

**SELECTION AND MEMBER SERVICES COMMITTEE**

**Tuesday, 22nd March, 2011**

**10.00 am**

Wantsum Room, Sessions House, County Hall,  
Maidstone





## KENT COUNTY COUNCIL

### SELECTION AND MEMBER SERVICES COMMITTEE

#### AGENDA

**Tuesday, 22 March 2011, at 10.00 am  
in the Wantsum Room, Sessions  
House, County Hall, Maidstone**

Ask for: **Andrew Tait**  
Telephone: **01622 694342**

#### **Membership (9)**

Conservative (7): Mrs J A Rook (Chairman), Mr P B Carter, Mr N J D Chard,  
Mrs S V Hohler, Mr A J King, MBE, Mr K G Lynes and  
Mr R A Marsh

Liberal Democrat (1): Mrs T Dean

Labour (1) Mr L Christie

#### **UNRESTRICTED ITEMS**

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

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Meeting Dates  
To note the change in meeting date from 2 September to Monday, 12 September 2011 at 2.00pm.
4. Minutes - 27 January 2011 (Pages 1 - 4)
5. Revised Committee proportionality (Pages 5 - 8)
6. Interim Senior Manager Appointments (Pages 9 - 12)
7. Members' Allowances and Overheads (Pages 13 - 14)

8. Appointment of Director to the four Commercial Services Limited Companies  
(Pages 15 - 16)

**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)*

Peter Sass  
Head of Democratic Services and Local Leadership

**Monday, 14 March 2011**

*Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.*

This page is intentionally left blank

**KENT COUNTY COUNCIL**

---

**SELECTION AND MEMBER SERVICES COMMITTEE**

MINUTES of a meeting of the Selection and Member Services Committee held in the Wantsum Room, Sessions House, County Hall, Maidstone on Thursday, 27 January 2011.

PRESENT: Mrs J A Rook (Chairman), Mr D L Brazier (Substitute for Mr N J D Chard), Mr L Christie, Mrs S V Hohler, Mr A J King, MBE, Mr R A Marsh, Mr M J Vye (Substitute for Mrs T Dean) and Mr M A Wickham (Substitute for Mr K G Lynes)

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership), Ms D Fitch (Assistant Democratic Services Manager (Policy Overview)) and Mr A Tait (Democratic Services Officer)

**UNRESTRICTED ITEMS****1. Minutes - 19 November 2010**

*(Item 3)*

RESOLVED that the Minutes of the meeting held on 19 November 2010 are correctly recorded and that they be signed by the Chairman.

**2. Member appointments following the Dover Town By-election**

*(Item 4)*

(1) Mr L Christie informed the Committee that the Labour Group's preference was to have a seat on the Communities POSC, the Children and Families POSC – Resources and Infrastructure, and the Personnel Committee. In the event that no seat was available on the Personnel Committee, the next preference would be the Regeneration and Economic Development POSC.

(2) Mr M J Vye asked the Committee to consider recommending to the County Council that it vary the proportionality rules to allow the Liberal Democrat Group to continue to have a seat on the Flood Risk Management Committee, now that that Committee was included in the overall proportionality calculation.

(3) The Chairman offered to discuss Mr Christie and Mr Vye's requests with the Cabinet Members and to respond personally to them by Friday, 4 February 2011 in time for inclusion in the County Council papers.

(4) The Committee noted that the proportionality statement would need to be altered again in the event that the Conservative Group did not win the Romney Marsh By-Election

(5) RESOLVED that:-

- (a) the requests made in (3) above on behalf of the Labour and Liberal Democrat Groups be noted;

- (b) subject to (a) above and the outcome of the Romney Marsh By-Election, the revised proportionality calculations be recommended to the County Council on 17 February 2011, confirming that the Labour Group will be invited to fill an additional three Committee places to which the individual proportionality rules would entitle them;
- (c) delegated authority be given to the Head of Democratic Services and Local Leadership to make the appointments to the Committees immediately after the County Council meeting on 17 February 2011; and
- (d) the County Council be recommended to agree that the Labour Group receive an entitlement to take up a seat on the Kent and Medway Fire and Rescue Authority at the expense of the Conservative Group.

