual reassessment of over 15,000 clients. Therefore, April also met its target.

FN12 – On one day for each of the first three months of the year, the aggregate bank balance went into overdraft. On each of these occasions the reason was investigated. In April it was the result of one delayed repayment, in May and June it could not be attributed to a single transaction and may have been the net result of several transactions within the aggregate bank accounts. These transaction types may include unnotified same day payment clearances, cash withdrawals, uncleared receipts and applied charges.

Activity Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Year to date	Previous Year
FN06b	Value of debt due to KCC (£000s)	43,726	25,093	25,343	**22,240**	N/a	39,661
FN07b	Number of invoices received by KCC	9,689	6,412	8,066	6,684	**21,162**	31,855
FN11b	Number of financial assessments received	1,025	684	1,055	1,058	**2,797**	2,161
FN14b	Number of insurance claims resolved	New indicator	300	313	219	**832**	New indicator

Service Area	Director	Cabinet Member
Governance, Law & Democracy	**Ben Watts**	**Dylan Jeffrey**

Key Performance Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Month RAG	YTD	Year RAG	Target	Floor	Prev. Year
GL01	Council and Committee papers published at least five clear days before meetings	100%	100%	100%	100%	GREEN	**100%**	GREEN	100%	96%	**100%**
GL02	Freedom of Information (FOI) / Environmental Information Regulation (EIR) requests completed within 20 working days	71%	69%	83%	**60%**	RED	**70%**	RED	92%	90%	**77%**
GL03	Data Protection Act Subject Access Requests (SARs) completed within timescales	63%	63%	43%	**47%**	RED	**50%**	RED	90%	85%	**64%**

GL02 – For the year since April, no Directorate has achieved target, with the best performing being Children, Young People and Education with 78% completed in timescale, The highest number of requests continue to be received by Growth, Environment and Transportation (186 requests since April 2023). Reasons for delays in dealing with requests include prioritisation of other work, and time taken to produce a thorough response to complex requests. Year to date numbers of requests are up by 8.7%.

GL03 - For Subject Access Requests (SARs) since April, over 80% of these came under the Children, Young People and Education Directorate. Reasons for delays have previously been advised and include the number of requests, complexity of some requests, prioritising of other work, lack of resource and the need for the acquisition and use of redacting tools for electronic records which can add significant time when responding. Year to date numbers of requests are up by 56.2%.

Members of the Policy and Resources Cabinet Committee will be receiving a detailed briefing in October 2023 and an improvement plan for each directorate will be presented to the November Policy and Resources Cabinet Committee.

Activity Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	YTD	In expected range?	Expected Activity Upper | Lower		Previous Year YTD
GL01b	Committee meetings	21	7	11	9	27	N/a			33
GL02b	Freedom of Information requests	188	159	162	205	526	Above	520	420	484
GL03b	Data Protection Act Subject Access requests	48	51	69	55	175	Above	150	120	112

Deputy Chief Executive's Department

Service Area	Head of Service	Cabinet Member
Marketing and Resident Experience	**Christina Starte**	**Dylan Jeffrey**

Key Performance Indicators - Monthly

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Month RAG	YTD	YTD RAG	Target	Floor	Prev. Year
CS01	Percentage of callers who rate the advisors in Contact Point as good	97%	97%	98%	**98%**	GREEN	**98%**	GREEN	97%	90%	97%
CS04a	Percentage of daytime calls to Contact Point answered	87%	90%	92%	**91%**	GREEN	**91%**	GREEN	90%	85%	87%
CS04b	Percentage of out of hours calls to Contact Point answered	93%	97%	95%	**91%**	AMBER	**94%**	AMBER	95%	90%	95%
CS06a	Percentage of daytime calls achieving 85% of quality scorecard	73%	74%	74%	**74%**	GREEN	**74%**	GREEN	70%	65%	73%
CS06b	Percentage of out of hours calls achieving 85% of quality scorecard	76%	73%	75%	**76%**	GREEN	**75%**	GREEN	70%	65%	80%

CS04b - Out Of hours calls peaked at times throughout June with some extreme weather events causing a large number of calls relating to Kent's roads on several days. We also saw an increase in Children's Social Care calls which sometimes increase in times of good weather. This impacted the answer rate along with higher than expected attrition and absence in the out of hours team.

Key Performance Indicator – Quarterly

Ref	Indicator description	Sep-22	Dec-22	Mar-23	Jun-23	Qtr RAG	YTD	YTD RAG	Target	Floor	Prev. Year
CS07	Percentage of complaints responded to in timescale	78%	73%	71%	58%	RED	58%	RED	85%	80%	74%

CS07 – Between April and June, 58% of complaints were responded to within timescales. In terms of Directorate performance, the Chief Executive's Department and Deputy Chief Executive's Departments, together achieved 90% of responses within target; Adult Social Care and Health, 61%; Growth, Environment and Transport, 56%; and Children, Young People and Education, 39%. Whilst performance remains below the floor standard overall, this is in part due to the work being taken to respond to overdue cases. An action plan has been put in place to reduce backlogs within Highways and Special Educational Need (SEN) services; these will take some time to reduce, and the impact on performance will continue throughout this year.

There was an increase in complaints received for Household Waste Recycle Centres (HWRCs) due to issues with the booking system and the news regarding potential closures of some HWRC sites across Kent. There was also an increase in complaints regarding potholes and road works with concerns around damage to cars and traffic issues respectively.

Activity Indicators

Ref	Indicator description	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Year to Date	In expected range?	Expected Range Upper | Lower		Prev. Yr YTD
CS08	Number of calls answered by Contact Point	34,448	39,561	34,340	35,815	37,149	**107,304**	Yes	119,000	98,000	108,712
CS12	Number of visits to the KCC website, kent.gov (000s)	569	672	636	670	648	**1,954**	**Below**	2,390	1,970	2,178
CS13	Average speed of answer (ASA) by Contact Point - priority services	New indicators		48	37	44	**43**	Yes	43	30	N/a
CS14	Average speed of answer (ASA) by Contact Point - all services			109	89	116	**105**	**Below**	300	180	N/a

CS12 – Lower numbers of visits may be due to fewer Covid related pages being visited than the previous year. This includes the Reconnect Programme pages aimed at reconnecting children with their pre-pandemic lives.

CS14 – Performance below the lower threshold for this indicator shows calls are being answered promptly.

Service Area	Director	Cabinet Member
Human Resources and Organisational Development	**Paul Royel**	**Dylan Jeffrey**

Key Performance Indicators – Monthly

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Month RAG	YTD	YTD RAG	Target	Floor	Prev Year
HR09	Training evaluated by participants as having delivered stated learning outcomes	99%	99%	99%	**98%**	GREEN	**99%**	GREEN	97%	95%	99%

Activity Indicators

Ref	Indicator description	Feb-23	Mar-23	Apr-23	May-23	Jun-23	In expected range?	Expected Range Upper	Lower	Prev. Yr YTD
HR12	Number of current change activities being supported	99	93	93	94	**90**	Yes	90	80	86
HR13	Total number of e-learning training programmes completed (YTD)	58,739	64,248	5,664	10,467	**15,727**	Yes	16,250	13,750	14,478
HR16	Number of registered users of Kent Rewards	25,935	26,356	26,577	26,668	**26,683**	Yes	27,000	25,000	25,365
HR21	Number of current people management cases being supported	132	127	108	106	**111**	**Above**	100	90	113
HR23	Percentage of staff who have completed all 3 mandatory learning events	86%	87%	87%	87%	**88%**	Yes	90%	80%	82%

HR21 - Case activity is driven by requests from Managers and fluctuates from month to month. The high level indicates that managers are taking a robust approach and managing cases through the appropriate channels with HR support and advice.

