



AGENDA

SELECTION AND MEMBER SERVICES COMMITTEE

Friday, 2 July 2010 at 10.00 am

**Waterton Lee, Invicta House, County Hall,
Maidstone**

Ask for:

Andrew Tait

Telephone:

01622 694342

UNRESTRICTED ITEMS

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

1. Membership

To note the appointment of Mrs J A Rook to the Committee in place of Mrs P A V Stockell.

2. Substitutes

3. Election of Chairman

4. Declarations of Interests by Members in items on the Agenda for this meeting.

5. Minutes - 23 March 2010 (Pages 1 - 4)

6. Development of a Petition Scheme (Pages 5 - 22)

7. Proposed amendments to the Constitution (Pages 23 - 34)

8. Members' Allowances 2009/10 (Pages 35 - 40)

9. The John Townsend Trust (Royal School for Deaf Children Margate) (Pages 41 - 44)

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
(01622) 694002

Thursday, 24 June 2010

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, 23 March 2010.

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

IN ATTENDANCE: Mr G Wild (Director of Law and Governance), Mr P Sass (Head of Democratic Services and Local Leadership) and Mr P D Wickenden (Overview, Scrutiny and Localism Manager)

UNRESTRICTED ITEMS**1. Minutes - 27 January 2010**

Mr Sass advised Members that the list of politically restricted posts was in the process of being finalised by the Personnel and Development Unit and was expected to be available for the Committee by the end of the week.

In relation to security measures at County Hall, Mr Sass was asked to ensure that all Members were reminded of the need to always wear their KCC identity badges and also make available a lanyard for any Member who needed one.

Resolved: that the minutes of the meeting held on 27 January 2010 be approved as a correct record and signed by the Chairman.

2. Appointment of Parent Governor Representative

Resolved: that Mr Brian Critchley be appointed to serve as a parent governor representative on the Cabinet Scrutiny Committee (when it considers education matters) and on the Children, Families and Education Policy Overview and Scrutiny Committees for the present term of office, which expires at the end of April 2013.

3. Mental Health Act Guardianship Sub-Committee

The Committee was asked to consider recommending the County Council to establish a new Sub Committee of the Regulation Committee to consider applications under section 23 of the Mental Health Act 1983 to discharge a person from guardianship. It was noted that the Chairman of the Regulation Committee had been consulted and supported the proposal.

The Committee suggested that there should be a pool of suitably trained Members of both the Regulation Committee and the Adult Social Services Policy Overview and Scrutiny Committee, to ensure that there was always a sufficient number of Members available to meet on an ad hoc basis to consider requests for discharge.

Resolved: that:

(1) the County Council be recommended to approve the following addition to the Terms of Reference of the Regulation Committee:

“(g) the discharge of persons who are subject to guardianship, pursuant to section 23 of the Mental Health Act 1983 on the recommendation of the Director of Kent Adult Social Services.

(The Council agreed on 13 May 2010 that function (g) could be delegated to a sub-committee of at least three Members one of whom should be a Member of the Regulation Committee and the others to be Members of the Adult Social Services Policy Overview and Scrutiny Committee (who must not also be members of a Foundation Trust). The decision to discharge must be agreed by at least three Members or where there are more Members on the sub-committee by a majority of the Panel)”

(2) subject to the County Council agreeing to (1) above, the Regulation Committee be asked to ensure that there is always a sufficient number of appropriately trained Members available to serve on these Sub Committees, even though only 3 Members are required to determine a request for discharge.

4. Outside Bodies - Membership of Rochester Diocesan Board of Education

The Committee was invited to appoint a representative to serve on the Rochester Diocesan Board of Education to replace Mrs Green, who was originally appointed to the Board in July 2009, but who had recently resigned. Due to the fact that Labour Group had declined to nominate a replacement Member, it fell to this Committee to make agree a replacement.

Resolved: that Mr Peter Homewood be appointed to the Rochester Diocesan Board of Education, to replace Mrs Green, initially up to 1 December 2011.

5. Proposed restructuring of the Community Liaison Team

The Committee was asked to comment upon and approve the proposed restructuring of the Community Liaison Manager Team.

Members were supportive of the additional resources to enable the proposed restructuring to proceed, especially the aspect that each District/Borough area would have a dedicated Community Engagement Manager. However, there was some concern that the two team leaders would also have to support a District/Borough area and Mr Wickenden accepted that the new arrangements would require close monitoring to ensure that appropriate support was provided in all areas as required by Members.