### **3. Petition Scheme review**

#### *(Item 6)*

(1) The Head of Democratic Services and Local Leadership gave a demonstration of the on-line Petition Scheme showing how a member of the public could access the Scheme, set up a petition and register to sign a petition.

(2) The Committee agreed that the link on the KCC home page should be amended to read "Have your say – Petitions."

(3) The Committee also agreed that all on-line petitions should be notified to the appropriate Cabinet Portfolio Holder as well as to Members generally through the "Members' Bulletin" and that consideration should be given to notifying the press of all such petitions.

(4) The Committee agreed that the remit of Locality Boards should include reference to them of petitions that reached a certain threshold for debate and recommendation.

(5) The Committee concluded that the Petition Scheme should be allowed to continue to the point where it had been in operation for a year before any amendments to it were recommended to the County Council.

(6) RESOLVED that:-

- (a) the provision within the Localism Bill to remove the statutory requirements relating to petitions be noted;
- (b) the link on the KCC internet home page be amended to read "Have your say – Petitions";
- (c) all on-line petitions be notified to the appropriate Cabinet Portfolio Holder as well as to Members generally through the "Members' Bulletin" with consideration being given to notifying the press of all such petitions;

- (d) the County Council be advised of the Committee's view that the remit of Locality Boards should include reference to them of petitions that reach a certain threshold for debate and recommendation; and
- (e) no recommendation be made to the County Council on amendments to the Petition Scheme until it has been in operation for a year.

#### **4. South East Coast Ambulance Service - Nomination for Council of Governors**

*(Item 7)*

- (1) The Chairman explained that the urgent need to make an appointment to the South East Coast Ambulance Service Council of Governors had led to it being made without reference to the Opposition Groups. She apologised that this had been the case and explained that the appointment made would be reconsidered as part of the ongoing review of Outside Body appointments.
- (2) RESOLVED to note the action taken by the Head of Democratic Services and Local Leadership in consultation with the Chairman to successfully put forward Mr M C Dance as the County Council's nomination to the South East Coast Ambulance Service Council of Governors.

#### **5. Other Items which the Chairman decides are Urgent**

*(Item 8)*

- (1) Mr L Christie raised the very recent correspondence from the Director of Governance and Law stating the need for each Member of the Council who used a computer for constituency case work or political purposes to register with the Information Commissioner at a cost of £35.
- (2) The Committee agreed that the Head of Democratic Services and Local Leadership would be asked to investigate whether it would be possible for all KCC's Members to be registered corporately and to write to them with further advice.

This page is intentionally left blank



By: Director of Law and Governance

To: Selection and Member Services Committee – 22 March  
2011

Subject: PROPOSED REVISED COMMITTEE STRUCTURE AND  
PROPORTIONALITY

Classification: Unrestricted

Summary: Invites the Committee to make recommendations to the Council on 6 April on the revised total number of Committee places and the allocation of those places between the political groups arising out of the new proposed committee structure.

FOR DECISION

### Composition of the County Council

1. (1) The current composition of the County Council is set out in the table below:

Political Group	Number of seats	Proportion of seats
Conservative	73	87% (86.90%)
Liberal Democrat	7	8% (8.33%)
Labour	3	4% (3.57%)
Other	1	1% (1.19%)
<b>Total</b>	<b>84</b>	<b>100%</b>

### Revisions to the County Council's Committee Structure

2. (1) The Leader of the Council has proposed a revised Committee structure for the County Council, as follows:

(a) the three Children, Families and Education POSCs would be replaced by an Education, Learning and Skills POSC;

(b) the Adult Social Services POSC would be replaced by an Adult Social Services & Public Health POSC and a Specialist Children's Services POSC; and

(c) the Communities POSC would become the Customer and Communities POSC

(2) The net effect of these changes would be to reduce the number of POSCs by 1. This would bring about a consequent reduction in the overall number of Committee places to be allocated.

(3) The Local Government and Housing Act 1989 requires Committee places to be allocated between the political groups in accordance with the following principles:

(a) the group with the majority of seats on the Council is allowed to have a majority of seats on each Committee;

(b) subject to (a) above, the number of seats on the total of all Committees allocated to any political group must be proportional to the number of seats which that group holds on the County Council;

(c) subject to (a) and (b) above, the number of seats on each Committee allocated to any political group must be proportional to the number of seats which that group holds on the County Council;

(3) The Table below shows how the total number of seats would be allocated within the new proposed structure.