Service Area	Interim Head of Service	Cabinet Member
Health and Safety	Maria Kelly	Dylan Jeffrey

Key Performance Indicators – Quarterly

Ref	Indicator description	Sep-22	Dec-22	Mar-23	Jun-23	Qtr RAG	YTD	YTD RAG	Target	Floor	Prev. Year
HR25	Percentage of corporate themed Health and Safety audits sent in 7 days	100%	100%	100%	**100%**	GREEN	**100%**	GREEN	90%	85%	N/a

Service Area	Director	Cabinet Member
Technology	Lisa Gannon	Peter Oakford

Key Performance Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Month RAG	YTD 2023/24	Year RAG	Target	Floor	Prev. Year
ICT01	Calls to ICT Help Desk resolved at the first point of contact	74%	76%	75%	75%	GREEN	75%	GREEN	70%	65%	75%
ICT02	Positive feedback rating with the ICT help desk	91%	94%	94%	96%	GREEN	95%	GREEN	95%	90%	93%
ICT03	Working hours where Kent Public Sector Network is available to staff	100%	100%	100%	100%	GREEN	100%	GREEN	99.8%	99.0%	100%
ICT04	Working hours where ICT Services are available to staff	99.8%	100%	99.9%	100%	GREEN	99.9%	GREEN	99.0%	98.0%	99.8%
ICT05	Working hours where email is available to staff	100%	100%	100%	100%	GREEN	100%	GREEN	99.0%	98.0%	100%

Activity Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	YTD 2023/24	Previous Year YTD
ICT01b	Calls to ICT Help Desk	8,830	7,305	7,850	8,708	23,863	19,525
ICT02b	Feedback responses provided for ICT Help Desk	172	316	457	470	1,243	1,178

Service Area	Director	Cabinet Member
Infrastructure	**Rebecca Spore**	**Peter Oakford**

Key Performance Indicators

Ref	Indicator description	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Month RAG	Target	Floor	Prev. Year
PI01	Percentage of rent due to KCC outstanding over 60 days (including rent deferment invoices)	5.9%	1.9%	0.0%	0.0%	**0.0%**	GREEN	5%	10%	2.1%

Activity Indicators

Ref	Indicator description	Feb-23	Mar-23	Apr-23	May-23	Jun-23	YTD 2023/24	Previous Year YTD
PI01b	Total rent invoiced (£000s)	81	139	978	419	48	**1,445**	535
PI03c	Capital receipts banked (£000s)	0	5,698	1,073	1,580	1,604	**4,257**	2,341

Service Area	Director	Cabinet Member
Infrastructure	Rebecca Spore	Peter Oakford

Key Performance Indicators

Ref	Indicator description	Mar-23	Apr-23	May-23	Jun-23	Month RAG	YTD	YTD RAG	Target	Floor	Prev. Year
PI05	Percentage of Planned Preventative Maintenance completed by due date		99%	99%	**100%**	GREEN	**99%**	GREEN	90%	80%	
PI06	Percentage of reactive help desk tasks completed by due date	*	97%	**	**	GREEN	**97%**	GREEN	90%	80%	*
PI07	Percentage of help desk calls answered within timescale		99%	99%	**98%**	GREEN	**99%**	GREEN	90%	80%	

* New indicators from April 2023
** No data at time of reporting

Activity Indicator

Ref	Indicator description	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Year to Date	Previous Year YTD
PI05b	Number of Planned Preventative Maintenance tasks responded to			2,884	2,884	2,865	**8,633**	
PI06b	Number of reactive tasks responded to		*	791	**	**	**791**	*
PI07b	Number of help desk calls responded to			319	345	420	**1,084**	

* New indicators from April 2023
** No data at time of reporting

From: Ben Watts, General Counsel

To: Policy and Resources Cabinet Committee, 19 September 2023

Subject: Annual Information Governance Update

Status: Unrestricted

Recommendation

The Policy and Resources Cabinet Committee is asked to:

a) **NOTE** the update and **AGREE** that an update paper be brought to the next meeting.

---

1. Introduction

a) At the last meeting of the Policy and Resources Cabinet Committee, an update was provided in relation to the current situation regarding Subject Access Requests and Freedom of Information Requests.

b) Unfortunately, it was not possible to arrange the briefing ahead of this meeting and accordingly, Members are asked to NOTE this and AGREE that the promised update will now be presented to the November Committee meeting.

c) The Member Briefing has been arranged for 2pm – 5pm on 12th October in person at Sessions House and an invite has been circulated. The briefing will provide further details on the FOI, SAR and Data Breach processes, a deep dive into the requests and responses in all areas and a demonstration of some of the improvements planned.

d) At the time of publication, no such information has yet been received other than the issues raised at the July meeting in relation to complex cases and complaints, grievances and general requests which come through as or result in an FOI request. Members are therefore asked to provide any further areas of interest by no later than 4pm on 29 September 2023.

e) At the November meeting, a further paper will be provided reflecting on the Briefing session and additionally including:

    a A new data set to support Member scrutiny on information governance across all directorates

b   Directorate IG Improvement Plans to set out the service by service
    approach to improving performance

c   Information on data breaches

d   Information on the changes Governance, Law and Democracy will be
    making to maximise compliance

2.   Recommendations

The Policy and Resources Cabinet Committee is asked to:

b) **NOTE** the update and **AGREE** that an update paper be brought to the next
    meeting.

3.   Report Author and Relevant Director

Ben Watts, General Counsel
03000 416814
benjamin.watts@kent.gov.uk

From: Roger Gough, Leader of the Council

                    Amanda Beer, Interim Chief Executive

To: Policy and Resources Cabinet Committee, 19 September 2023

Subject: KCC's Artificial Intelligence Policy

Classification: Unrestricted

Past Pathway of report: Corporate Management Team

Future Pathway of report: N/A

Summary:
This report summarises the reasons for developing a policy about KCC's use of Artificial Intelligence.

Recommendation:
The Policy and Resources Cabinet Committee is asked to note KCC's Artificial Intelligence Policy, attached as Appendix A.

1. **Introduction**

1.1   Artificial Intelligence (AI) is a field of technology that is rapidly growing as it becomes increasingly integrated into many aspects of personal and industrial use. AI is not a new technology, but its capabilities and potential applications are in a period of rapid development, with the ChatGPT model in particular garnering much recent media attention. The increased use of AI is also generating interest as to how public sector organisations are utilising the technology, its potential impact on service users or residents, and to what degree they are safeguarded.

1.2   With this in mind, it has been deemed timely that KCC develop a policy to set out initial parameters for staff when embarking on any internal or external activity that will utilise AI. It is intended that this will provide reassurance to the council and stakeholders that we are establishing guidelines and expectations for how AI is used in the delivery or development of KCC's services. This policy can be found in Appendix A, and was approved by CMT on the 5 September 2023. CMT agreed that it will need to be reviewed regularly, to evolve as necessary in response to developments in the national landscape and to legislation or policy introduced by central government.

2. Growing interest in KCC's use of AI

2.1 A number of parties have already approached KCC for information on how the council currently uses or plans to use AI, the most notable being from the **Equality and Human Rights Commission** (EHRC), who requested substantial information on the extent to which KCC's services consider equality implications in the commissioning, procurement, designing and operation of services and projects that use AI, and our transparency on AI use with relevant communities and service users. KCC provided a comprehensive response to these questions which has led to discussions with EHRC colleagues who subsequently wish to co-produce a case study to showcase best practice for other public sector organisations. This will be on the example provided regarding KCC's Xantura project about data sharing to better identify and support those at risk of financial hardship.

