



KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

AGENDA

**Tuesday, 7 June 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): Mr P B Carter, Mrs S V Hohler, Mr P J Homewood,
Mr A J King, MBE, Mr K G Lynes, Mr B J Sweetland Mrs J Whittle

Liberal Democrat (1): Mrs T Dean

Labour (1) Mr G Cowan

UNRESTRICTED ITEMS

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

1. Membership
 - (a) To note that Mrs J Whittle has replaced Mr R A Marsh on the Committee
 - (b) To note that Mr P J Homewood has replaced Mrs J Rook on the Committee.
 - (c) To note that Mr G Cowan has replaced Mr L Christie on the Committee
2. Substitutes
3. Election of Chairman
4. Declarations of Interests by Members in items on the Agenda for this meeting.
5. Minutes - 22 March 2011 (1 - 4)
6. Establishing a Shadow Health and Wellbeing Board for Kent (5 - 18)
7. Recorded Voting at Planning Applications Committee meetings (19 - 20)
8. Members' Allowances 2010/11 (21 - 24)
9. Members' accommodation TO FOLLOW

10. Outside Bodies - Rochester Bridge Trust (25 - 28)
11. Outside Bodies - Regional Flood and Coastal Committee (29 - 34)
12. Other Items that the Chairman decides are Urgent
13. Motion to exclude the Press and Public

That under Section 100A of the Local Government Act 1972 the public be excluded from the meeting on the grounds that it involves the disclosure of exempt information as defined in paragraphs 1 and 3 of Schedule 12A of the Act.

EXEMPT ITEMS

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

14. Members' Allowances and Overheads Budget 2011/12 TO FOLLOW

Peter Sass
Head of Democratic Services

Friday, 27 May 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.

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 Tuesday, 22 March 2011.

PRESENT: Mrs J A Rook (Chairman), Mrs A D Allen (Substitute for Mr P B Carter), Mr D L Brazier (Substitute for Mr B J Sweetland), Mr L Christie, Mrs T Dean, Mrs S V Hohler, Mr A J King, MBE, Mr K G Lynes Mr R A Marsh

IN ATTENDANCE: Mr P Sass (Head of Democratic Services and Local Leadership) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

6. Membership (Item)

The Committee noted the appointment of Mr B J Sweetland in place of Mr N J D Chard.

7. Meeting Dates (Item 3)

The Committee noted a change in meeting date from 2 September to Monday, 12 September 2011 at 2.00 pm.

8. Minutes - 27 January 2011 (Item 4)

(1) In respect of Minute 5 (2), the Head of Democratic Services and Local Leadership informed the Committee of the Director of Law and Governance's advice that it was a matter for each individual Member to register with the Information Commissioner and that this could not be done corporately.

(2) RESOLVED that the Minutes of the meeting held on 27 January 2011 are correctly recorded and that they be signed by the Chairman.

9. Revised Committee proportionality (Item 5)

(1) The Head of Democratic Services and Local Leadership informed the Committee that the Labour Group had asked to be allocated a seat on the Education, Learning and Skills POSC, bringing the total membership of that Committee up to 13 and the overall total to 218. This was agreed.

(2) The Committee noted that the membership of the Scrutiny Board remained at 10 even though the total number of Overview and Scrutiny Committee Chairmen would reduce to 9. It was therefore agreed that the spare place on this Committee

should be offered to the Conservative Group Spokesman on the Cabinet Scrutiny Committee.

(3) RESOLVED that the County Council meeting on 6 April 2011 be recommended to agree:-

- (a) the revised Committee structure and proportionality calculations set out in the report (subject to (1) above), including the establishment of the Education, Learning and Skills POSC; the Adult Social Services and Public Health POSC; the Specialist Children's Services POSC; and the Customer and Communities POSC; and
- (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.

10. Interim Senior Manager Appointments

(Item 6)

(1) During discussion of this item, the Committee agreed that Members should be informed whenever a long-serving member of staff retired or left the employment of Kent County Council.

(2) The Committee noted that Members were often unclear whether they were being consulted or advised about senior manager appointments. The Deputy Leader agreed to discuss with the Director of Personnel and Development how this process could be clarified.

(3) The Head of Democratic Services and Local Leadership informed the Committee of the views of the Chairman of the Scrutiny Board in agreement with the proposals.

(4) RESOLVED that the County Council be recommended to amend the Personnel Management Rules set out in paragraph 1 (7) of the report so that there is a clear and unambiguous process for notifying Members of all senior manager appointments as described in the report.

11. Members' Allowances and Overheads

(Item 7)

(1) Mrs S V Hohler noted the advice from the Head of Democratic Services and Local Leadership that all Members had a dispensation to vote on their allowances. She nevertheless made a declaration of personal Interest as her daughter was also a Member of the Council.

(2) Mr L Christie moved, seconded by Mrs T Dean that the basic allowance for each Member be reduced by £1,000 per annum to the pre-June 2009 level.

Lost 2 votes to 7.

(3) Mr A J King informed the Committee that he intended to bring a report to the next meeting of the Committee explaining how he intended the remainder of savings to be achieved.

(4) Mr A J King moved, seconded by Mr K G Lynes that the recommendations set out in the report be agreed.

Motion Carried 7 votes to 2

(5) RESOLVED that:-

- (a) the proposal to recommend the changes to the current Members' Allowances Scheme be noted as set out in paragraph 1 of the report, subject to consultation with the Independent Remuneration Panel;
- (b) the current position with regard to achieving the balance of the savings target for 2011/12 be noted as set out in paragraph 3 of the report; and
- (c) the proposed budget reductions set out in paragraph 4 of the report be agreed.

12. Appointment of Director to the four Commercial Services Limited Companies

(Item 8)

(1) The Committee noted that the four private company directorships were unremunerated.