(4) The Liberal Democrat Group has currently 1 more seat than it is entitled to because places on the Flood Risk Management Committee were allocated according to a calculation for the Committee with no reference being made to overall proportionality. The County Council agreed on 17 January 2011 to vary the proportionality rules so that the Liberal Democrat Group retained its place.

(5) Entitlement to places on Select Committees and Panels is unaffected by the proposed changes.

<b>Committee</b>	<b>Con</b>	<b>Lib Dem</b>	<b>Lab</b>	<b>independent</b>	<b>Total</b>	<b>Non KCC</b>
Cabinet Scrutiny Committee	11 (11.30)	1 (1.08)	1 (0.46)	1 (0.15)	13 + 1	*5
Corporate Policy Overview Committee	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Adult Social Services and Public Health POSC	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	
Customer and Communities POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Education, Learning and Skills POSC	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	@ 11
Specialist Childrens Services POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	@ 11
Environment Highways and Waste POSC	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	
Regeneration and Economic Development POSC	11 (10.42)	1 (1.00)	0 (0.43)	0 (0.14)	12	

Health Overview and Scrutiny Committee	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	4 \$
Scrutiny Board	9 (8.69)	1 (0.83)	0 (0.36)	0 (0.12)	10	+
Governance and Audit Committee	12 (11.30)	1 (1.08)	0 (0.46)	0 (0.15)	13	
Electoral & Boundary Review Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Personnel Committee	6 (6.95)	1 (0.66)	1 (0.29)	0 (0.10)	8	
Planning Applications Committee	16 (14.77)	1 (1.41)	0 (0.61)	1 (0.20)	17+1	
Regulation Committee	15 (13.90)	1 (1.33)	0 (0.57)	1 (0.20)	16 +1	
Selection and Member Services Committee	7 (7.82)	1 (0.75)	1 (0.31)	0 (0.11)	9	
Superannuation Fund Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	3 (1/1/1)#
Children's Champions Board	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Flood Risk Management Committee	6 (6.08)	1 (0.58)	0 (0.25)	0 (0.08)	7	
<b>TOTAL</b>	188	19	7	3	217	
<b>Proportionate Share of Total</b>	189 (188.57)	18 (18.08)	8 (7.75)	3 (2.58)	218 (+3)	
<b>Difference to Proportionate share</b>	-1	+1	-1	0		

<b>Sub-Committees</b>	<b>Con</b>	<b>LD</b>	<b>Lab</b>	<b>Ind/un-allocated</b>	<b>Non KCC</b>	<b>Total</b>
Select Committees	7	1	0	0		8
Regulation Committee Panels (School-related Appeals ( mainly Transport); Enforcement, Public Rights of Way, Marriage Premises, Village/Town Greens, Mental health Guardianship)	4	1	0	0		5
<b>Advisory Boards</b>	<b>Con</b>	<b>LD</b>	<b>Lab</b>	<b>Ind/un-allocated</b>	<b>Non KCC</b>	<b>Total</b>
Gypsy and Traveller Advisory Board	7	1	0	0		8
School Organisation Advisory Board	7	1	0	0		8

(6) In respect of the Regulation Committee Member Panels, the Chairman of the Regulation Committee has requested that a place be offered to the Independent Member of that Committee whenever either the Conservative or Liberal Democrat Groups offers to give up a place.

## **Recommendations**

4. (1) The Committee is asked to recommend to the County Council on 6 April 2011:

(a) the revised Committee structure and proportionality calculations, including the establishment of the Education, Learning and Skills POSC; the Adult Social Services & Public Health POSC; the Specialist Children's Services POSC; and the Customer and Communities POSC.

(b) that the Independent Member of the Regulation Committee be offered a seat on one of its Panels whenever either the Conservative or Liberal Democrat Group elect to give up a place.