2.2 KCC has also recently begun to receive Freedom of Information requests about AI. These have included questions asking for information about: AI-related projects; job descriptions containing references to AI skills; dedicated teams focused on management or implementation of AI; planned future use; which AI tools we are using and in which fields, and whether we have risk assessments and policies in place regarding AI.

3. Use of AI across KCC services

3.1 Through the work undertaken to respond to the EHRC's request, which included sending out an MS Form questionnaire across the organisation seeking information, we were able to identify a number of projects that were already using or planning to use AI. These are listed in Appendix B. This list reflects projects that we were aware of at the time of compiling the EHRC response in December 2022, and therefore not the current picture which will undoubtedly include other projects and activities.

4. KCC's Artificial Intelligence (AI) policy

4.1 The policy is arranged into the following sections:
- Context
- Definition of AI and how to tell if a project uses AI
- Risks of using AI:
    - Information Governance and Data Protection
    - Transparency
    - Equalities, including data bias, data quality, algorithm bias
    - Automated decision-making
    - Types of AI technology
    - Digital exclusion
- What this means for staff, including procurement and seeking assurance

4.2 The main aim of the policy is to emphasise that all relevant existing KCC policies should apply, particularly regarding the need for Equality Impact Assessments (EqIAs), Data Protection Impact Assessments (DPIAs) and ICT Compliance and Risk assessments, but that any inclusion of AI in a project or

activity will require particular transparency from commissioning to delivery. Public scrutiny in this field of technology will only increase, and KCC's services need to be mindful of this in their approach to utilising AI. The policy provides a definition of AI, sets out the risks associated with several aspects of the technology, signposts to the relevant KCC corporate service for assurance and advice, and to government or national resources for additional guidance, where appropriate.

4.3 Key colleagues across Technology, Governance, Law & Democracy, Analytics, Commissioning, and HR were engaged in developing this policy. One key area considered was the significant data protection risk arising from the use of Large Language Models (LLMs) such as ChatGPT. It was deemed by colleagues that given the potential ubiquity of this technology across many applications, KCC's position should be one of advocating a safe and measured approach to using such tools, rather than imposing blanket restrictions on their use. Colleagues agreed that there should be a focus on safe use in which staff are signposted to the right technologies, preferably those in approved platforms, and that any proposed involvement of personal or commercially sensitive data must be taken through KCC's EqIA, DPIA and ICT Compliance and Risk assessment processes. It was also proposed that in the event of any dispute over significant risks regarding the use of AI, the Corporate Information Governance Group (CIGG) should act as arbitrator. The policy therefore reflects this position and other agreed points of discussion.

5. Financial implications

5.1 There are no financial implications in the development or establishing of this interim policy. Individual council projects that involve the development or use of AI technology will undoubtedly have cost implications that will be built into their respective business cases and project plans.

6. Legal implications

6.1 There is currently no legislation that directly refers to the use of Artificial Intelligence technology. However, the council has statutory duties under the Data Protection Act 2018 and the General Data Protection Regulation (GDPR) which applies to anyone who handles or has access to information about individuals, and so has relevance to the use of AI in council services and projects, especially where sensitive data is involved. The council also has statutory duties under the Equality Act 2010 and Public Sector Equality Duty to prevent discrimination towards people with different protected characteristics. KCC therefore has a duty to ensure that individuals' information is used legally and appropriately by AI technology, that any such technology employed does not directly or indirectly discriminate against people due to data or algorithm bias, and that human challenge and oversight is retained in all use of AI.

6.2 This policy therefore seeks to set out parameters for the above and remind staff of the information governance and equality implications and considerations that will need to be undertaken for any AI-related project.

7. Equality implications

7.1   As mentioned in section 6 above, the council has statutory duties under the Equality Act 2010 to fulfil the requirements of the Public Sector Equality Duty (PSED), meaning that, as with any other project, council activity that involves the use of AI must first consider the potential impact upon people with protected characteristics. This policy has been developed with the key equality risk areas in mind, setting out the issues that officers using AI need to be aware of, how to make appropriate considerations, the existing council procedures that will need to be followed, and signposting to relevant guidance and information sources where relevant. It is anticipated that this will support council officers in responsible use of AI and facilitate their prevention and/or mitigation of potential negative impacts related to specific AI projects or AI use.

7.2   An EqIA was undertaken for the policy, which concluded that there are no potential negative impacts for the protected characteristics as a result of the policy itself. Instead, it is anticipated that the policy should have positive impacts, in guiding services to appropriately anticipate, consider and act upon any equalities risks associated with the proposed use of AI technology in a project or the delivery of a service.

7.3   As there is the potential for the use of AI in specific council projects or activities to have negative impacts on protected characteristic groups, officers will need to complete project specific EqIAs in order to understand and mitigate these potential impacts, and can utilise the guidelines and resources signposted in the policy to do so.

8. Next Steps

8.1   This policy has been brought to the Policy and Resources Cabinet Committee for information and to provide reassurance that the council is recognising the implications of the agenda. The Committee's discussion will help inform KCC's approach to management and oversight of how AI technology is used across council services. After the policy has been discussed by the Committee, it will be published on KNet and communications will go out to staff to inform them of this new policy and core messaging about what they need to know when engaging with AI technology as part of council business.

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9. Recommendation:

9.1 **Cabinet Committee -** The Policy and Resources Cabinet Committee is asked to note KCC's Artificial Intelligence Policy, attached as Appendix A.

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10. Contact details

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Appendix A: Draft Artificial Intelligence (AI) Policy

Appendix B: List of KCC projects identified as using AI

Appendix B: List of known KCC projects identified as using or planning to use AI, as of December 2022:

a. **Technology Enabled Care**
   This is a current project to trial innovations to support independent living, and include technologies such as remote monitoring and smart technologies which can utilise sensor monitoring to generate data which shows how people interact with their environment.

b. **Xantura**
   This project involves data sharing between KCC and district councils in Kent to enable better use of Xantura systems to identify Kent residents with risk factors that may make them vulnerable to experiencing financial hardship (specifically focusing on homelessness) in order to better identify and support individuals at risk.

c. **Staff Turnover Predictive Analytics Algorithm**
   KCC has developed an algorithm to identify possible indicators of staff who may be likely to leave the organisation, in order to help the council better understand reasons behind turnover and improve staff retention.

d. **ServiceNow Chatbot**
   This chatbot is used to answer simple questions and locate relevant forms or guidance regarding staff queries about ICT, Finance or HR. It can direct staff into a chat with a human adviser if it is unable to assist.

e. **Road Safety Intelligence Data Collection**
   This involves the use of AI to read and classify anonymised vehicle movement data where installed, to highlight road sections where road users are not compliant with newly introduced speed limits in order to determine where further population-level action maybe required.

f. **Road AI for Safety Inspection and Asset Management**
   This project uses AI to record footage of the condition of highways assets to aid highways officers in taking appropriate actions.

g. **Route Reports Condition Survey**
   This project utilises video-based road condition monitoring AI cameras to support the identification or highways defects, such as potholes, carriageway cracks or damaged road signs or markings. This information is provided to KCC's transport planners, highways safety inspectors and engineers who use it to evaluate the highway condition and identify where further action is needed for repairs or resurfacing.

h. **Unmanned Aerial vehicle (UAV)/Drone Inspection Surveys**
   This project is trialling the use of Unmanned Aerial vehicle (UAV)/Drones to conduct inspection surveys of vegetation and water, power or other utility facilities adjacent to roads and pavements at selected sites in Kent to determine highways maintenance requirements without the need for KCC staff to manually inspect these areas themselves.