(2) RESOLVED that 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 be agreed.

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By: Roger Gough, Cabinet Member for Business Strategy,
Performance & Health Reform
Graham Gibbens, Cabinet Member for Adult Social Care & Public
Health
Meridan Peachey, Director of Public Health

To: Selection and Member Services Committee

Date: 7 June 2011

Subject: Establishing a Shadow Health and Wellbeing Board for Kent

Classification: Draft

Summary:

This paper is seeking Selection and Member Services Committee approval for the establishment of the Kent Health and Wellbeing Board (HWB), including Terms of Reference, Standing Orders and Membership.

1. Background.

1.1. The Health and Social Care Bill outlines a new role for local authorities for the co-ordination, commissioning and oversight (including scrutiny) of health, social care (both adults and children's), public health and health improvement. The following are the key duties that Kent County Council will have (subject to the enactment of the Bill) which it will need to prepare for:

- Creation of a Health and Wellbeing Board
- Transfer of Public Health and health improvement functions from the PCT, including a ring fenced budget.
- Expansion of the health and social care scrutiny functions
- Establishment of the local HealthWatch.

1.2. This paper focuses on the development of the HWB functions. Kent has been awarded Health and Wellbeing Board Early Implementer status by the Department of Health, enabling it to build on its strong track record of partnership working between the County Council and health organisations. Discussions have been led by both the Cabinet Members for Older Peoples Services and Business Strategy and Support with support from the Shadow Health and Wellbeing Task Group, led by the Director of Public Health, Meradin Peachey.

1.3. Shadow HWBs will have to be in place in every upper tier authority by the end of 2011. By undertaking the early implementer work, Kent County Council will have the mechanisms in place, relationships cemented and a work programme underway by that date. The final

shape of the HWB (subject to legislation) will be subject to a separate decision.

1.4. Once established, the HWB will act as a full KCC committee operating in shadow form until the final legislation detailing the statutory duties of the HWB is enacted¹. During this period, the HWB will continue to develop relationships between professional groups, refine roles and responsibilities and identify and deliver some quick wins (e.g. joint commissioning). In support of this, a robust evaluation process has been developed to enable lessons to be learnt as this unique partnership develops in shadow form.

2. Health and Social Care Bill

2.1. The Health and Social Care Bill outlines the role and responsibilities of the HWB, to provide a strategic and integrated approach to local commissioning across the NHS, social care and public health. In response to the consultation on the NHS White Paper, the role of the HWB has been further strengthened, and now includes responsibility for:

- Encouraging integrated working, including increased joint commissioning and pooled budgets.
- Conducting a Joint Strategic Needs Assessment (JSNA) to assess health and wellbeing needs of local people, and identify local priorities.
- Using the JSNA, agreeing a Joint Health and Wellbeing Strategy across the NHS, public health, social care and children's services
- Supporting individual organisations, including GP consortia, to align their commissioning strategies to the Joint Health and Wellbeing strategy for the county.
- Acting as an open-ended vehicle (upper tier authorities will have the freedom to delegate additional functions to the HWB with the aim of providing better and more integrated services).
- The HWB will be able to formally write to the NHS Commissioning Board and the GPC if, in its opinion, the local NHS commissioning plans have not had adequate regard to the Joint Health and Wellbeing Strategy and Needs Assessment. It will also be able to write to the Local Authority if it feels the same is true of public health or social care commissioning plans.

2.2. The passage of the Health and Social Care Bill is currently subject to a pause, during which Government is seeking further comments on its content.

¹ the Health and Social Care Bill states that: "A Health and Wellbeing Board is a committee of the local authority which established it and, for the purposes of the enactment, is to be treated as if it were a committee appointed by that authority under section 102 of the Local Government Act 1972

3. Early Implementer status to create a Shadow Kent Health and Wellbeing Board

3.1. The NHS White Paper legislative framework sets out a requirement for HWBs to be in place by April 2013 (when they formally assume powers and duties at the same time that GP consortia take on the responsibility for the NHS budget). The legislative framework and next steps documentation set out an indicative timetable for the development of HWBs:

- Early 2011 – establishment of a network of early implementers, to start work on the new arrangements.
- By end 2011 – establishment of “shadow” HWBs in every upper tier authority.
- 2011/12 – Shadow running of HWBs.
- April 2013 onwards – statutory duties and powers to take full effect

3.2. Kent County Council was awarded Early Implementer status in March 2011, and has held an initial meeting with interested parties (including GPs), established a task force to develop the terms of reference and governance arrangements and to establish the HWB in shadow form ahead of the April 2012 deadline.

3.3. Dover District Council has also been awarded Early Implementer status. Whilst the statutory duty will sit with upper tier authorities; having Early Implementer status for both the County and a district council will enable the issues of working across two tiers on the HWB to be highlighted and addressed.

3.4. Evaluation. An evaluation process has been designed to review and evaluate the work undertaken by the HWB in its developmental phase. It is envisaged that the HWB will report to full Council annually on progress against its work plan, including the evaluation of impact.

4. Relationship with Other Partnerships

4.1. The HWB has a clear and strategic role working across the health system in Kent as described above. It will need to establish a distinct role that does not duplicate other arrangements while at the same time developing effective working relationships with existing or proposed partnerships.

4.2. The key relationships are with the following partnerships:

- Kent Forum and Ambition Boards. The work of the HWB will form part of the Ambition Board for “Tackling Disadvantage” and will report into the Kent Forum via this route.
- Locality Boards. These are in development across the County. Relationships between the HWB and the Locality Boards will be developed as the locality board model is developed. Links to Locality

Boards remains important, reflecting the complexities of health and social care needs across Kent.

