

KENT COUNTY COUNCIL

POLICY AND RESOURCES CABINET COMMITTEE

MINUTES of a meeting of the Policy and Resources Cabinet Committee held online on Wednesday, 22 September 2021

PRESENT: Mr R J Thomas (Chair), Mr R A Marsh (Vice-Chairman), Mr P V Barrington-King, Mr P Bartlett, Mr T Bond, Mr T Cannon, Mr N J D Chard, Mr G Cooke, Mr P C Cooper, Mr M Dendor, Mr A J Hook, Mr R C Love, OBE, Mr J P McInroy, Mr P Stepto and Dr L Sullivan

ALSO PRESENT: Mr P J Oakford and Mr B J Sweetland

IN ATTENDANCE: Mr D Cockburn (Corporate Director Strategic & Corporate Services), Mrs A Beer (Corporate Director of People and Communications), Ms Z Cooke (Corporate Director of Finance), Mrs R Spore (Director of Infrastructure), Mr B Watts (General Counsel), Mr D Shipton (Head of Finance Policy, Planning and Strategy), Mr G Singh (Barrister), Mr D Whittle (Director of Strategy, Policy, Relationships and Corporate Assurance), Mr H D'Alton (Investment and Disposal Surveyor), Mr S Dodd (Investment and Development Consultant), Ms R Kennard (Chief Analyst, Strategic Commissioning Analytics), Mr L Manser (Insurance Manager), Ms C Maynard (Head of Commissioning Portfolio - Outcome 2 and 3), Mr C Wimhurst (Commissioning Standards Manager), Miss T A Grayell (Democratic Services Officer) and Miss K Reynolds (Democratic Services Officer)

UNRESTRICTED ITEMS

19. Apologies and Substitutes

(Item 2)

Apologies for absence had been received from Mr A Brady.

There were no substitutes.

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

(Item 3)

There were no declarations of interest.

21. Minutes of the meeting held on 13 July 2021

(Item 4)

It was RESOLVED that the minutes of the meeting held on 13 July 2021 are correctly recorded and a paper copy be signed by the Chairman when this can be done safely. There were no matters arising.

22. Covid-19 Financial Monitoring

(Item 5)

1. Ms Cooke and Mr Shipton introduced the report and responded to comments and questions from the committee, including the following:-
 - a) the Council had a substantial reduction in the cash situation it would expect to have at this time of year due to a 1% reduction in its tax base. In response to a request for comparative information, Mr Shipton undertook to include in future reports a comparison between the actual figure and the figure the Council would normally expect to have;
 - b) due to the number of additional factors facing people who previously qualified for Council Tax Reduction Discount, including recent changes to universal credit, the end of furlough, the end of free school meals in the school holidays and the impact of fuel price rises, it was difficult to predict the scale and pace of the recovery to the usual tax base but the situation was being closely monitored, using monthly data supplied by districts;
 - c) asked if there was anything the Council could do to compensate for the end of holiday free school meals, Ms Cooke advised that the Council had looked for ways of doing this but there was unfortunately no option available; and
 - d) a view was expressed that it would be helpful for future updates to include a section on the impact of covid-19 upon the Council's capital as well as its revenue budget, and Ms Cooke undertook to do provide this.
2. It was RESOLVED that information set out in the report and given in response to comments and questions be noted, with thanks, and that future reports include the comparative figures and capital section, as set out above.

23. Strategic and Corporate Services Performance Dashboard *(Item 6)*

1. The Chairman referred to the request made at the last meeting for a Member briefing on the dashboard and key performance indicators (KPIs) and advised that this would take place on 29 September 2021.
2. Ms Kennard introduced the report and responded to comments and questions from the committee, including the following:-
 - a) the time taken to respond to calls to the Contact Point was an ongoing matter of concern but Ms Kennard advised that there had been some improvement in July and August 2021. Mrs Beer advised that this area of performance had been impacted by resignation rates among Agilisys Contact Point staff. Some staff taken on to cover the initial impact of covid-19 were returning to their previous roles as restrictions lifted. For some, needing to work from home for a prolonged period meant they were keen to move back into customer facing roles. Agilisys were recruiting new staff but the time taken to fully train them in all aspects was extensive as the range of issues they had to cover was wide and complex. It was noted that the quality of calls answered remained high;