KCC Artificial Intelligence (AI) Policy

Contents

1. Introduction & Context

1.1   Artificial Intelligence (AI) is increasingly being used across industries, including the public sector, for its potential to bring substantial benefits to the way that services are delivered. KCC has also begun to use this technology in various shapes and forms. If used safely and appropriately, AI could improve how we manage and use data and help us to communicate with and support residents, service users and suppliers more efficiently. Understandably, the development and implementation of AI technologies has recently received significant press attention, particularly where problems have materialised. As such, with the emergence of new AI technologies and the associated equalities and data protection risks, this policy is intended to help staff understand the Council's position on the use of AI technologies within its services. **All staff currently using AI, or intending to use AI, must familiarise themselves with this policy and have a responsibility to maintain transparency in its use.** Please note that this relates to AI technologies being designed, developed or procured by KCC officers, and the use of AI tools including Large Language Models (LLMs) such as ChatGPT. This does not include the use of existing AI technologies available via KCC's Microsoft licence, such as predictive text capabilities in MS Teams, MS Outlook or MS Word.

1.2   The central government response to the use and regulation of AI is still evolving. In this context, the Council intends to remain dynamic with policy provision in this area, whilst still providing clear guidelines to officers on how AI should be used. This policy will be adapted as necessary to developments in the national landscape and to legislation or policy introduced by central government.

1.3   **This policy is intended to supplement existing KCC policies that are in place; as such, officers utilising AI technologies are still expected to follow existing Council policies with regard to Information Governance, Data Protection, development of technology projects, ICT Compliance and Risk, and Equality Impact Assessments (EqIAs), as detailed below.**

2. What is Artificial Intelligence (AI)?

2.1   **Artificial Intelligence (AI)** refers to computer systems capable of performing tasks that would normally require human intelligence. These systems can take many forms, and what is popularly considered as AI is continually evolving as AI technologies become more embedded in everyday human life. Some common forms of AI technology include: algorithms and predictive analytics, chatbots and virtual assistants, Machine Learning (ML), remote monitoring tools, smart technologies, text editors and autocorrect, automatic language translation, and facial detection or recognition.

How can I tell if my technology/project is/using AI?

2.2   For some technologies, it is fairly obvious that they operate using AI, however this is not always the case. If you are unsure if a technology you are using or plan to use would be considered as AI, it may be helpful to consider the following:

- Does it support decision-making or make decisions?
- Does it support the delivery of information?
- Does it autonomously identify patterns in large volumes of data?
- Does it utilise Machine Learning, for example, learning to answer questions or solve problems?
- Does it predict or manage risks?
- Does it contribute to the allocation of resources or prioritisation of actions/investigations/inspections?
- Does it remotely monitor the well-being of individuals?
- Does it predict health problems at an early stage?
- Does it translate language?
- Does it analyse and/or act on data from its environment?
- Does it perceive and react to the world, for example, recognising visual information (e.g. objects, individuals) or speech?
- Does it store past data and predictions to inform future predictions?
- Does it remember, adapt or encourage changes to behaviour patterns?

2.3   If the answer to one or a few of the above is yes, then it is likely that the technology is using AI to operate, and you will therefore need to follow the procedures and considerations set out within this policy. If you are still unsure, you can get in touch with one of the contacts listed at section 4.8 of this policy.

3. What are the risks of using AI?

3.1 Whilst understanding of the risks associated with the use of AI is still developing, some of the key risk areas that have been identified in research and practice thus far include:

- Information Governance (IG) & Data Protection
- Transparency
- Equalities
  - o Data Bias & Data Quality
  - o Design Bias in Algorithms
- Automated Decision Making

3.2 In addition, there are some specific high-risk AI technologies that officers should be aware of – chatbots, and ChatGPT or other Large Language Models (LLMs).

Information Governance (IG) & Data Protection

3.3 There is currently no legislation in place that directly refers to the use of AI. However, where an AI system is using or collecting personal data, it will fall within the scope of the **General Data Protection Regulation (GDPR)** and **the Data Protection Act 2018 (DPA 2018)**. This could include where personal data is being used to train or test AI, and/or in the deployment of the technology. This regulation grants individuals certain rights where their personal data is being used or created, particularly for automated decision making. These rights must be considered in the development and use of all relevant AI technologies, so you will need to review and consider the implications of this for your specific project or activity. Depending on the specific project or task, you may be required to complete a **Data Protection Impact Assessment (DPIA)**. In the first instance, a DPIA screening will be a useful tool with which to risk assess your proposed use of data; done at an early stage, this can help you to mitigate many of the potential risks associated with data protection and GDPR, especially regarding the proposed use of innovative AI technology. For more information on DPIAs and where it is mandatory to complete them, refer to the Data Protection & GDPR page on KNet.

3.4 In addition to the use of personal data, officers intending to use AI technologies also need to consider the risks associated with the use of commercially sensitive data. If commercially sensitive data, or data that we wouldn't otherwise release under Freedom of Information (FOI) requests is inputted into a Large Language Model (LLM), such as ChatGPT, or processed in another AI technology, it may have then been inadvertently put into the public domain. Releasing such information provided to the council in confidence could lead to legal proceedings. As such, it is vital that officers appropriately consider the information they are using within AI projects or activities.

3.5 To mitigate the risks outlined in 3.3-3.4, it is KCC policy that all officers proposing to use personal data, and/or commercially sensitive data in an AI project or activity must complete a DPIA and EqIA and follow relevant processes with regard to ICT Compliance and Risk. For use of an individual AI tool, such as ChatGPT, this will mean contacting ICTComplianceandRisk@kent.gov.uk , describing your proposed use and the business reason. For the development of an AI-related project, this will

mean following the ICT Commissioning Process and contacting the [Technology Business Partners team](#) in the first instance.

3.6   In addition, all projects must follow KCC's existing Information Governance policies and procedures, which are currently being refreshed in the context of AI. Other related policies and procedures, such as Data Security or Information Sharing may also be relevant to your project. For more information on these, visit the [Information Governance page](#) on KNet.

3.7   For further guidance on how to implement transparency and data protection measures within your AI project, the [Information Commissioner's Office (ICO) website](#) provides comprehensive guidance on the application of UK GDPR to the use of information in AI systems. Central government's [Data Ethics Framework](#) may also help with the planning and design of data use within your project.

Transparency

3.8   Notwithstanding the requirements of the GDPR and DPA regulations, it is also generally good practice to maintain the principle of transparency, and explainability in the use of AI, throughout the process. This means, establishing a clear understanding of the purpose of the technology from the outset; establishing officer responsibility and accountabilities; ensuring that operational staff and senior managers have a good understanding of how the AI operates, and ensuring service users are aware of the use of AI. You must take care when devising how you will communicate with service users, as they will need to be aware of the AI and what it means for them but may not have an understanding of what AI means.

3.9   For AI-related projects that will involve a greater level of interaction with the public, or have a potential for a significant impact on people, it may be necessary to complete the [Algorithmic Transparency Recording Standard](#), which has been designed by central government to assist public sector organisations provide clear information about the algorithmic tools they use, and why they're using them.

Equalities

3.10   As a public authority, KCC must comply with the **Public Sector Equality Duty (PSED)** under the Equality Act 2010. This means that, as with any other KCC project or activity, when developing, using or procuring AI technologies, the council needs to consider the potential impact on people with protected characteristics. This consideration must be made and evidenced through an **Equality Impact Assessment (EqIA)**, conducted via the [EqIA App](#). For more information on EqIAs, consult the [Equality Impact Assessment Policy](#).