- District level Health and Wellbeing Partnerships/Groups. Kent has already established a network of district-level Health and Wellbeing Partnerships/Groups (HWBPs). These have focussed on delivering the Public Health/Choosing Health agenda (including allocation of limited resources in some areas of the County). They have to date had limited GP involvement in district-level HWBPs. The role of these groups needs reviewing in the light of the development of both the HWB and the Locality Boards. However, they remain a useful mechanism for delivering the public health agenda at a local level.
- Once the HWB is established, it should develop locality and partnership arrangements as it sees fit. A key partnership will be with LINK and HealthWatch with whom it intends to work closely, in line with Department of Health policy and emerging best practice.

5. Proposed Membership and Terms of Reference (See Appendix A)

5.1. The Health and Social Care Bill identifies the statutory membership of the HWB as:

- At least one councillor of the local authority – Leader of the Council and/or their nominee
- Representative of each relevant GP commissioning consortium (one person may represent more than one consortia with the agreement of the HWB)
- Director of Adult Social Services
- Director of Children's Services
- Director of Public Health
- Representative of the local HealthWatch/LINK organisation.
- Such other persons or representatives as the local authority thinks appropriate (this was specifically added to the Bill in recognition of the role and contribution of district councils and other partners to the health and wellbeing agenda).
- NHS Commissioning Board (for the JSNA, HWB Strategy and matters relating to the commissioning functions of the NHS Commissioning Board).

5.2. In relation to Kent County Council representation, the following is recommended:

- The Leader of Kent County Council or his nominee*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform
- Cabinet Member for Specialist Children's Services
- Corporate Director for Families and Social Services*
- Director of Public Health*

* denotes statutory member of the HWB.

5.3. In addition the following membership for non-KCC bodies is recommended:

- GP Consortia: up to a maximum of one representative from each consortium or a number to be determined by the GPC leads*
- HealthWatch/Link*
- Three elected Members representing the District/Borough/City Councils (nominated through the Kent Forum)
- PCT Cluster Chief Executive (until 2013)
- NHS Commissioning Board*

* denotes statutory member of the HWB.

5.4. It is emphasised that the HWB membership will need to be kept under review and is liable to change both as a result of experience during this developmental stage and emerging Government guidance.

5.5. There is an expectation that there will be a reasonable balance between GPs and Kent County Council representatives.

5.6. As the HWB will contain both KCC officer and Members and non-KCC representatives, the following matters deviate from the normal KCC committee Procedure Rules:

- Conduct – Members of the HWB are expected to subscribe to and comply with any code of conduct that applies to the members concerned. In other words there will be more than one code of conduct in operation within this HWB, but that no single code of conduct will take precedence over another.
- Voting – The HWB will operate on a consensus basis, where consensus cannot be achieved the meeting or matter will be adjourned. The matter will then be reconsidered and if still no consensus can be achieved, then a vote will be taken (using a simple majority). Bullet point 9 in the Terms of Reference refers to the voting methods to be used, as the shadow HWB develops its role, how any votes are undertaken (whether one person, one vote or block voting) can be worked through in practice.

6. Initial Work Plan

6.1. This can be split into two main areas of focus: Overview and Development.

6.1.1. **Overview** – This covers areas of work that the HWB is responsible for, but does not have to deliver itself (e.g. work areas that it commissions). This covers in the first instance:

- Commission and agree the Joint Strategic Needs Assessment
- Commission and agree the Joint Health and Wellbeing Strategy
- Commission and agree the Pharmaceutical Needs Assessment
- Support individual organisations including GPC to align their commissioning strategies to the JHWS

- Whilst the HWB is in its shadow form it will have no formal legal status or powers. As such, the existing arrangements for approving the JSNA, PNA and JHWS may still need to pertain until such time as the HWB acquires its full status.
- 6.1.2. **Development** – This covers areas of work that the HWB needs to develop during its initiation stage. These include:
- Evaluation
 - Working with District Councils and locality based partners (locality working arrangements)
 - Pathway Advisory Groups – the role of these will be to review and co-design new care pathways to improve the patient journey, reduce duplication and enable reinvestment of savings made. These groups will include representation from GPCs, Providers, Local Government and the Public. They will be the place that all partners can discuss pathway redesign without prejudicing any commissioning process. It will provide commissioning guidance on the pathways it reviews e.g. Dementia. In the first instance these should concentrate on the priorities identified by the JSNA and the JHWS.

7. Scrutiny Arrangements

- 7.1. The creation of a democratically-led HWB is an opportunity to enhance accountability and ensure a better local focus in the development of health services in Kent.
- 7.2. Following on from the Health and Social Care Bill consultation process, the functions of health overview and scrutiny will not transfer to the HWB as originally envisaged in the NHS White Paper. Under the terms of the Bill as currently drafted, the HWB will be prohibited from exercising the health scrutiny function. The existing local authority health scrutiny functions are to be strengthened; for example, it will have its power extended to require any provider of NHS funded services as well as any NHS commissioner, including the GPCCs, to attend scrutiny meetings and provide information.
- 7.3. The Health and Social Care Bill as currently drafted, preserves the local authority health scrutiny function but removes the duty to have a separate health overview and committee, although the Bill allows for a committee to continue exercising the function if the authority so wishes. The Bill also currently allows for the detail around the exercise of health scrutiny powers to be set out in secondary legislation (to be consulted on later in the year). This may involve the power of referral being vested in the full Council and not the Health Overview and Scrutiny Committee (HOSC) and possibly involve other changes to the scope and exercise of the referral powers. The power to refer currently relates to the ability of the HOSC to refer services to the Secretary of State on two grounds: inadequate consultation or that change is not in the best interests of local health services.