- b) asked for more detail about target FN06, the level of sundry debt to the Council, and if this gave rise to any risk or just a cashflow challenge, Ms Cooke undertook to supply more detail on any specific area;
 - c) asked about the potential impact on staff of any delay in paying retirement benefits to them (target FN02), Ms Cooke advised that payments to those judged to be most in need were prioritised but that more staff had now been recruited to the Pensions administration team to help support this work;
 - d) one indicator not currently included in the dashboard was staff turnover and vacancy rates. Mrs Beer advised that turnover was currently reported to the Personnel Committee and that it was an issue for the respective Chairs of the two committees to discuss whether or not it would be useful to report it in addition to the Policy and Resources Cabinet Committee. A view was expressed that it would be helpful also to report vacancy rates. Mr Watts added that it might be more helpful to include this level of detail in reports to the Personnel Committee and signpost Members to these when they became available for each meeting rather than include this information in the dashboard. He undertook to consider outside the meeting how best to approach this issue; and
 - e) relating to target GL03, asked if there was any future plan to digitise documents or give more staff access to redacting tools, Mr Watts advised that some testing of redacting software had been undertaken but the cost was prohibitive and staff would need to be confident that any redacting could not be reversed by the recipient of any information. As a result, redacting software had not been generally rolled out. Files which were most often used were digitised but other historic personal case files, which related only to one individual and could be extensive, may only ever be requested by family members and hence would not justify the cost of digitising them. He undertook to consider the issue of the future treatment of archive material and report to a future meeting of the committee.
3. It was RESOLVED that the performance position for Strategic and Corporate Services and Members' comments, set out above, be noted, with thanks, and the points arising from the Member briefing on 29 September be taken into account in future reporting.

24. Information Governance Update

(Item 7)

1. Mr Watts introduced the report and presented a series of slides which set out the development of the public right to information since the Freedom Of Information (FOI) Act in 2000 and the Council's rate of compliance with the Act's requirements. Key developments included the increased ease of access to Council information online and the ease and speed of submitting online requests. Factors affecting the Council's ability to respond included the increasing complexity of requests (as many people could now find simpler information by themselves, online), multiple requests and the decreased number of staff available to handle and respond to requests. The process had been reviewed to make it as streamlined as possible and he undertook to report on the data dashboard to a future meeting of the Cabinet Committee.

2. Mr Watts then responded to comments and questions from the committee, including the following:-

- a) asked if the Council was able to charge for providing information, as having to pay might improve the quality and clarity of requests submitted, Mr Watts advised that the Council was permitted to charge for requests it considered to be vexatious or unreasonable. The Cabinet Member for Communications, Engagement, People and Partnerships, Mr B Sweetland, suggested that requesters could be made aware of the costs to the Council in responding to their request. A view was expressed that some organisations would charge for information which the Council had provided to them at no cost;
- b) interest was expressed in having a comparison of Kent's experience of FOI requests with that of other local authorities to see if the same challenges were shared;
- c) asked how changing the target time for responses would change performance statistics, for example, increasing it from 20 to 25 days to allow for more complex enquiries, Mr Watts advised that the average response time was currently 22 – 23 days. Mr Watts and Mr Sweetland advised that the deadline of 20 days was a statutory requirement and could not be changed by the Council. Late responses would attract fines from the Information Commissioner's Office, with resultant reputational damage. The Council needed to streamline its response process to improve compliance;
- d) a view was expressed that the way in which it responded to FOI requests should be seen as a badge of pride for any democratic body; and
- e) asked if the number and nature of requests could be broken down to show how many of them related to the people of Kent, how many related to issues for which there was a statutory exemption and how many appeals there were, Mr Watts advised that geographical data would be difficult to identify as requesters using email did not have to provide anything more than an email address for the response. Data on the types of requests, however, could be provided in future reports and Mr Watts undertook to do this.

3. It was RESOLVED that the information set out in the report and presentation be noted, with thanks, and the additional data requested above be submitted to future meetings.