Resolved: the proposed restructuring of the Community Liaison Manager Team be approved as described in the report and that authority be delegated to the Head of Democratic Services & Local Leadership to finalise the job descriptions for the team leader posts and undertake the recruitment exercise.

6. Other Items which the Chairman decides are Urgent

There were no urgent items for the Committee to consider.

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

To: Selection and Member Services Committee
2 July 2010

Subject: Development of a Petition Scheme

Classification: Unrestricted

Summary: This report sets out the key issues for consideration in developing a Petition Scheme, which will be submitted to County Council for approval on 22 July 2010.

1. Introduction

(1) The Local Democracy, Economic Development and Construction Act 2009 introduced a requirement for every principal local authority to have a Petition Scheme for both paper and electronic petitions. The requirement to produce a scheme for paper petitions came into force on 15 June 2010 and the requirement to have a facility for electronic petitions will come into force on 15 December 2010.

(2) An Informal Member Group (IMG) chaired by Mr A H T Bowles and comprising Mrs A D Allen, Mr L Christie, Mrs T Dean and Mrs J Rook (apologies were received from Mr R Lees) met on 4 June 2010 to formulate its views on the first draft of the Petition Scheme. The views of the IMG have been incorporated into the revised Scheme and, with the consent of the Chairman, Members of the IMG who are not Members of this Committee have been invited to attend this meeting.

2. Petition Scheme

(1) The Department of Communities and Local Government has issued statutory guidance on the duty to respond to petitions, which includes a model Petition Scheme. Attached as **Appendix 1** is a draft Petition Scheme for Members' consideration based on the model scheme, which will be amended in accordance with Members' comments and be recommended to the County Council for approval at its meeting on 22 July 2010. The Petition Scheme, and any future revisions to it, must be approved by the County Council.

(2) The Petition Scheme applies to petitions that request the authority to take, or cease to take, the action described in the petition. Petitions cover matters that relate to the functions of the authority, or an improvement to the economic, social or environmental wellbeing of the authority's area to which any of its partner authorities could contribute.

(3) Petitions that relate to planning applications are exempt from the Petition Scheme and KCC has its own process for dealing with these. This is explained

in the Petition Scheme along with contact details for submitting a petition relating to a planning application.

(4) Petitions can be signed by people who live, work or study within the County Council's area; there is no lower age limit on who can sign a petition. The IMG suggested that this should be expanded to include visitors to reflect Kent's position as a tourist destination.

(5) Although it is possible for councils to set a minimum number of signatures required for a submission to be considered as a petition and responded to accordingly, the Members of the IMG were of the view that no minimum level should be set. This would ensure that very local issues, e.g. provision of a pedestrian crossing, which may have a large impact on a small number of residents, are still capable of being drawn to the attention of the Council and being responded to.

(6) The IMG discussed the possible conflict that might arise if an e-petition was submitted just before the closing date of a major service variation, such as a closure of a community facility or the re-provision of a service, which affected a significant number of people. Such service variations may well have followed an intensive consultation process and involve either staff transfers or redundancies, in addition to affecting service delivery. The IMG was concerned that a petition organiser might be under the misapprehension that the submission of a petition would automatically "stop the clock" on the process for the service variation, which would not always be the case. In practice, the Head of Democratic Services and Local Leadership would have to discuss this with the Directorate and the lead petitioner, and either agree a shorter timescale for the petition so that it did not fall outside of the published consultation timescale, or that the petition would be considered after the formal decision was taken.

(7) There are a number of provisions which the Petition Scheme must include, which are:

Acknowledgement of petitions and validation of e-petitions

(8) All petitions must be acknowledged in writing within a specified period. This acknowledgement will also set out the process for dealing with the petition. It is suggested that the period should be 5 working days from receipt of a paper petition. When an e-petition is submitted via the website the receipt of it will be automatically acknowledged, checked by Democratic Services and, if necessary, there will be an email dialogue with the petitioner to clarify points such as timescale for the petition before it is made live on the system. Valid e-petitions will be made live on the website within 10 working days of the initial submission of the petition.

How the County Council can respond to the petition.