8. Consultation

8.1. The proposal to create a shadow HWB has been developed by the Health and Wellbeing Taskforce in consultation with the lead Cabinet Members for Adult Social Care & Public Health and Business Strategy, Performance & Health Reform, and other partners. The key consultation points have been:

- 16 March – HWB Workshop with key partners
- 25 March – Kent Forum presentation on emerging health agenda
- 28 March – First meeting of the Health and Wellbeing Task Group (chaired by Meridan Peachey)
- 18 May – Member Briefing on Health
- 6 June – Kent Forum Health Session
- 15 June – Second workshop/meeting for HWB key partners.

9. Risks.

9.1. The consultation on the Bill is currently subject to a pause whilst views on it are sought. KCC, as an Early Implementer of HWBs, has been asked to respond to a number of specific points including:

- How to ensure public accountability and patient involvement in the new system
- How advice from across a range of healthcare professionals can improve patient care.

9.2. It is unclear at this time what will change in the Bill and the impact this will have in developing the HWB structures or any further burdens that this will place on the Council.

9.3. The timeline for establishing the shadow HWB is relatively short, and whilst good progress has been made to develop the relationships between the key representatives; delays in the Health and Social Care Bill will have an impact on the implementation of the HWB.

10. Financial Implications.

10.1. No additional funding has so far been made available for the operation of the HWB. However, a decision will be required as to where the administration of the Shadow HWB will sit, whether in Democratic Services or elsewhere in Kent County Council. It is estimated that each quarterly meeting will involve up to 10 hours' work, in relation to making the logistical arrangements for the meeting, collating and sending out papers, meeting attendance, drafting minutes and undertaking any follow-up work. Staff costs at level KR8 are estimated to be in the region of £250 per meeting. Further costs will be incurred in relation to accommodation for the meetings, particularly if held outside County Hall, refreshments, etc, for which no budgetary provision currently exists. A total annual budgetary provision of approximately £2,500 therefore needs to be made.

10.2. In addition, no additional funding has been made available to provide the wider operational and policy support to the HWB. It is impossible to say at this time what the policy cost implications are, however, the potential scale of the health policy issues is significant; on a comparative scale (08/09 figures), the NHS in Kent spent £1.9 billion whereas KCC spent £857 million (after the Education DSG is removed from the total KCC budget).

11. Recommendations

11.1. Selection and Member Services Committee is asked to:

- a) Recommend to County Council the establishment of the Kent Health and Wellbeing Board as a committee of Kent County Council. The Health and Wellbeing Board to operate in shadow form until legislation is enacted.
- b) Recommend to County Council the KCC membership of the HWB and the Terms of Reference as set out in Appendix 1.
- c) The Board report annually to full Council on its activity and progress over the previous 12 months.
- d) Review and amend where necessary, the Terms of Reference and Standing Orders in relation to the HWB; in light of the development of the Board over the next 18 months it's evaluation programme and the publication of relevant legislation and guidance.

Appendices:

Appendix A – Terms of Reference

Background Documents:

There are no background documents.

Contact Officer: David Whittle. David.whittle@kent.gov.uk. 01622 696969

Kent Shadow Health and Wellbeing Board

Draft Terms of Reference

Role

The shadow Health and Wellbeing Board (HWB) will lead and advise on work to improve the health and wellbeing of the people of Kent through joined up commissioning across the NHS, social care, public health and other services (that the HWB agrees are directly related to health and wellbeing,) in order to secure better health and wellbeing outcomes in Kent and better quality of care for all patients and care users. The HWB has a primary responsibility to make sure that health care services paid for by public monies are provided in a cost-effective manner.

The Shadow HWB also aims to increase the local democratic legitimacy in health and provide a key forum for public accountability for NHS, public health, social care and other commissioned services that relate to people's health and wellbeing.

Terms of Reference:

The HWB will:

1. Commission and endorse the Kent Joint Strategic Needs Assessment (JSNA), subject to final approval by relevant partners, if required.
2. Commission and endorse the Kent Joint Health and Wellbeing Strategy (JHWS) to meet the needs identified in the JSNA, subject to final approval by relevant partners, if required.
3. Commission and endorse the Kent Pharmaceutical Needs Assessment, subject to final approval by relevant partners, if required.
4. Review the commissioning plans for healthcare, social care (adults and children's services) and public health to ensure that they have due regard to the JSNA and JHWS, and to take appropriate action if they consider that they do not (for instance, by writing formally to the local authority leadership, GP consortium or the NHS Commissioning Board as appropriate, drawing attention to their reservations).
5. Consider the totality of the resources in Kent for health and wellbeing and consider how and where investment in health improvement and prevention services could (overall) improve the health and wellbeing of Kent's residents.

6. Endorse and secure joint arrangements where agreed and appropriate; including the use of pooled budgets for joint commissioning (s75), the development of appropriate partnership agreements for service integration, and the associated financial protocols and monitoring arrangements., making full use of the powers identified in all relevant NHS and local government legislation.
7. Facilitate pathway redesign to improve the patient journey and healthcare outcomes.
8. Consider and advise CQC, NHS Commissioning Board, Monitor and Providers in health and social care with regards to service reconfiguration and make recommendations to those providers to enable improved and integrated service delivery.
9. Provide advice (as and when requested) to the County Council on service reconfigurations that may be subject to referral to the Secretary of State on resolution by the full County Council.
10. Be the focal point for joint working in Kent on the wider determinants of health and wellbeing, such as housing, leisure facilities and accessibility, in order to enhance service integration.
11. Discharge its duty to encourage integrated working with relevant partners within Kent (e.g. at locality level).
12. Develop and implement a Key Deliverables Plan, which will support the HWB early implementer status evaluation report, to be submitted to the Department of Health in May 2012.
13. Will report to the full County Council on an annual basis on its activity and progress against the milestones set out in the Key Deliverables Plan.
14. Develop and implement a Communication and Engagement strategy for the work of the HWB; outlining how the work of the HWB will reflect stakeholders views and how the HWB will discharge its specific consultation and engagement duties. Work closely with LINKs/Local HealthWatch.
15. Represent Kent in relation to health and wellbeing issues across localities, nationally and internationally.
16. Subject to prior agreement and meeting the HWB's agreed criteria, the HWB may delegate those of its functions it considers appropriate to another committee established by one or more of the principle councils in Kent to carry out specified functions on its behalf for a specified period of time.

