

KENT COUNTY COUNCIL

POLICY AND RESOURCES CABINET COMMITTEE

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

PRESENT: Mr B J Sweetland (Chairman), Mr R A Marsh (Vice-Chairman), Mr P V Barrington-King, Mr R H Bird, Mr T Bond, Mr N J D Chard, Mrs P T Cole, Ms K Constantine, Mrs T Dean, MBE, Mr J P McInroy, Miss C Rankin, Mr H Rayner and Mr I Thomas

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

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

UNRESTRICTED ITEMS

71. Introduction/Webcast announcement

(Item 1)

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

72. Apologies and Substitutes

(Item 2)

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

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

(Item 3)

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

74. Minutes of the meeting held on 16 March 2018

(Item 4)

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

75. Strategic and Corporate Services Performance Dashboard

(Item 5)

Richard Fitzgerald (Business Intelligence Manager - Performance), Amanda Beer (Corporate Director, Engagement, Organisation Design and Development), Rebecca Spore (Director of Infrastructure) and Ben Watts (General Counsel were in attendance for this item

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

- (6) Resolved that the report be noted.

76. Exclusion of the Press and Public

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

Exempt Items

(open access to minutes)

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

(Item 11)

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

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

78. Property LATCO Commissioned Services Update

(Item 13)

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

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

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

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

(Item 12)

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

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

80. ICT Security Annual Report

(Item 14)

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

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

UNRESTRICTED ITEMS (meeting open to the press and public)

81. 18/00009 Asset Management Strategy 2018-2023

(Item 6)

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

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

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

(Item 7)

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

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

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

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

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

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

84. Legal Update

(Item 9)

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

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

85. Work Programme

(Item 10)

Resolved that the report be noted.