(9) There must be provision within the Petition Scheme for the County Council to do any of the following in relation to a valid petition:

- (a) give effect to the request in the petition
- (b) consider the petition at a meeting of the Council

- (c) hold an inquiry
- (d) hold a public meeting
- (e) commission research
- (f) give a written response to the petition organiser setting out the Council's views about the request in the petition
- (g) refer the petition to a Policy Overview and Scrutiny Committee or, in the case of cross cutting issues, to the Scrutiny Board (to determine which Policy Overview and Scrutiny Committee will consider the petition).

In addition, the IMG recommended included the following additional potential responses:

- (h) holding a meeting with petitioners
- (i) calling a referendum

(10) The petition organiser must be notified in writing of the steps to be taken or proposed to be taken and the reasons for these, in relation to their petition.

(11) It is suggested that the timescale for responding (i.e. telling the petitioner what the County Council intends to do with the petition) should be 20 working days.

Requirement to debate a petition at a meeting of the County Council.

(12) Councils are required to set a threshold figure for the number of signatures required for a petition to automatically trigger a debate at a meeting of the County Council.

(13) In accordance with the statutory guidance, thresholds should be achievable and expressed in a simple figure so that people know the number needed to trigger these types of response. Thresholds should be set at a low level and should be achievable for petitions on very local, as well as authority wide, concerns. However, the setting of this threshold figure has proven to be particularly challenging for County Councils, which tend to have large populations with a two tier element.

(14) Councils can review their thresholds after a period of activity. If there have been no council debates triggered then consideration should be given to the reasons for this; for example, is there ample publicity for the Petition Scheme or should the threshold level be lower to ensure that it is achievable? The statutory guidance states that should it become apparent that a council is setting levels which are unachievable then the Secretary of State has the power to direct them to amend their Petition Scheme.

(15) The statutory guidance sets a maximum figure of 5% of the population of the local authority's area (in the case of Kent County Council this would be 70,000 people). The figure used in the model scheme is 1% of the population (in the case of Kent County Council this would be 14,000).

(16) The IMG considered suggested that the thresholds for the County Council should be as set out below:

(a) Countywide petition (covering a matter that affects the whole county) - 12,000 signatures;

(b) Petitions that relate to a county matter within a single District/Borough area – 1,000 signatures;

(c) Petitions that relate to a county matter within two or more District/Borough areas - a multiple of 1,000 signatures per district (i.e. for a matter relating to three districts 3,000 signatures)

(17) The IMG suggested the following process for carrying out these debates at County Council meetings:

The County Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The lead petitioners, or their named representative, will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least 2 working days before the meeting.

The lead petitioner, or a named representative will be given 5 minutes to present the petition at the meeting and the petition will then be discussed by elected Members for a maximum of 1 hour. If the lead petitioner, or their named representative, does not attend the County Council meeting then the petition will be considered in their absence.

(18) Currently, there is an informal process for petitions to be received by the Chairman of the County Council and handed to a Cabinet Member. The IMG agreed that this process should continue but that once the petition has been received by the Chairman of the County Council it should then be given to the Director of Law and Governance/Head of Democratic Services and Local Leadership so that the petition can then be processed under the agreed Petition Scheme.

Requirement for an officer to attend an overview and scrutiny committee

(19) The Regulations also require Councils to set a threshold figure for the number of signatures required for an officer to attend a relevant meeting of a Policy Overview and Scrutiny Committee to account for their actions relating to a particular matter within their remit.

(20) It is for the County Council to decide what the threshold for this should be. The model scheme suggests that this should be 50% of the number of signatures required to trigger a debate at County Council, the IMG agreed with this suggestion, which based on the suggested thresholds in paragraph 2(16) above would be 6,000 signatures for a countywide matter and 500 signatures (or multiples) for a matter relating to a district.

(21) Once this matter is referred to the relevant Policy Overview and Scrutiny Committee it will be for that committee to decide if, for the purposes of addressing the concerns raised by the petition, it would be more appropriate for another officer of the authority to attend instead of the named officer. It is assumed that the officer will also be accompanied by the relevant Cabinet Member.

(22) The officers that are covered by this provision are:-

Group Managing Director
Managing Director, Children, Families and Education
Managing Director, Communities
Managing Director, Adult Social Services
Executive Director, Environment, Highways and Waste
Executive Director, Economic Development & ICT
Director of Finance

(23) The IMG was of the view that the petition organiser, or their named representative, should be invited to attend the meeting of the Policy Overview and Scrutiny Committee and that the process for this should reflect the process adopted by the Cabinet Scrutiny Committee for allowing members of the public to speak on a matter called in for scrutiny. It is therefore suggested that the following process be adopted where a petition is submitted calling an officer to account at a Scrutiny Committee and it reached the required number of signatures.