3.11   Some of the risks associated with AI have specific implications for equalities considerations. Typically, these are associated with the amplification of existing biases via the speed and scale of AI technologies. Such examples often receive significant press attention, can have pronounced negative impacts on protected groups, and also present a real risk of legal challenge. Therefore, it is important that these are adequately considered in the development of AI technologies at KCC. The following sections discuss this in more detail.

Data Bias & Data Quality

3.12   As the foundation of AI technologies, data is incredibly important, particularly with regard the potential for bias and discrimination. Generally speaking, as a reflection of the real world, all data has the potential to reflect current and historical structural inequalities or bias. With the addition of AI, these inequalities can then become replicated and amplified in its outputs. As such, it is important that the data sources that will be used to train AI, as well as the data sources that the technology will be using to make its analysis or predictions, are assessed for potential unconscious bias or discriminatory outcomes at the start of an AI project. It is a good idea to engage a diverse team with a variety of perspectives to undertake this exercise to ensure all potential discrimination or bias is identified; this could include staff groups, stakeholders, or service users. Depending on the scale of your project or activity, it may take some time for trends indicating bias to become evident; this is why continued output monitoring is important. If you do identify potential bias, you may choose to select an alternative data source, or use this to inform the design of the algorithm in terms of how it functions and makes predictions. Here, transparency becomes incredibly important – the better we understand how an algorithm works, the easier it becomes to identify what is causing bias and train it out. In addition, officers should be aware of and look out for proxy variables in their data. These are variables that may appear to have a correlation, but one that is not itself directly relevant. In some cases, these can cause negative equality impacts, but once identified can be addressed in an algorithm. If the algorithms are the intellectual property of an external provider, please refer to the procurement section in this policy on page 10.

3.13   When selecting the data source(s) that you will use (to train the AI, or to be processed by the AI), you will need to consider data quality and type. This will involve considering if the data is complete – are there are any gaps in protected characteristic information? Is the data sufficient for trend identification? Is protected characteristic information self-reported? Who owns the data? Does the data reflect the group of people the intended audience or users? If the data quality is poor, you will need to invest in improving data collection before proceeding to develop an AI solution. Finally, do your data sources include personal data or commercially sensitive information? You will need to undertake the relevant impact assessments mentioned in 3.5 and seek advice to ensure any sensitive data is shared appropriately and legally.

3.14   Central Government have established the [Data Ethics Framework](#) which can be used to design and plan the appropriate use of data in the public sector, and encompasses the principles of transparency, accountability and fairness (related to data bias). It may be useful to complete the editable template available on their website for your project.

Design Bias in Algorithms

3.15   In addition to the impact of data bias, the outputs of AI are also heavily impacted by the human decisions made in its design – the selection of data used to train it; the assumptions that inform the algorithm, and the way in which its outputs are

interpreted and applied.[1] Therefore there is ample opportunity for AI to perpetuate existing bias or inequalities. Whilst this can be mitigated by making a considered choice when selecting the most appropriate data to use, that adequately reflects service user demographics, steps also need to be taken to mitigate any assumptions embedded within the algorithm itself. This will involve:

- Using an EqIA to conduct a robust assessment of your existing processes or current practice that is proposed to be supported or replaced by AI, before you commence the AI development. You need to consider if there is potential that there is already embedded unconscious bias or discrimination occurring that will specifically need to be addressed in the design of the algorithm.
- Where relevant, utilise the principles of inclusive design to involve people who will be affected by the technology, to ensure that the AI's assumptions or outputs take into account their experience.
- Devise a methodology to monitor the actual impacts and validate the AI's outputs. It is a good idea to consider how your assumptions might be impacting on the AI's outputs, as algorithms will attempt to 'match previous predicted behaviours to outcomes'[2], and thereby reflect the expectations of the humans designing it. Review the outputs and consider why certain protected characteristics are being identified more or less than others.

Automated Decision Making

3.16   Evidently, AI does not necessarily produce perfect and accurate predictions or outputs. Algorithms can in fact yield false negatives or positives, which can reproduce bias or inequality. As such, the risks are even greater where an algorithm is supporting human decision-making or resulting in automated decision-making, because this could allow potentially incorrect or biased outputs to be implemented unchecked. In addition, as mentioned in 3.2, where AI results in automated decision-making which has a legal or significant effect, there are additional requirements under Article 22 of the GDPR.[3]

3.17   Therefore, steps must be taken to ensure that human challenge and oversight is retained in all use of AI. This is important because it allows for any errors to be identified and vetted; can prevent discriminatory outcomes and provide opportunity for bias to be identified and addressed, supporting the evolution of the algorithm. To support the function of human challenge, staff using the technology must have an understanding of how the algorithm operates and be provided with additional training as required, such that they are fully equipped to identify errors.

3.18   It is essential that officers fully consider the appropriateness of assisted decision-making to the purpose of their project or service and consider alternatives before proceeding. If a decision is made to proceed with assisted decision-making, you will need to ensure that:

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[1] Understanding algorithmic bias and how to build trust in AI: PwC
[2] AI & Equality Initiative: Algorithmic Bias & the Ethical Implications | Carnegie Council for Ethics in International Affairs
[3] Ethics, Transparency and Accountability Framework for Automated Decision-Making - GOV.UK (www.gov.uk)

- All of the requirements arising from Article 22 of the GDPR are met.
- A risk assessment of the use of automated decision-making is conducted.
- A responsible officer has been identified for the decisions that will be made, with their details made clear within the organisation, and for individuals who may be impacted by the decisions made.
- Consideration has been given to how the AI will fit into existing processes, and mechanisms for flagging any potentially incorrect or biased outputs has been established.
- A process for scrutiny or audit of the outputs is in place.
- Any other required mitigations are introduced.
- Central government's Ethics, Transparency and Accountability Framework for Automated Decision-Making is utilised in the design, implementation and management/monitoring.

Types of AI Technology to be aware of

Chatbots

3.19   Whilst chatbots can vary widely in their specific capabilities and complexity, chatbots can be broadly defined as computer programs that simulate and process human conversation in their response to questions received from a real person.[4] Some more sophisticated chatbots such as Apple's Siri, Google Assistant and Amazon Alexa, are now more commonly referred to as 'virtual assistants' or 'virtual agents'.

3.20   There is a specific range of risks associated with the use of chatbots, arising from the fact that chatbots interact with members of the public, rather than operating 'behind the scenes'. As such, it is important that sufficient consideration, and where relevant, mitigations, are in place to protect the intended users. Some key considerations include:

- Transparency is still critical; it must be made very clear to users that they are speaking with a chatbot and not a human so that they can make an informed choice as to whether to continue the interaction or not.
- A human-based alternative must be made available, and easily accessible from the page hosting the chatbot, should the user choose to opt out of engaging with the AI, or should they struggle to have their needs met by the chatbot.
- Where a chatbot is to be used by children or might be accessible to children (or other vulnerable user groups), the potential safeguarding risks need to be adequately considered. This encompasses both the need to ensure that the chatbot is not giving harmful advice, and the need for the chatbot to recognise certain information that might be provided by a user, indicating that they are at risk/in danger. The Unicef Safer Chatbots Implementation Guide may be useful in considering or mitigating risk in this area. You can also use the Safeguarding at KCC page on KNet to find further information.
- As with other forms of AI, the functionality of the chatbot will be dependent on the quality of the data used to train it. Chatbots can cause bias toward certain users if not designed/programmed properly. To mitigate this, it is important that the chatbot is trained on data that is accurately representative of the groups that will be using it.