Peter Sass –  
Head of Democratic Services and Local Leadership  
01622 694002

By: Peter Sass – Head of Democratic Services and Local Leadership

To: Selection and Member Services Committee – 22 March 2011  
Personnel Committee – 28 March 2011

Subject: **Interim Senior Manager Appointments**

Classification: Unrestricted

---

**Summary:**

**This report invites the Committee to determine the most appropriate process for notifying Members of all interim senior manager appointments.**

---

**1. Appointment of Interim Senior Managers**

(1) At its meeting on 3 November, 2010, the Scrutiny Board considered the process for the appointment of interim senior managers (costing £20,000 or more) and how this differs from the process for appointing Consultants.

(2) Paragraph 11(c) of Contract and Tenders Standing Orders (page 126 of the Constitution) states that:

"Being a named individual a 'Consultant' must, by definition, have been sourced via a non-competitive process. All contracts for a Consultant for £20,000 or more must be reported, as a non-competitive procurement, to the Head of Democratic Services within 14 days of the contract being awarded so that s/he may notify Members of the Scrutiny Board."

(3) Paragraph 8 of the Personnel Management Rules (page 47 of the Constitution) states that:

"When a senior manager<sup>\*</sup> ceases to hold that post or is likely to be absent for any length of time, the Group Managing Director, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee."

(4) At the present time, any appointment of a senior interim manager which is made at a cost of more than £20,000 is not reported to either to the Scrutiny Board or political group leaders, typically because the individual is:

---

<sup>\*</sup> defined in paragraph 2 of the Personnel Management Rules as Grade M or above

1. appointed as a result of a competitive process;
2. not a consultant but an interim manager; and
3. not temporarily covering an existing senior manager's post.

(5) The Scrutiny Board accepted that, whilst such appointments do not require notification under either of the parts of the Constitution referred to above, it would be desirable if elected Members were made aware of all senior managerial appointments, including those referred to in paragraph (4), above. Accordingly, the Scrutiny Board suggested the following additional sentence (underlined) be added at the end of paragraph 11(c) on page 126 of the Constitution:

"Being a named individual a 'Consultant' must, by definition, have been sourced via a non-competitive process. All contracts for a Consultant for £20,000 or more must be reported, as a non-competitive procurement, to the Head of Democratic Services within 14 days of the contract being awarded so that s/he may notify Members of the Scrutiny Board. Similarly, the appointment of an interim senior manager (defined in the Personnel Management Rules as Grade M or above) or equivalent for £20,000 or more for the period of the contract (whether undertaken as a non-competitive procurement or not) must also be reported to the Head of Democratic Services within 14 days of the appointment being made so that s/he may notify Members of the Scrutiny Board."

(6) At its meeting on 19 November, the Selection and Member Services Committee agreed that the above-mentioned change to the Constitution should be recommended to the County Council for approval.

(7) However, the Leader considers that it would be more appropriate to amend paragraph 8 of the Personnel Management Rules on the basis that it is the role of the Personnel Committee, not the Scrutiny Board, to be notified about and be aware of all senior manager appointments. Accordingly, the Committee is invited to recommend to the County Council the following amendment (underlined) to paragraph 8 of the Personnel Management Rules, as follows:

"When a senior manager<sup>†</sup> ceases to hold that post or is likely to be absent for any length of time, the Managing Director, after consultation with the political group leaders, may appoint someone to act temporarily in that capacity and determine the salary to be paid. The temporary appointment shall not extend beyond six months without the approval of the Personnel Committee. Similarly, the Managing Director may, after consultation with the political group leaders, appoint an interim senior manager to undertake a specific role that does not currently exist in the Establishment and determine the rate of remuneration. These appointments shall not extend beyond six months without the approval of the Personnel Committee."

---

<sup>†</sup> defined in paragraph 2 of the Personnel Management Rules as Grade M or above

## **5. Recommendations**

The Committee is invited to recommend to the County Council that the Personnel Management Rules be amended as set out in paragraph 1(7) above so that there is a clear and unambiguous process for notifying Members of all senior manager appointments as described in this report.