The lead petitioners or their named representative:

(a) will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least 2 working days before the meeting;

(b) will be allowed to address the Committee for up to 5 minutes to summarise their reviews and to amplify, but not repeat, any points in their written statement;

(c) will then be allowed up to 5 minutes to ask questions of the officer (the 5 minutes does not include the time for answers to be given). These questions should be used to seek genuinely new information. Questions must not be asked to which the member of the public already knows the answer.

(d) the Policy Overview and Scrutiny Committee will then make any recommendations that it considers appropriate.

Petition reviews

(24) If a petition organiser is not satisfied with the way in which the County Council had dealt with their petition they can request a review of the response to the petition by an Overview and Scrutiny Committee. In order to ensure that this review is carried out by a Policy Overview and Scrutiny Committee that was

not involved in responding to the petition, the IMG suggested that the Scrutiny Board should carry out all of these reviews.

(25) The petitioner must be informed of the results of the review. The results must also be published on the Council's website.

3. E- Petitions

(1) As mentioned above, the County Council is required to introduce a system to enable the public to submit petitions electronically. The Selection and Member Services Committee on 27 January 2010 was advised that it is intended to use the current Committee Management System (modern.gov) to administer e-petitions as this is a no cost option, which is already being used by a number of authorities across the country.

(2) Once an e-petition has been submitted and the Head of Democratic Services and Local Leadership has approved it as a valid petition, it will be put on the website and opened for "signatures". Anyone wishing to "sign" an e-petition will be required to register and provide their email and postal address (none of these will appear on the website) but will be used for administrative purposes.

(3) The IMG agreed to suggest that an e-petition should remain open for a maximum of 3 months (but that a shorter or longer timescale can be agreed with the petition organiser if appropriate).

(4) After the closing date, the petition will be dealt with in the same way as described in Section 4 below, unless one of the trigger levels is achieved for either an officer to be called to account to a meeting of a Policy Overview and Scrutiny Committee or for a debate at a meeting of the County Council.

4. Process for dealing with Petitions

(1) The Petition Scheme sets out what the public can expect from the County Council when they submit a petition, however, there needs to be a process behind that for the determination of petitions.

(2) The process is illustrated by the attached flow chart (**Appendix 2**). Basically, all valid petitions will be sent to the relevant directorate for their comments/input. If it is something that the Directorate is already dealing with, which will result in the action that the petition calls for, then no further action needs to be taken and the petition organiser will be informed accordingly. If a decision is required on what action, if any, will be taken in response to the petition then this will be a decision for the relevant Cabinet Member(s) based on information received from the Directorate.

(3) Once a decision has been made on the way forward, the petition organiser will be informed (and in the case of an e-petition those that have "signed" the petition will be informed as well) and the outcome of the petition will be put on the website.

(4) Local Members will be informed of any petitions received that relate to their electoral division and the outcome of the petition.

5. Timescale for implementation

(1) Although the legal requirement to have an e-petition scheme does not come into force until 15 December 2010, as we have to publicise the Petition Scheme and log paper petitions on the web site, it would seem logical to include e-petitions within the new scheme from the outset.

(2) As mentioned above, the system for e-petitions needs to be made live and a number of pages on the website finalised once the scheme has been agreed. Accordingly, it is suggested that the Petition Scheme, including e-petitions, comes into force on **1 September 2010**.

6. Consequential amendments to the constitution

(1) It is suggested that the Petition Scheme, once approved by the County Council, should be incorporated into the Constitution as an appendix.

(2) There are a number of consequential amendments to the Constitution that will arise from the approved scheme. These are set out in **Appendix 3** of the report (and are based on the assumption that the scheme will be approved as submitted). These will be amended in line with any changes made to the scheme by Members at this meeting or at the meeting of the County Council.

7. Additional recommendations from the IMG on Petitions

(1) In addition to the suggestions which have been reflected in this report and the attached draft Petition Scheme, the IMG also recommended that the Petition Scheme be reviewed 1 year after it comes into force to see if any amendments are necessary. It should be noted that if any amendments are recommended to the Scheme at that time, a revised Scheme will need to be approved by the County Council, via this Committee.