Membership

The Chairman will be elected by the HWB.

1. Kent County Council:

- The Leader of Kent County Council and/or their nominee*
- Cabinet Member for Adult Social Care & Public Health
- Cabinet Member for Business Strategy, Performance and Health Reform
- Cabinet Member for Specialist Children's Services
- Corporate Director for Families and Social Services*
- Director of Public Health*

2. GP Consortia: up to a maximum of one representative from each consortium or to be determined by the GPC leads*
3. HealthWatch/Link*
4. Three elected Members representing the Kent District/Borough/City councils (nominated through the Kent Forum)
5. PCT Cluster Chief Executive (until 2013)
6. NHS Commissioning Board*

*denotes statutory member.

Kent Health and Wellbeing Board – Terms of Reference

Standing Orders

1. **Conduct.** Members of the HWB are expected to subscribe to and comply with any code of conduct that applies to them. No code of conduct will have precedence over another.
2. **Frequency of Meetings.** The HWB shall meet at least quarterly. The date, time and venue of meetings shall be fixed in advance by the HWB in order to coincide with the key decision-points and Forward Plan.
3. **Meeting Administration.** HWB meetings shall be advertised and held in public and be administered by the County Council. The HWB will consider matters submitted to it by local partners. The County Council shall give at least five clear working days' notice in writing to each member for every ordinary meeting of the HWB, to include any agenda of the business to be transacted at the meeting. Papers for each HWB meeting will be sent out five clear working days in advance. Late papers will be sent out or tabled only in exceptional circumstances. The HWB shall hold meetings in private session when deemed appropriate in view of the nature of business to be discussed. The Chair's decision on this matter shall be final.
4. **Special Meetings.** The Chair may convene special meetings of the HWB at short notice to consider matters of urgency. The notice convening such meetings shall state the particular business to be transacted and no other business will be transacted at such meeting.

The Chair will be required to convene a special meeting of the HWB if s/he is in receipt of a written requisition to do so signed by no less than [three] of the [Constituent Members/members] of the HWB. Such requisition shall specify the business to be transacted and no other business shall be transacted at such a meeting. The meeting must be held within seven days of the Chair's receipt of the requisition.

5. **Minutes.** The HWB shall cause minutes of all of its meetings to be prepared recording:
 - a) the names of all members present at a meeting and of those in attendance
 - b) apologies
 - c) details of all proceedings, decisions and resolutions of the meeting.

These minutes shall be printed and circulated to each member before the next meeting of the HWB when they shall be submitted for the approval of the HWB. When the minutes of the previous meeting have been approved they shall be signed by the Chair.

6. **Agenda.** The agenda for each meeting will normally include:

- a. Minutes of the previous meeting for approval and signing
- b. Reports seeking a decision from the committee
- c. Any item which a Member of the Committee wishes included on the agenda, provided it is relevant to the terms of reference of the Committee and notice has been given to the Clerk at least nine working days before the meeting.

The Chairman may decide that there are special circumstances that justify an item of business, not included in the agenda, being considered as a matter of urgency. He must state these reasons at the meeting and the Clerk shall record them in the minutes.

7. **Chair and Vice Chair's Term of Office.** The Chair and Vice Chair's term of office shall terminate on 1 April in each year and they shall each be reappointed or replaced by another member, according to the decision of the HWB, at the first meeting of the HWB succeeding that date.

8. **Absence of Members and of the Chair.** If a member is unable to attend a meeting, then the relevant Constituent Member shall, where possible, provide an appropriate alternate member to attend in his/her place. Where possible, the Clerk of the meeting will be notified of any absence and/or substitution within 5 working days of the meeting. The Chair shall preside at HWB meetings if s/he is present. In her/his absence the Vice-Chair shall preside. If both are absent the HWB shall appoint, from amongst its members Acting Chair for the meeting in question.

9. **Voting.** The HWB will operate on a consensus basis. Where consensus cannot be achieved the subject (or meeting) will be adjourned. The matter will then be reconsidered; if at that point a consensus can still not be reached the matter will be put to a vote. All matters to be decided by the HWB shall be decided by a simple majority of the members present, but in the case of an equality of votes, the person presiding at the meeting shall have a second or casting vote. All votes shall be taken by a show of hands unless decided otherwise by the Chair.

10. **Quorum.** A third of [Constituent Members/members] shall form a quorum for meetings of the HWB. No business requiring a decision shall be transacted at any meeting of the HWB which is inquorate. If it arises during the course of a meeting that a quorum is no longer present, the Chair shall either suspend business until a quorum is re-established or declare the meeting at an end.

11. **Adjournments.** By the decision of the Chair of the HWB, or by the decision of a majority of those present at a meeting of the HWB, meetings of the HWB may be adjourned at any time to be reconvened at any other day, hour and place, as the HWB shall decide.

12. **Order at Meetings.** At all meetings of the HWB it shall be the duty of the Chair to preserve order and to ensure that all members are treated fairly. S/he shall decide all questions of order that may arise.
13. **Suspension/disqualification of Members.** At the discretion of the Chair, any body with a representative on the HWB will be asked to reconsider the position of their nominee if they fail to attend two or more consecutive meetings without good reason or with the prior consent of the Chair or they breach the appropriate code of conduct.