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[4] What is a chatbot? | IBM

ChatGPT and Large Language Models

3.21   **ChatGPT** (which stands for Chat Generative Pre-trained Transformer) is a **Large Language Model (LLM)** chatbot developed by OpenAI. It uses **Deep Learning** technology to provide human-like answers to questions asked by users. LLMs are a specific type of AI algorithm that are trained on a large amount of text-based data from the open internet. Whilst this type of AI has considerable potential capabilities, it also carries significant risks, which means that all use of these technologies must be conducted in a safe, appropriate and accountable manner. When and where available, officers are expected to make use of LLM technologies (and other AI tools) provided via the Microsoft suite of applications available to KCC, as the primary option in place of other alternatives.

3.22   The following summarises some of the associated risks that staff will need to consider and assess if thinking about using ChatGPT or other LLMs in their work:

- ChatGPT has been developed by a US tech start-up, and is therefore outside of EU data protection legislation that the Council must follow. **Council officers must not input personal data or commercially sensitive information into ChatGPT before completing a DPIA, EqIA and following the ICT Compliance and Risk assessment process (see 3.5 for more information on this) to understand and mitigate the potential risks. If staff believe that they may have input such data without undertaking impact assessments, they must follow KCC's Data Breach Policy.**
- ChatGPT and other LLM technologies can provide answers that are superficially plausible, but incorrect.
- Information inserted into ChatGPT is not confidential. If chat history is not disabled, query information provided to may become part of its future training dataset.
- As with other AI technologies, there is the risk of bias and the production of discriminatory answers. This is exacerbated by LLM technologies that have an extensive data source which makes it impossible to completely filter of offensive or discriminatory content.
- The breadth and extent of the internet data that ChatGPT is trained on is also likely to include copyrighted material, with answers generated without any source references, which poses a potential Intellectual Property or copyright issue for its outputs.
- Whilst LLMs do not currently use the information submitted in queries to develop future answers/responses, this information is available to the AI providers, and can therefore be expected to be used for future model training. In addition to this, there is the risk that the AI provider itself could be hacked in the future, and thereby made publicly available. Finally, there is the possibility that an LLM system is acquired by different organisations in the future, with different terms of use and privacy policies which might put information submitted into the AI system at greater risk. **For these reasons, it is imperative that no sensitive Council information is supplied without proper consideration of the potential risks**.

3.23   In addition, staff should be aware that other malignant forces are likely to make use of LLMs to exploit KCC's vulnerabilities, whether this be for the development of more sophisticated hacking techniques, or the production of more convincing phishing emails.

3.24   Due to these significant risks associated with the use of ChatGPT, or any other LLM, **Council officers are expected to make additional considerations before proceeding with their use.** This includes:

- Considering if the proposed use is acceptable and appropriate. What are the risks? What are the actual potential benefits? How will outputs be validated?
- What are you trying to solve or achieve via the use of the technology? It should not be assumed that AI, and LLMs specifically offer the solution to every challenge. Consider if an alternative solution would be more appropriate. You can speak to the Technology Business Partners team to explore possible alternative solutions.
- Where you will be entering personal data, commercially sensitive data, or data that would not be released under FOI, it is essential that you complete a DPIA, EqIA and CaRT assessment before proceeding.

Digital Exclusion

3.25   Whilst less applicable to AI technologies used internally by staff only, the impact of digital exclusion may be relevant to technologies intended to be used by customers or service users. Mitigation of the impact of digital exclusion is part of KCC's corporate equality objectives; it also has the potential to have significant impact on individuals that experience it. For relevant technologies, this should be considered as part of the EqIA process to ensure that alternatives are in place for those who experience digital exclusion and are therefore unable to access the benefits of the AI technology.

4. What does this mean for staff?

4.1   To summarise, here are the key points to remember for staff using, or planning to use AI technologies:

- You must be transparent about your use of AI, both to service users and critically, in the completion of EqIAs, DPIAs and other project or activity documentation.
- You must be transparent about the use of ChatGPT, or other LLM programs in your work. Where you intend to input personal data or commercially sensitive information, you must first complete a DPIA, EqIA and complete the ICT compliance and risk assessment process. If you have already proceeded with use before completing these, you must urgently contact the Information Resilience and Transparency Team.
- You must follow the requirements of this policy alongside existing policies that are in place, including Information Governance, Data Protection, and the EqIA Policy.
- Speak to the contacts listed below to ensure you are getting appropriate assurance on the various elements of your project or activity (equalities, risk management, information governance, technology compliance and risk, procurement, and HR).
- Do your research. You need to make sure that you (and your staff who will be using the AI) understand the technology being used.
- Engage the right people in the development of your project or activity to mitigate any risk associated with the proposed use of AI technology.

- Start considering the potential risk factors at the earliest stage. Not only is the use of AI a significant financial investment, it can also have marked negative equalities or data protection impacts that could cause reputational damage and be costly to reverse.
- Retain the principle of proportionality. When making your considerations, consider the purpose, the users, and the specific relevance to each of the potential areas of risk.
- Make specific consideration where commissioning or procuring AI. Further detail is provided on this in the following section.
- Wherever possible, officers are expected to make use of the AI tools available within Office 365 as part of KCC's Microsoft licence as the first route before considering alternative options.
- Where the use of AI could have an impact on staff or require staff to work differently, you must contact HR for advice.

Procurement

4.1   The growth and development of AI technology has a breadth of potential implications for KCC's procurement activities, both where officers are looking to specifically procure an AI technology, and where they are not.

4.2   Where officers are pursuing an AI specific project, it is likely that the AI technology will be designed and developed externally by a third party, and therefore most AI or AI-related projects will likely include a commissioning or procurement exercise. Staff should continue to follow the council's existing policy and guidelines with regard to commissioning and procurement, but will need to be aware of the unique challenges associated with AI technologies. As a burgeoning field, the AI marketplace is not yet fully developed, meaning that in some areas, available technologies may still be in pilot stage and the risks or limitations not fully understood. You will need to work with your supplier to fully understand the risks and considerations that have been made in the AI's development, as ultimately responsibility for the outputs will sit with the Council. Officers should also ensure that they undertake due diligence when selecting a supplier, even if the supplier pool is small. When developing such a project, officers should keep in mind that AI cannot be assumed to be the default solution to the emerging needs and challenges that are faced, and should therefore carefully consider the risks and limitations of this technology.

4.3   There are a number of interdependencies that will need to be managed between the council and the supplier, including:

- The ownership of the data that the AI is trained on.
- Transparency regarding the design and assumptions of the algorithm, the extent to which this can be shared between customer and supplier.
- Understanding of the legal and ethical accountabilities.
- Responsibility and capability for oversight of the technology, monitoring and potential for/rights around requesting changes.[5]
- Integration into existing council processes.

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[5] Review into bias in algorithmic decision-making (publishing.service.gov.uk)

4.4 The level of consideration of these factors should be tailored to the specific project, the extent to which it is a council-designed technology (as opposed to an already existing product or one to be designed externally), and whether the entire contract concerns AI or if it is a small part of a wider contract. Central government has produced extensive guidelines that will be helpful for any officers procuring an external AI technology.

4.5 As mentioned, the risks arising from AI are not limited to the procurement of AI technologies. All staff involved in procurement processes need to be mindful that some potential suppliers are likely to be taking advantage of AI technology to develop their bids. This could lead to seemingly credible and believable content being produced as a part of the procurement process, and underlines the importance of robust due diligence, evaluation, and selection of suppliers.

4.6 In addition, AI technologies are increasingly embedded within wider services that are not exclusively AI; this could be the case for many of the services that officers are procuring or contracted for. As such, it is essential that officers utilise market and supplier engagement to understand how AI may be used as a part of the service or contract and make any necessary considerations as appropriate.