(2) The IMG also highlighted the need to ensure that Members are aware of the scheme and receive any necessary training.

8. RECOMMENDATION:

That:

(a) the Selection & Member Services Committee recommends to the County Council at its meeting on 22 July 2010 that it approves the Petition Scheme attached as Appendix 1 to this report, subject to any amendments made by this Committee, and that it be incorporated within the Constitution;

(b) the Petition Scheme, including the provision for submitting e-petitions, comes into force on 1 September 2010;

(c) consequential amendments to the Constitution resulting from the introduction of the Petition Scheme be made with effect from 1 September

2010.

Peter Sass
Head of Democratic Services and Local Leadership
01622 694002

Background documents – *None*

KENT COUNTY COUNCIL

PETITION SCHEME

What are the guidelines for submitting a petition?

Petitions submitted to the County Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take.
- the name and address of the petition organiser (this is the person we will contact to explain how we will respond to the petition), and
- the name and address and signature of any person supporting the petition. (Petitions can be signed by people who live, work, study in or visit the County Council's area).

Petitions which are considered to be vexatious*, abusive or otherwise inappropriate will not be accepted and you will be contacted to explain the reasons for this

In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the County Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the County Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 5 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have already taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a County Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning application (**add link**), is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply.

To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our

website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the County Council respond to petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by one of the Council 's overview and scrutiny committees** or in the case of cross cutting issues the Scrutiny Board will determine which overview and scrutiny committee will consider the petition
- calling a referendum
- writing to the petition organiser setting out our views about the request in the petition

The County Council will respond to the petition with 20 days of receipt of the paper petition or the close of an e-petition.

**Overview and scrutiny committees are committees of Elected Members who are responsible for scrutinising the work of the County Council – in other words, the overview and scrutiny committee has the power to hold the County Council's decision makers to account.

If your petition is about something over which the County Council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The County Council works with a large number of local partners **[link to list of LAA partners]** and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with County Council policy), then we will set out the reasons for this to you. You can find more information on the services for which the County Council is responsible here **[link]**.

If your petition is about something that a different Council is responsible for, or for which we have joint responsibility, we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council for them to respond to or comment on, but could involve other steps. In any event we will always notify you of the action we have taken.

Full County Council debates

If a petition contains more than 12,000 signatures it will be debated by the County Council unless it is a petition asking for a senior council officer to give evidence at a public meeting (see below). If a petition covers a County Council matter that relates to a specific District Council area then 1,000 signatures will be required for a debate at the County Council. If this matter relates to more than one District Council area then the number of signatures required for a debate at County Council will be 1,000 per District Council area.

If a petition contains the number of signatures above this will mean that the issue raised in the petition will be discussed at a meeting which all Elected Members can attend. The County Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting.

The lead petitioner, or their named representative will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least 2 working days before the meeting;

At the meeting of the County Council the petition organiser, or their named representative, will be given five minutes to present the petition at the meeting and the petition will then be discussed by Elected Members for a maximum of 1 hour. If the lead petitioner, or their named representative, does not attend the County Council meeting then the petition will be considered in their absence.

The County Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

Where the issue is one on which the County Council's Executive are required to make the final decision, the County Council will decide whether to make recommendations to inform that decision.

The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Calling an Officer to give evidence at an Overview and Scrutiny Committee

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 6,000 signatures for a countywide matter and 500 signatures (or multiples) for a County Council matter relating to a District area(s), the relevant senior officer, accompanied by the relevant Cabinet Member, will give evidence at a public meeting of one of the Council's overview

and scrutiny committees. A list of the senior staff that can be called to give evidence can be found here **[insert link]**.

You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs.

The lead petitioners or their named representative:-

(a) will be invited to attend the meeting and to submit a written statement of no more than 500 words, which should be sent to the Democratic Services Unit (preferably by e-mail) to arrive at least 2 working days before the meeting;

(b) will be allowed to address the Committee for up to 5 minutes to summarise their reviews and to amplify, but not repeat, any points in their written statement;

(c) will then be allowed up to 5 minutes to ask questions of the officer (the 5 minutes does not include the time for answers to be given). These questions should be used to seek genuinely new information. Questions must not be asked to which the member of the public already knows the answer.

E-petitions

The Council welcomes e-petitions which are created and submitted through our website **[link]**. E-petitions must follow the same guidelines as paper petitions (as set out above). The petition organiser will need to provide us with their name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions remain open for a maximum of 3 months, but a shorter or longer timescale can be agreed with the petition organiser if appropriate.