By: Alex King, Deputy Leader
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – Tuesday, 7 June 2011

Subject: RECORDED VOTING AT PLANNING APPLICATIONS COMMITTEE
MEETINGS

Classification: Unrestricted

FOR DECISION

The County Council's Constitution

1. Procedure Rule 2.20 of the County Council's Constitution sets out the rules for recording voting at committee meetings as follows:-

(1) If any Member requests, the Chairman will call a vote on any recommendation or motion or amendment. The vote will be by a show of hands by Members of the Committee present, including substitute Members.

(2) If the votes for and against are equal, the Chairman shall immediately declare if he is using his casting vote and, if so, whether for or against the proposal.

(3) Immediately after a vote has been taken, an individual Member may ask that the way he cast his vote either for or against the proposal or to abstain be recorded in the minutes.

(4) One-third of the voting Members present may require that the way all Members cast their vote for or against or to abstain shall be recorded in the Minutes: such a request must be made before the vote is taken.

The need to vary the procedure for the Planning Applications Committee

2. The determination of each planning application is a legal decision which is open to challenge either through an appeal to the Secretary of State or Judicial Review. On those occasions where the recommendations of the Head of Planning Applications Group have been agreed, the decision is readily defensible through reference to the professional advice given in the report and at the meeting.

3. The situation becomes more complex on those occasions when the Committee overturns the Head of Planning Applications Group's recommendations. Under such circumstances, the way in which each individual Member voted can become a matter of legal significance.

4. Consequently, the Director of Governance and Law has advised that the votes of each individual Committee Member (whether for, against or in abstention) should be recorded whenever the Committee votes against the

Head of Planning Applications Group's recommendation for permission or refusal.

5. This provision would supplement Procedure Rule 2.20 and would not replace it. Procedure Rule 2.20 (4) would be amended to read:

"One-third of the voting Members present may require that the way all members cast their vote for or against or to abstain shall be recorded in the Minutes; such a request must be made before the vote is taken. Additionally, the votes of each individual Member of the Planning Applications Committee (whether for, against or in abstention) will be recorded whenever the Committee votes against the Head of Planning Applications Group's recommendation for permission or refusal of a planning application, together with the grounds and reasons for overturning the recommendation."

6. This proposed provision has been reported to Planning Applications Committee, which considered it on 12 April 2011. The Committee agreed that the Director of Governance and Law's advice should be reported to Selection and Member Services Committee and (subject to that Committee's agreement) to the County Council for proposed adoption into the Constitution.

7. If this recommendation is agreed, it will be considered by the County Council on 21 July 2011.

RECOMMENDATION:

8. The Committee is invited to recommend the Director of Governance and Law's advice (set out in paragraphs 4 and 5 of this report) to the County Council for adoption into the Constitution.

Peter Sass: Head of Democratic Services

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

By: Director of Governance and Law
To: Selection and Member Services Committee – 7 June 2011
Subject: MEMBERS ALLOWANCES 2010/11
Classification: Unrestricted

Summary: The report is to note the annual return for Members' Expenses

FOR INFORMATION

Introduction

1. Kent County Council has a statutory requirement to publish annually the allowances paid to Members, which includes the Basic, Special Responsibility, Mileage and Carers Allowances.
2. As the financial year runs from 1 April 2010 to 31 March 2011, details for members of the previous Council are included in the attached **Appendix**.

Recommendations

3. The Committee is requested to note this report.

Peter Sass
Tel No: 01622 694002
e-mail: peter.sass@kent.gov.uk

Background Information: None

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KENT COUNTY COUNCIL

MEMBER ALLOWANCES 1 APRIL 2010 - 31 MARCH 2011

COUNCIL MEMBER	Mileage	Fares, Parking & Tolls	Subsistence & Accommodation	Total Expenses	Carers Allowance	Basic Allowance	Special Responsibility Allowance	Total Allowances	Total Allowances + Expenses
	£	£	£	£	£	£	£	£	£
MRS A D ALLEN	3144.91			3144.91		12999.96	7752.48	20752.44	23897.35
MRS M J ANGELL	2281.96	168.07		2450.03		12999.96	11075.00	24074.96	26524.99
MR R W BAYFORD						12999.96		20999.96	12999.96
MR A BLISS	289.85			289.85					289.85
MR A BOWLES	1748.80			1748.80		12999.96	13290.00	26289.96	28038.76
MR D L BRAZIER	3715.48	218.00	75.15	4008.63		12999.96	13290.00	26289.96	30298.59
MR R E BROOKBANK	1246.63	66.10		1312.73		12999.96		14312.69	14312.69
MR J R BULLOCK MBE						12999.96		12999.96	12999.96
MR R B BURGESS	1655.60			1655.60		12999.96	5439.24	18439.20	20094.80
MR C J CAPON		728.20		728.20		12999.96	7752.48	20752.44	21480.64
MS S CAREY	3237.88	11.10		3248.98		12999.96	13290.00	26289.96	29538.94
MR P B CARTER	1975.12	8.00		1983.12		12999.96	44300.04	57300.00	59283.12
MR N J D CHARD	1983.60	38.80		2032.40		12999.96	25218.66	38218.62	40251.02
MR A R CHELL						12999.96		12999.96	12999.96
MR I CHITTENDEN	103.79			103.79		12999.96	2304.35	15304.31	15408.10
MR L CHRISTIE	1087.00	4.00		1091.00		12999.96		12999.96	14090.96
MS P T COLE	843.46			843.46		12999.96		12999.96	13843.42
MR N J COLLIER	1750.21			1750.21		12999.96		12999.96	14750.17
MR G COOKE	294.38			294.38		12999.96	13290.00	26289.96	26584.34
MR B R COPE	1914.80	104.70		2019.50		12999.96		12999.96	15019.46
MR G COWAN	392.67			392.67		3774.18		3774.18	4166.85
MR H J CRASKE						12999.96		12999.96	12999.96
MR A D CROWTHER	2039.60		7.00	2046.60		12999.96		12999.96	15046.56
MR J M CUBITT	605.29			605.29		12999.96		12999.96	13605.25
MRS V J DAGGER	131.12			131.12		12999.96		12999.96	13131.08
MR D S DALEY						12999.96	2304.35	15304.31	15304.31
MR M C DANCE	1324.40			1324.40		12999.96	7752.48	20752.44	22076.84
MR J A DAVIES	1431.22	5.72		1436.94		12999.96	1729.13	14729.09	16166.03
MRS T DEAN	774.79	204.15	59.00	1037.94		12999.96	12932.70	25932.66	26970.60
MR K A FERRIN MBE	541.71	2.50		544.21		12999.96	5168.32	18168.28	18712.49
MR R FRAYNE						7583.31		7583.31	7583.31
MR T GATES	824.97			824.97		12999.96		12999.96	13824.93
MR G K GIBBENS	2268.94	1625.35		3894.29		12999.96	28794.96	41794.92	45689.21
MR R GOUGH	2884.58	423.18		3307.76		12999.96	28794.96	41794.92	45102.68
MS E GREEN	1379.60			1379.60		12999.96		12999.96	14379.56
MR M J HARRISON	3270.68	207.87	5.70	3484.25		12999.96	7752.48	20752.44	24236.69
MR W A HAYTON	663.20	45.00		708.20		12999.96	13825.29	26825.25	27533.45
MR C HIBBERD	2906.86	113.25		3020.11		12999.96	7752.48	20752.44	23772.55
MR P M HILL OBE	4044.73	133.28	153.26	4331.27		12999.96	28794.96	41794.92	46126.19
MR D A HIRST	1850.00			1850.00		12999.96		12999.96	14849.96
MS A HOHLER	206.00			206.00		2166.66		2166.66	2372.66
MRS S V HOHLER	3358.35	352.10	178.72	3889.17		12999.96	28794.96	41794.92	45684.09
MR P J HOMEWOOD	163.14			163.14		12999.96		12999.96	13163.10
MR G A HORNE						8052.75	4802.23	12854.98	12854.98
MR E C HOTSON	352.40			352.40		12999.96	7752.48	20752.44	21104.84
MR M J JARVIS	1370.79	53.60		1424.39		12999.96		12999.96	14424.35