25. 21/00082 - Insurance Tender - Award of Insurance Programme Contracts *(Item 8)*

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

- a) asked how the current excess value quoted in the report had been calculated, Mr Manser advised that this had last been set in 2018 but could

be adjusted in the current process to achieve best value for money. Bidders would be able to offer different levels of excess;

- b) asked how confident officers were of achieving the timetable set out in the report, Mr Manser advised that much preparatory work had gone into setting the stages and timetable and that he was confident that both were achievable. Ms Cooke added that the tendering process sought to provide bidders with as much detailed information as possible;
- c) asked if the Council was considering reviewing its current choice of broker, for example, to get a better deal with fees, Mr Manser advised that the broker contract was due to be reviewed next year and would allow an opportunity to see how the market had changed and what new options there may be;
- d) asked for reassurance that the financial resilience of bidders would be carefully investigated before any contract award was considered, Mr Manser advised that the assessment and cost evaluation process was rigorous and that only bidders receiving the most secure 'A' rating would be considered;
- e) Mr Manser advised that it was expected that any insurer offering a policy now would specify some level of exclusion related to covid-19 considerations. The wording of each policy would be examined and assessed on its merits; and
- f) asked about the range and type of information the Council needed to have from each bidder to be able to assess their offer, Mr Manser advised that part of the process would be to see what each insurer was willing to cover in their policy and how they proposed to shape it.

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

- to confirm the policy position and Kent County Council insurance requirements which make up the Council's Insurance Programme;
- to undertake the necessary procurement, via an insurance broker, of the relevant Insurance Programme contracts;
- to award the contracts to the successful bidders, as identified via the procurement process;
- to delegate authority to the Corporate Director, in consultation with the Cabinet Member for Finance, Corporate and Traded Services, to consider and approve any extensions of the awarded contracts provided for as part of the original contract award and related arrangements; and
- to delegate authority to the Corporate Director for Finance, in consultation with the Cabinet Member for Finance, Corporate and Traded Services, to take the necessary actions, including but not limited to,

entering into necessary contracts and other legal agreements, as required to implement this decision,

be endorsed, with one abstention.

26. Decision taken between Cabinet Committee Meetings: 21/00074 - Interim infrastructure support to the Voluntary Sector

(Item 9)

1. Mr Whittle introduced the report and advised that a report on the next stage of the project, the draft strategy, would be submitted to the committee's November meeting. In response to a question, he and Mr Watts clarified that this stage would need a separate key decision.
2. The committee NOTED the taking of key decision 21/00074, to fund a pilot for Volunteering Infrastructure across the county and a Strategic Recovery Fund to support the Voluntary Sector in Kent, between meetings of the Cabinet Committee, in accordance with the process set out in the Council's constitution.

27. Work Programme 2021/22

(Item 10)

It was RESOLVED that the committee's planned work programme for 2021/22 be agreed.

28. Update from the Contract Management Review Group (CMRG)

(Item 11)

It was noted that this item had been listed in error under the restricted section of the agenda. Discussion of the item therefore took place entirely in open session. The report was later re-published with its correct status as a supplement to the agenda pack for the meeting.

1. Ms Maynard and Mr Wimhurst introduced the report and responded to comments and questions from the committee, including the following:-
2. Asked for a list of all working groups covering various areas of the Council's work, and if the number of different groups and their way of working and reporting were as efficient as they could be, Mr Wimhurst, Mr Watts and Ms Maynard advised that:
 - a) the CMRG had a new Chairman and was reviewing its way of working and reporting structure;
 - b) the group had been established as an executive mechanism to test assurance and report back to Members. Its Chair and Vice-Chair were elected Members and its membership included officers from commissioning, procurement and finance, with guest speakers attending to present information on specific contracts;

- c) the group used standards established by the National Audit Office and it and other such groups offered an opportunity for the Council to check its performance and raise its game; and
 - d) Mr Watts undertook to supply Members with a list of all groups currently working.
3. Mr Oakford commented as Chair of the CMRG and said that its work had been useful in identifying contracting arrangements which could be improved.
4. It was RESOLVED that the information set out in the report and given in response to questions be noted, with thanks.