When you create an e-petition, it may take up to 10 working days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically follow the same process as a paper petition (as set out above)

In the same way as a paper petition, you will receive an acknowledgement within 5 working days of the close of the e-petition. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature here **[insert link]**. When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the steps that the County Council has taken in response to your petition are reviewed. All reviews will be considered the Scrutiny Board.

It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the County Council's response is not considered to be adequate.

The Board will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting.

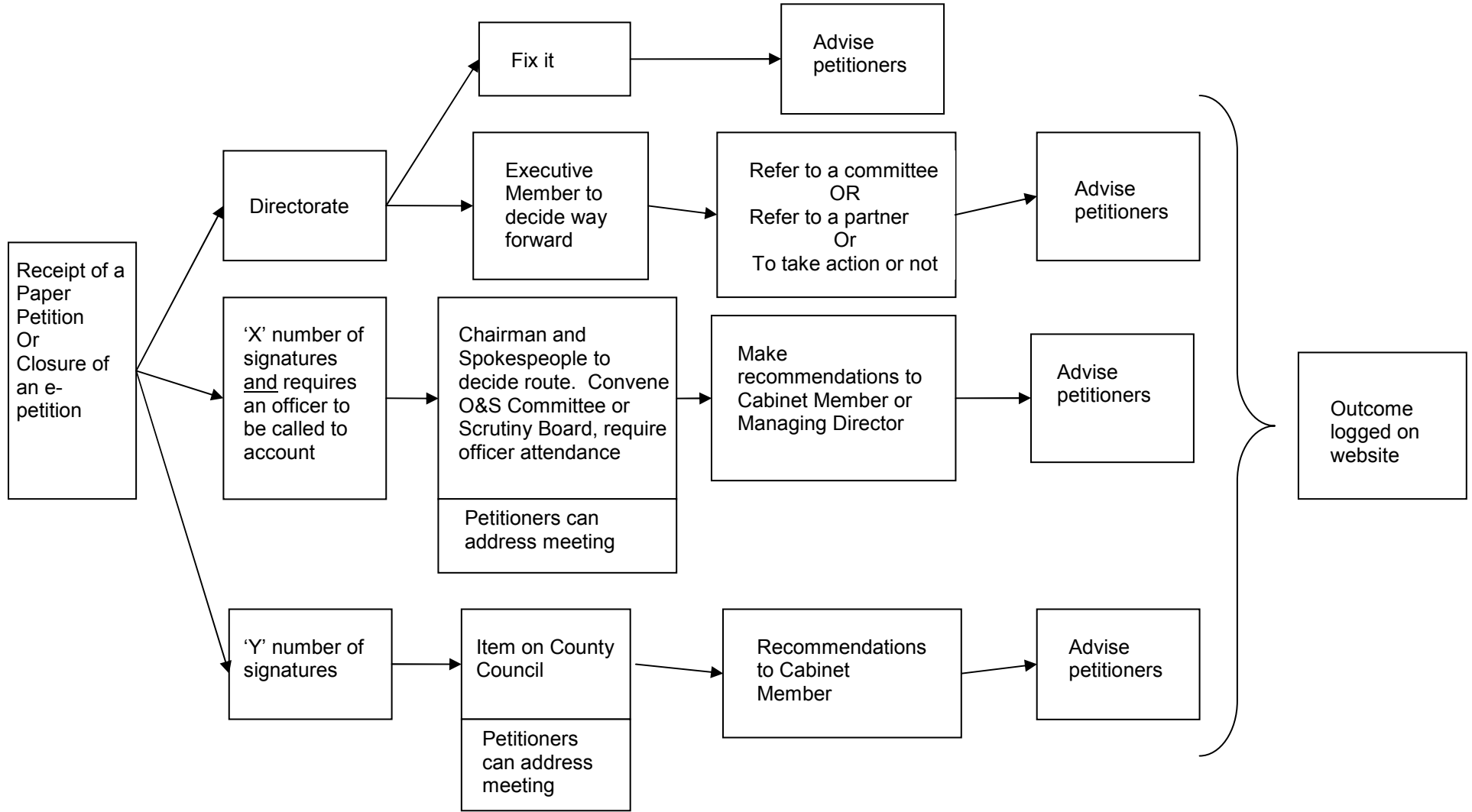
Should the Board determine that the County Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the County Council's Executive and arranging for the matter to be considered at a meeting of the full County Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website

* In deciding if a petition is vexatious the guidance used for the Freedom of Information act the starting point will be:-

"Deciding whether a [Freedom of Information] request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause"

Approved by the County Council on 22 July 2010
In force from 1 September 2010



Amendments to the Constitution –resulting from the Petition Scheme

3.1 Public rights (page 6)

Members of the public have the following rights:

(1) **Voting and petitions.** People on the electoral roll for Kent have the right to vote and sign a petition to request a referendum for an alternative form of Constitution.