By: Alex King, Deputy Leader
Head of Democratic Services

To: Selection and Member Services Committee – Tuesday, 7 June 2011

Subject: THE ROCHESTER BRIDGE TRUST

Classification Unrestricted

FOR DECISION

Introduction

1. Kent County Council currently has two representatives on the Rochester Bridge Trust, Mr F Gibson and Mr M V Snelling.
2. The Clerk to the Trust wrote to the County Council on 27 January 2011 requesting a nomination to take effect from 1 June 2011 once Mr Gibson's term of office expires. This letter is set out at **Appendix 1**.
3. The Clerk wrote a second letter on 31 March 2011 asking the County Council to appoint someone with a strong financial investment background. This letter is set out in **Appendix 2**.

Nomination

4. As these positions are currently in the gift of the Conservative Group, their Whip has suggested that the appropriate nomination would be from that Group and has proposed Mr P W A Lake.
5. The Liberal Democrat and Labour groups have also been approached. The Labour Group has indicated that it does not intend to make a nomination.

RECOMMENDATIONS:

6. The Committee is requested to make an appointment to the Rochester Bridge Trust.

Peter Sass: Head of Democratic Services

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

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The Bridge Chamber
5 Esplanade
Rochester
Kent
ME1 1QE



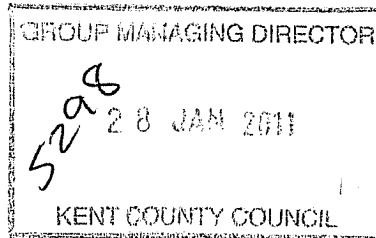
bridgeclerk@rbt.org.uk
Tel. 01634 846706
Tel. 01634 843457
Fax 01634 840125
www.rbt.org.uk

The Rochester Bridge Trust
Registered Charity No. 207100

Our ref: SEPT/JHS 777

27th January 2011

Mrs. K. Kerswell,
Chief Executive,
Kent County Council,
County Hall,
Maidstone,
Kent ME14 1XQ



Andy Tait

Dear Mrs. Kerswell,

Rochester Bridge Trust – Nomination of Member

I am writing to give you early formal notice of the need to make a nomination to the Rochester Bridge Trust.

The Trust was founded in 1399 and is responsible for providing bridges over the Medway at Rochester. The Trust also has powers to provide funds for other crossings and is a major grant-maker in Kent.

The nomination of members is set out in the Rochester Bridge Act 1908 as amended by the Charity Commission Scheme 1999. This requires that Kent County Council shall nominate two members to the Trust.

Your current nominees are Mr. Michael Snelling and Mr. Frank Gibson.

Mr. Gibson's term expires on 31st May 2011 and I would be grateful to receive details of your new nomination at your convenience. If possible, the Trust would be particularly grateful to receive a nomination of someone with a financial investment background.

There has been some confusion over the nomination of members from Kent County Council and I have attached a copy of a recent letter to Mr. Tait which sets out the background and rules governing the process.

I have enclosed a copy of our illustrated booklet of the history of the Trust for background information. If I can be of any further assistance or you have any queries please do not hesitate to contact me.

Yours sincerely,

Sue Threader

Sue Threader (Mrs)
Bridge Clerk

Mrs. S.E.P Threader BEng CEng MICE
Bridge Clerk (Chief Executive)

The Bridge Chamber
5 Esplanade
Rochester
Kent
ME1 1QE



bridgeclerk@rbt.org.uk
Tel. 01634 846706
Tel. 01634 843457
Fax 01634 840125
www.rbt.org.uk

The Rochester Bridge Trust
Registered Charity No. 207100

Our ref: SEPT/JHS 777

31st March 2011

A. Tait, Esq.
Legal Services
Kent County Council
County Hall
Maidstone
Kent ME15 2LQ

Dear Mr. Tait,

**Appointment of Member to the Court of Wardens & Assistants
Rochester Bridge Trust**

Further to our earlier correspondence and our recent telephone conversation, I understand that the Council is conducting a review of its appointments to outside bodies.