Peter Sass  
Head of Democratic Services and Local Leadership  
(01622 694002)  
[peter.sass@kent.gov.uk](mailto:peter.sass@kent.gov.uk)

Background Papers: None

This page is intentionally left blank



By: Alex King, Deputy Leader  
Peter Sass - Head of Democratic Services and Local Leadership

To: Selection and Member Services Committee – Tuesday, 22 March 2011

Subject: MEMBERS' ALLOWANCES AND OVERHEADS.

Classification Unrestricted

FOR DECISION

---

1. The agreed Medium Term Financial Plan for 2011 - 13 includes a target for efficiency savings in "Members' Allowances and Overheads" of £200,000 in 2011/12. In relation to the proposed reductions in the cost of Members' Allowances, the following proposals have been made:

- A reduction in the cost of Special Responsibility Allowances (SRAs) as a result of the reduction in the number of Deputy Cabinet Member positions from 12 to 10. In addition, two Deputy Cabinet Members will share one SRA. This delivers savings of **£39.9k**
- A reduction in the number of POSCs by one, which will deliver a saving of **£7.7k**
- A reduction in the basic allowance by 1.5%. This will affect all members and deliver **£16.4k**
- A reduction in the remaining SRAs by 2.66%. This will deliver **£16k**

2. It is the role of the County Council formally to amend the Members' Allowances Scheme, on the recommendation of the Independent Remuneration Panel. Accordingly, these proposals are submitted to the Committee for information, pending their consideration by the Independent Remuneration Panel in due course. It is intended that, subject to the Panel's views, the County Council will be asked to formally determine the above changes to the Members' Allowances Scheme at its meeting on 6 April 2011.

3. If the above changes to the Members' Allowances Scheme are agreed by the County Council, this leaves a balance of £120k to be found from the Member Support budgets. Various options to achieve this saving are being investigated and costed and great care is being taken to fully examine all of the options available. In particular, the impact on staff who directly support Members is currently under discussion and will be the subject of a future report to the Committee. Any future changes in Member staffing will need to take into account the proposed development of the Cabinet Office, as outlined in the "Change to Keep Succeeding" report approved by the County Council in December 2010.

4. There are, however, two firm proposals for part of the £120k that do not affect staff and upon which the Committee's approval is requested, as follows:

- A reduction in the remaining £50k budget for Members' IT of £20k, leaving £30k. This will provide an annual revenue contribution to the

election reserve to cover the IT costs for the Council election and £5k for sundries.

- A proposed reduction in the Chairman's budget of 5%, saving £2k

**RECOMMENDATIONS:**

1. That the Committee notes the proposal to recommend to the County Council a number of changes to the current Members' Allowances Scheme as set out in paragraph 1 above, subject to consultation with the Independent Remuneration Panel; and
2. That the Committee note the current position with regard to achieving the balance of the savings target for 2011/12, as set out in paragraph 3 above; and
3. That the Committee approves the proposed budget reductions as set out in paragraph 4 above

Peter Sass: Head of Democratic Services and Local Leadership

Officer Contact: Peter Sass  
Head of Democratic Services and Local Leadership  
(01622) 694002

By: Paul Carter, Leader of the Council  
Alex King, Deputy Leader  
Head of Democratic Services and Local Leadership

To: Selection and Member Services Committee – Tuesday, 22  
March 2011

Subject: APPOINTMENT OF DIRECTOR TO THE FOUR PRIVATE  
LIMITED COMPANIES ADMINISTERED VIA COMMERCIAL  
SERVICES.

Classification Unrestricted

FOR DECISION

---

### **Appointments to Outside Bodies**

1. The Leader has nominated Mr Gary Cooke to replace Mr Bryan Sweetland as the County Council's Elected Member Director on the Boards of Kent County Trading Ltd; Kent County Supplies Ltd; Kent Top Temps Ltd; and Kent County Facilities Ltd. He has requested the Committee's agreement to these nominations.

#### RECOMMENDATIONS:

The Committee is recommended agree the appointment of Mr Gary Cooke as the County Council's Elected Member Director on the Boards of Kent County Trading Ltd; Kent County Supplies Ltd; Kent Top Temps Ltd; and Kent County Facilities Ltd.

Peter Sass: Head of Democratic Services and Local Leadership

Officer Contact: Andrew Tait  
Democratic Services Officer  
(01622) 694342

This page is intentionally left blank