29. Motion to exclude the press and public for exempt business

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

EXEMPT ITEMS

(Open access to Minutes)

30. Disposal of land at Bensted House, Kiln Court, Osbourne Court and Former SEC, Faversham, ME13 7NY

(Item 12)

1. Mr Oakford advised the committee that the proposed disposal was part of the regular asset disposal programme but was being reported to the committee for comment due to its large financial value. It gave the Council an opportunity both to gain income from the sale and put an end to the ongoing costs of maintaining the premises.
2. Mr D'Alton introduced the report and responded to comments and questions from the committee, including the following:-
- a) officers were challenged by the local Member whose electoral division included the site about the lack of engagement with him. He asked that officers meet him to appraise him of the details of the proposal and the bids received;
 - b) concern was expressed about the choice of preferred bidder named in the report, and discussion followed about the bids received from it and other companies, comparing the level of Section 106 funding each had offered, the number of residential units they each proposed and the percentage of these which would be affordable;
 - c) concern was expressed that the recommendation on which the committee was being asked to comment did not name the preferred bidder. Mr D'Alton and Mr Oakford advised that the committee was being asked to endorse or comment on the overarching proposal and delegate to the Director of Infrastructure the selection of the best bid and to finalise the contractual

terms of the disposal to secure the best value for money, as was always the aim with any property disposal;

- d) asked if, with the aim of securing best value for money, the Council was able to specify that bidders must include Section 106 funding as part of their bids, Mr D'Alton advised that bidders were expected to include Section 106 funding and not to do so would make their bid less attractive; and
- e) the committee was advised that the County Council was not able to specify the nature of the affordable housing to be included, for example, to be for sale or rental, but that this would fall to the local planning authority to direct when considering a planning application for the site.

3. A motion by Mr G Cooke to amend the wording of the recommendation to include the name of the preferred bidder was not seconded. Mr Watts suggested that Mr Cooke seek to specify instead what he wanted to see covered rather than specify the name of a bidder.

4. Mr G Cooke then proposed and the Chair, Mr R Thomas, seconded that recommendation 1 in the report be amended to add the words '*...on the most advantageous terms for the County Council that it is able to secure*'. This was agreed with two abstentions.

5. It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to agree to the disposal of the sites and delegate authority to:

1. the Director of Infrastructure, in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the contractual terms of the disposal, on the most advantageous terms for the County Council that it is able to secure; and
2. the Director of Infrastructure to authorise the execution of necessary contractual and land agreements required to implement the above,

be endorsed.

31. Disposal of KCC's interest in the Former Royal Mail Sorting Office, 98 Sandling Road and Cantium House, 99-102 Sandling Road, Maidstone, Kent to Maidstone Borough Council.

(Item 13)

1. Mr Oakford advised the committee that the proposed disposal was part of the regular asset disposal programme but was being reported to the committee for comment due to its large financial value. The report set out the history of the Council's interest in the site and the more recent reduction in the need for office space arising from the covid-19 pandemic and changing work practices.

2. Mr Dodd introduced the report and responded to comments and questions from the committee, including the following:-

- a) asked which was the preferred option, as the recommendation in the report did not specify, Mr Dodd advised that it was option 1 – the County Council to sell its 50% stake of the Former Royal Mail Sorting Office plus its freehold interest in Cantium House to Maidstone Borough Council;
 - b) asked about the comparative overage for the two sites – the Former Royal Mail Sorting Office and Cantium House – and if the same condition could be applied to both, Mr Dodd advised against seeking to make this too complicated or restrictive for the future; and
 - c) concern was expressed about future development or use of the sites and the potential for unattractive development which may be out of place in the area, and the Council's ability to influence this, once it no longer owned the site, Mr Dodd advised that this issue could be mitigated by a new Collaboration Agreement between the County Council and the Borough Council to protect the Councils' respective interests, including references to The Borough Council's emerging Draft Local Plan policy for the Former Royal Mail Sorting Office and Cantium House for a high quality, residential-led mixed use scheme with emphasis on the importance of the setting around County Hall.
3. It was RESOLVED that the decision proposed to be taken by the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to agree to complete the freehold disposal of the County Council's interest in the Former Royal Mail Sorting Office and Cantium House and delegate authority to:
1. the Director of Infrastructure in consultation with the Deputy Leader and Cabinet Member for Finance, Corporate and Traded Services, to finalise the contractual terms of the disposal; and
 2. the Director of Infrastructure to authorise the execution of necessary contractual and land agreement required to implement the above,
- be endorsed.