I explained briefly that the Trust will shortly, as a result of retirement, be losing one or two of its most experienced members with a strong investment management background. All of the Trust's income and reserves arise from the original 14th century endowment of land and money and therefore effective investment management is vital to our continued work. We provide and contribute funding to crossings of the Medway along its entire length and make charitable grants across the whole of Kent at no cost to the public.

I would be very grateful if you would make the appropriate Council members aware that the Trust is particularly seeking a nomination of someone with a strong financial investment background, e.g. pension fund management or similar. If the Council is able to identify someone with such expertise, the Wardens and Assistants would be extremely grateful.

If you require any assistance or further information, please do not hesitate to contact me.

Yours sincerely,

Sue Threader (Mrs)
Bridge Clerk

Mrs. S.E.P Threader BEng CEng MICE
Bridge Clerk (Chief Executive)

By: Alex King, Deputy Leader
Peter Sass, Head of Democratic Services

To: Selection and Member Services Committee – 7 June 2011

Subject: SOUTHERN REGIONAL FLOOD AND COASTAL
COMMITTEE

Classification Unrestricted

FOR DECISION

Introduction

1. Kent County Council has recently received correspondence from Dr Mike Bateman, Chairman of the Southern Regional Flood and Coastal Committee. This letter is set out at **Appendix 1**.

2. Dr Bateman's letter explains that this Committee will replace the Regional Flood Defence Committee once ministerial approval is given to the new membership scheme in the summer. Its role is set out in the Flood and Water Management Act 2010.

3. The Committee will play an active role in guiding the Environment Agency's flood and coastal risk management activities in the region, including raising a levy for local schemes, approving the Environment Agency's regional programme and assisting Lead Local Flood Authorities in developing their local strategies.

Nominations

4. Kent County Council currently has three representatives on the existing Regional Flood Defence Committee. They are Mr A H T Bowles, Mr M J Harrison and Mr R E King. Mr M J Vye attends as an observer. The County Council also has three positions on the proposed new Committee.

RECOMMENDATIONS:

5. The Committee is requested to make three appointments to the Southern Regional Flood and Coastal Committee. These appointments will be conditional on ministerial approval being given for its proposed composition.

Peter Sass: Head of Democratic Services

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

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From Chairman, Transitional Southern Regional Flood and Coastal Committee

To The Chief Executive

Now the elections are behind us, I thought it timely to advise you of the latest issues arising from the Regional Flood and Coastal Committee.

As you know, the Committee is undergoing changes as a result of the Flood and Water Management Act 2010, and will play a more active role in guiding the Environment Agency's flood and coastal erosion risk management activities in the region. This includes raising a levy for local schemes, approving the Environment Agency's regional programme and supporting delivery by assisting Lead Local Flood Authorities (LLFAs) in developing their local strategies. The Committee's status is currently 'transitional' until we have ministerial agreement to the new membership scheme. We expect that approval to be given in the summer.

I thought it important to alert you to this change because you will no doubt be shortly going through your annual nominations process for appointments to external bodies of which the Regional Flood and Coastal Committee will be one. We expect the new Committee to be formally in place by our October meeting.

Although there may not be ministerial approval at the time of your nominations process, it will be sensible to make nominations on the assumption that the Committee's composition is agreed. This will enable LLFA members to be in place and have received an induction before October. In the unlikely event that there are changes, I will let you know straight away.


The Committee's membership is intended to reflect the new partnership between the flood risk management authorities, including LLFAs and the Environment Agency. The number of members drawn from LLFAs has been increased from 10 to 14, which will improve representation and strengthen the Committee's democratic role.

These are new appointments (although you may re-appoint existing members) and the period of appointment is nominally for four years. I enclose a copy of the Regulations which relate to LLFA appointees, who should have "knowledge and experience relevant to the business of the Committee" (Regulation 13(1)b refers). The draft composition document enclosed sets out the number of members to be appointed by each LLFA.

I look forward to receiving your nomination(s) to the new committee and to working closely with your authority as we take the business of the committee forward.

Yours sincerely

pp

A handwritten signature in black ink, appearing to read 'Dr Mike Bateman', enclosed within a light grey rectangular border.

Dr Mike Bateman
Chairman
Southern Regional Flood and Coastal Committee

Regional Flood and Coastal Committee Composition Document for Southern Regional Flood and Coastal Committee

This document confirms the composition for the Committee established for the Southern region. This document is published in accordance with Regulation 8(1) of SI 2011/695: The Regional Flood and Coastal Committees (England and Wales) Regulations 2011.

Ministerial approval

This composition document has been approved by the Minister:

..... onDate

Composition of the Committee

The Southern Regional Flood and Coastal Committee will consist of:

1. A chair appointed by the Minister
2. Eight persons appointed by the Environment Agency
3. The members appointed by each Lead Local Flood Authority or Group of Lead Local Flood Authorities as defined below:

Lead Local Flood Authority	Number of members of the Southern Regional Flood and Coast Committee to be appointed by each Lead Local Flood Authority or Group of Lead Local Flood Authorities
Brighton and Hove	One
East Sussex	One
Hampshire	Two
Isle of Wight	One
Portsmouth	One
Southampton	One
Kent	Three
The London Boroughs of Bexley, Bromley and Greenwich	One member appointed by, or on behalf of, this group of Lead Local Flood Authorities
Medway Towns	One
West Sussex	Two

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