4.7 A robust approach should be taken when considering all of the above factors; comprehensive guidance on the commissioning and procurement process can be found in the How To Buy Anything pages on KNet.

Seeking Assurance

4.8 Individual services are responsible for making the considerations required of their specific AI project or AI-related project or activity and complying with this policy, and other existing KCC policies. However, if you will be developing or using AI technology, you will need to seek assurance from the following council contacts at the relevant stages of the process:

- EqIA Policy - Laura McPherson laura.mcpherson@kent.gov.uk
- Risk and Assurance – Mark Scrivener mark.scrivener@kent.gov.uk
- Information Governance (IG) – InformationGovernance@kent.gov.uk
- ICT Compliance and Risk Team (CaRT) – ICTComplianceandRisk@kent.gov.uk
- Technology Business Partners team
- Procurement - commercialstandards@kent.gov.uk
- HR - HRTeam@kent.gov.uk

4.9 In the event of disagreement regarding the level of risk identified via DPIA, EqIA and ICT Compliance and Risk assessment processes, KCC's Corporate Information Governance Group (CIGG) will act as arbitrator and make the final decision.

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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 - 19 September 2023**

Subject: **DECISION 23/00063 Granting of Lease to Royal National Lifeboat Institution (RNLI) for Lifeboat Station in Margate**

Non-Key Decision

Classification: ***Unrestricted report with exempt appendix A***, *not for publication under Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 - Information relating to the financial or business affairs of any particular person (including the authority holding that information).*

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Margate, Barry Lewis

Summary: This report considers the proposal to grant a Lease for over 20 years to the Royal National Lifeboat Institution (RNLI) for its Lifeboat Station at The Rendezvous in Margate.

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. grant the Royal National Lifeboat Institution (RNLI) a new lease of its Lifeboat Station in Margate on terms as outlined in exempt Appendix A; and

2. delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise terms for the lease and any related agreements including licences for alterations.

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1. Introduction

1.1 Kent County Council (KCC) are the freehold owners of land and buildings comprising of a Royal National Lifeboat Institution (RNLI) Lifeboat Station at The Rendezvous in Margate. It is currently occupied by the RNLI who are "holding over" under the terms of the Landlord & Tenant Act (1954) following expiry of their previous lease on 31 March 2020.

1.2 The Lifeboat Station requires modernisation to better meet the operating needs of the RNLI. The RNLI are proposing to extend the existing building by adding a two-storey side extension and by raising the height of the roof of the existing building

to provide additional first floor accommodation. The existing building will be re-clad to improve its visual appearance. The cost of the works are substantial, as explained in the exempt Appendix A.

1.3 The RNLI have been granted planning consent for the works by Thanet District Council under reference F/TH/23/0532. The decision notice was issued on 3 July 2023.

1.4 To justify the capital expenditure, the RNLI have requested the County Council grants a new lease on terms set out in the exempt Appendix A.

1.5 In order for RNLI to proceed with the modernisation of the Lifeboat Station, it first requires the County Council to commit to the granting of a new lease.

2. Proposed Express Terms of the New Lease

The new lease will be granted on similar terms to the previous lease with the RNLI responsible for all outgoings, repairs and insurance and will include any other terms as may be agreed between the parties recommended for authorisation to the Director of Infrastructure. Further details are set out in exempt Appendix A.

3. Options Considered

3.1 **Option 1 - Obtain Vacant Possession:** The RNLI has requested a new tenancy under s26 of the Landlord & Tenant Act (1954). The County Council currently has no valid grounds to object to the grant of a new tenancy under the statutory provisions of the Landlord & Tenant Act (1954).

3.2 **Option 2 - Continue under a "holding-over" arrangement:** The RNLI has requested a new tenancy and begun the process for a statutory renewal of the lease. The RNLI requires the security of a new lease to safeguard the operation of the lifeboat service for the protection of lives at sea.

3.3 **Option 3 - Grant a new lease:** This is the preferred option of the parties. Under the Landlord & Tenant Act, the RNLI are not entitled to a term exceeding 15 years. However, a longer term is proposed so the RNLI can justify the significant capital expenditure required to adapt and modernise the existing Lifeboat Station. While this will limit KCC's options for the land for the duration of the new lease, the prospects for redevelopment are limited due in large part to the high development costs of building on what is reclaimed sea-front land. The proposed lease to the RNLI will deliver an income stream as set out in exempt Appendix A, which the County Council can use to support the Turner Contemporary Building as required by the restrictive covenant.

3.4 **Option 4 - Sale of the Site to RNLI:** The restrictive covenants in the County Council's title require revenue to be used to support the Turner Contemporary Building. This option is not favoured by the parties.

4. Financial Implications

4.1. The rent payable under the expired lease was fixed at £1 per annum for the duration of the term.

4.2. Under the new lease, a market rent will be payable as set out in exempt Appendix A. This will be subject to review every 5 years.

4.3. The RNLI will pay an interim rent from 1st January 2023 until the lease is completed, as set out in exempt Appendix A.

4.4. The RNLI will be responsible for future maintenance of the Lifeboat Station, payment of business rates and all other outgoings connected with the use and occupation of the Lifeboat Station.

4.5. Each party will bear its own legal costs in connection with the grant of the new lease.

5. Legal Implications

5.1 The County Council is the current owner of the freehold interest in the land upon which the Lifeboat Station is located.

5.2 The County Council acquired the Rendezvous site from Thanet District Council in 2005, for the sum of £1 in connection with the development of the Turner Contemporary Building.

5.3 The transfer to KCC contains restrictive covenants requiring the County Council to re-invest revenue income from the Rendezvous site into the capital and revenue costs of developing and operating the Turner Contemporary Building.

5.4 There is an additional covenant requiring any purchaser of the Rendezvous site (or part thereof) to enter into an identical covenant whereby revenues are applied to the costs of operating the Turner Contemporary Building.

5.5 The RNLI hold a business tenancy of the Lifeboat Station which benefits from the protections afforded by sections 24-28 of Part 2 of the Landlord & Tenant Act (1954). This legislation restricts the rights of the County Council to recover possession of the Lifeboat Station.

6. Equalities implications (EQIA)

6.1. The new facilities are required for use by the RNLI as an operational Lifeboat Station. These new facilities will not be available for use by the County Council or the wider community but will be of benefit to the wider community. An equalities impact assessment (EQIA) has been completed with no negative impacts identified. An EQIA screening has taken place and is published.

7. Other corporate implications / Corporate Objectives:

7.1. The proposed decision meets the objectives of the County Council's strategic plan "Framing Kent's Future" in the following ways;

    7.1.1   **Outcome 1:** Enterprise and Investment – The RNLI is choosing to invest in Kent, providing a much needed rescue service along Kent's extensive coastline and enabling the growth of the Kent economy.

    7.1.2   **Outcome 2:** Securing sustainable infrastructure – The existing RNLI facility is no longer fit for purpose to serve Kent and the new facility will ensure it does this.

    7.1.3   **Outcome 4:** A cleaner and greener Kent – The new facility includes meeting climate change requirements including MEE's regulations, with solar panels and other energy saving features included in the design.

    7.1.4   **Outcome 5:** Stronger and safer Kent communities – The new facility will ensure that those residents using watercraft along Kent's coasts will be safer with the new facility with the RNLI being able to provide an improved, speedier response to any incidents to which it attends.

8. Governance

8.1 Under s.123 of the Local Government Act (1972), the County Council is under a duty to obtain the best consideration that can reasonably be obtained. The proposed rent under the lease as set out in exempt Appendix A, is considered a market rent.

8.2 The Local Member for Margate, Barry Lewis, has been formally notified of the proposal to grant a new lease of more than 200 years to the RNLI. Mr Lewis acknowledged the proposal but did not make any representations.

9. Conclusion

9.1 The granting of a lease for a term exceeding 20 years will enable the RNLI to modernise the existing Lifeboat Station in order to better deliver its life-saving operations. The new lease will generate important revenue for the County Council and the enhancements to the Lifeboat Station will deliver improvements to the visual amenity of the area in the vicinity of Turner Contemporary.

10. 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) grant the Royal National Lifeboat Institution (RNLI) a new lease of its Lifeboat Station in Margate on terms as outlined in exempt Appendix A; and

2) delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise terms for the lease and any related agreements including licences for alterations.

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11. Background documents

11.1 Exempt Appendix A

11.2 Appendix B – Proposed record for Decision

11.2 Appendix C - Published Equalities Implication Assessment (EQIA)

12. Contact details

Lead Officer:

David Easthope
Principal Estates Manager
(Operational Estate)
03000 41 40 33
david.easthope@kent.gov.uk

Mark Cheverton MRICS
Property Strategy & Policy
Manager
03000 41 59 40
mark.cheverton@kent.gov.uk

Relevant Director:

Rebecca Spore
Director of Infrastructure
03000 41 67 16
rebecca.spore@kent.gov.uk

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

DECISION TO BE TAKEN BY: Peter Oakford, Deputy Leader, Cabinet Member for Finance, Corporate and Traded Services	DECISION NO: 23/00063

For publication

Key decision: YES
Key decision criteria. The decision will:
   a) *result in savings or expenditure which is significant having regard to the budget for the service or function (currently defined by the Council as in excess of £1,000,000); or*

Subject Matter: Granting of a Lease to Royal National Lifeboat Institution (RNLI) for Lifeboat Station in Margate.

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

1. grant the Royal National Lifeboat Institution (RNLI) a new lease of its Lifeboat Station in Margate on terms as outlined in exempt Appendix A; and

2. delegate authority to the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise terms for the lease and any related agreements for lease including licences for alterations.

Reason(s) for decision:
The proposal involves the granting of a lease term in excess of 20 years which requires a Key Decision in accordance with the County Council's Property Management Protocol.

Cabinet Committee recommendations and other consultation:
This matter will be considered at Policy and Resources Cabinet Committee in September 2023.
The local Member for Margate, Barry Lewis (Labour) was consulted and acknowledged the proposal but did not make any representations.

Any alternatives considered and rejected:

The following alternative options were considered, but rejected;
   1. Obtain vacant possession.
   2. Continued occupation with RNLI "holding-over" without a new lease.
   3. A shorter lease term.
   4. Sale of site to RNLI.

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

New Lease of RNLI Lifeboat Station in Margate

Responsible Officer

David Easthope - DCED INF

Type of Activity

Service Change

No

Service Redesign

No

Project/Programme

No

Commissioning/Procurement

No

Strategy/Policy

No

Details of other Service Activity

Granting a new lease to RNLI of Lifeboat Station in Margate

Accountability and Responsibility

Directorate

Strategic and Corporate Services

Responsible Service

Property

Responsible Head of Service

Mark Cheverton - DCED INF

Responsible Director

Rebecca Spore - DCED INF

Aims and Objectives

The aim is to grant a new lease to the RNLI of their Lifeboat Station in Margate.

The RNLI held a previous lease which has expired. They wish to take a new of 50 years so they can modernise the Lifeboat Station in order to better meet their operational needs.

If the lease is granted, the RNLI will continue to operate the Lifeboat Station and continue to provide a valuable life-saving service to the community.

If a new leaseis granted there will be no change.

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?

Tenant - Royal National Lifeboat Institution
Local KCC Member for Margate
Thanet District Council

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
No

Staff
No

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
If a new lease is granted, the RNLI will be able to continue offering their emergency life-saving service to the local community and wider sea-faring community.

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: Ben Watts, General Counsel

To: Policy and Resources Cabinet Committee – 19 September 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
Report Author: Relevant Director:
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Democratic Services Officer   General Counsel
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katy.reynolds@kent.gov.uk   benjamin.watts@kent.gov.uk

POLICY AND RESOURCES CABINET COMMITTEE - WORK PROGRAMME 2023-24

22 November 2023 – 2 pm - agenda setting 2 October at 2.00pm (online)

• **Annual Equality and Diversity Report (in 2022 moved to January)**	David Whittle	Annual item
• **Draft Revenue and Capital Budget and Medium-Term Financial Plan**	Zena Cooke Dave Shipton	Annual item
• **Disposal of Former Halfway Houses PS, Southdown Road, Sheerness**	Rebecca Spore Mark Cheverton Hugh Dalton	*Key Decision*
• **Rimini Street (new contract)**	Lisa Gannon	*Key Decision*
• **Kent and Medway Domestic Abuse Strategy**	David Whittle Serine Annan-Veitch	*Key Decision*
• **Disposal of Former Rosemary Centre, High Road, Dartford, DA2 7DP**	Rebecca Spore Mark Cheverton Hugh D'Alton	*Key Decision* *Moved from March*
• **Kent Communities Programme**	Rebecca Spore Ben Sherreard	*Added at July agenda setting*
• **Proposals regarding the Afghan Resettlement and United Kingdom Resettlement Schemes**	David Whittle Michael Thomas-Sam Chris Grosskopf	Key Decision
• **Work Programme 2023**		

17 January 2024 – 10am agenda setting 27 November at 3.00pm (online)

• **Implementation of the Armed Forces Covenant in Kent**	Tim Woolmer	Annual item
• **Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department**	David Whittle Matt Wagner	Regular item
• **Kent Public Service Network (KPSN)**	Lisa Gannon Stuart Cockett	*Regular item* *Moved from March*

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• **Work Programme 2023**		
13 March 2024 – 10am agenda setting 29 January at 2.00pm (online)		
• **Update on Asset Management Plan**	Mark Cheverton	*Moved to 2024 due to new Facilities Management arrangements. (frequency thereafter to be confirmed)*
• **Risk Management (Including RAG ratings)**	David Whittle Mark Scrivener	Annual item
• **Cyber Security**	Lisa Gannon	Annual item
• **Contract Management Review Group update**	Clare Maynard	*Six-monthly item*
• **Regular Medium Term Financial Plan (MTFP) update**	Zena Cooke Dave Shipton	*Regular item*
• **Facilities Management update (bi-annual)**	Rebecca Spore	*Regular item*
• **Work Programme 2023**		
15 May 2024 – 10am – agenda setting 20 March at 2.00 pm (online)		
• **Performance Dashboard for the Chief Executive's Department and Deputy Chief Executive's Department**	David Whittle Matt Wagner	*Regular item*
• **Kent Partnerships Update - Kent Estates Partnership (KEP) and Kent Connects**	Rebecca Spore Phil Murphy Julie Johnson	*Regular item*
• **Facilities Management update (bi-annual)**	Rebecca Spore	*Regular item*
• **Work Programme 2023**		
10 July 2024 – 2pm – agenda setting 22 May at 11.00am (online)		
• **Regular Medium Term Financial Plan (MTFP) update**	Zena Cooke	*Regular item*

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• **Work Programme 2023**		
September 2024 – 2pm – agenda setting TBC		
• **Facilities Management update (bi-annual)**	Rebecca Spore	*Regular item*
• **Work Programme 2023**		

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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 Matt Wagner
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
	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 Matt Wagner
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
	Every other	Performance Dashboard for the Chief Executive's Department and	David Whittle

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	meeting	Deputy Chief Executive's Department	Matt Wagner
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
TBC	**TBC**	Enterprise Business Capabilities - Update	Lisa Gannon

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