(2) *People who live, work or study in or visit the County Council's area have the right to submit or sign a petition in accordance with the County Council's Petition scheme as set out in Appendix x.*

Appendix 2 Part 2:

Functions delegated by the Council to Committees

Policy Overview and Scrutiny Committee Suite

2. Policy Overview and Scrutiny Committees (Page 22)

2.5 Each Policy Overview and Scrutiny Committee has the power to:

(i) *hear evidence from an officer following the receipt of a petition signed by the required number of signatories (in accordance with the approved Petition Scheme)*

(j) *consider petitions referred to it in accordance with the approved Petition Scheme and to make recommendations for action to be taken.*

3. Scrutiny Board (page 23)

(h) *to determine, in the case of cross cutting issue, which Policy Overview and Scrutiny Committee should consider a petition in accordance with the approved Petition Scheme .*

(i) *to consider and determine all requests from a lead petitioner for a review of the response to a petition in accordance with the approved Petition Scheme.*

Appendix 4 Part 1:
Rules applying to Council Meetings

Agendas for Meetings (pages 60 – 61)

1.10 The agenda for each meeting, except the Budget meeting, will include:

(11) *a debate on a petition which has reached the required threshold level as set out in the Petition Scheme in appendix x.*

Petition debate (to be added to list of items for consideration at County Council on page 63)

1.23 (1) *The petition organiser, or a named representative, will be given the opportunity to present the petition at the meeting. If the lead petition, or their named representative, does not attend the County Council meeting then the petition may be considered in their absence.*

(2) *Debate on the petition shall not exceed forty-five minutes.*

(3) *In responding to the petition, the County Council may decide to:*

(a) *take the action the petition requests*

(b) *not to take the action requested for reasons put forward in the debate*

(c) *to commission further investigation into the matter, for example by a relevant committee or*

(d) *where the issue is one on which the Cabinet is required to make the final decision, to make recommendations to inform that decision.*

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

To: Selection and Member Services Committee – Friday, 2 July
2010

Subject: PROPOSED AMENDMENTS TO THE CONSTITUTION

Classification Unrestricted

FOR DECISION

Property Management Protocol

1. Proposed amendments to the Property Management Protocol are enclosed at **Appendix 1**.
2. These changes clarify the reporting lines for Kings Hill where it is proposed that the decisions relating to the acquisition, management and disposal of land in the sole ownership of KCC should rest with the Cabinet Portfolio Holder for Corporate Support Services and Performance Management. Any decisions relating to the joint venture partnership under the Kings Hill development agreement would be dealt with by the Cabinet Member for Regeneration and Economic Development in consultation with the Cabinet Member for Environment, Highways and Waste with the advice of the Executive Director for Regeneration and Economic Development.
3. In addition, reference is now made in the Protocol to the Financial Regulations. The amended titles of both Cabinet Members and Officers are also included for accuracy.

Governance and Audit Committee

4. The Governance and Audit Committee has asked the Head of Audit and Risk to propose new Committee Terms of Reference in order to better describe the Committee's role in terms of responsibility rather than process. The proposed amended Terms of Reference to be considered by the Governance and Audit Committee on 30 June is set out at **Appendix 2**. Any additional amendments made at that meeting will be reported orally to this Committee.

RECOMMENDATIONS:

5. The Committee is asked to recommend the proposed amendments to the Property Management Protocol to County Council and to note the proposed changes to the Governance and Audit Committee Terms of Reference which will also be presented to County Council for approval.

Peter Sass: Head of Democratic Services and Local Leadership

Officer Contact: Andrew Tait

Democratic Services Officer
(01622) 694342

Property Management Protocol

Introduction

1. This Protocol provides a framework of principles, minimum requirements, levels of authority and delegations to ensure that KCC property is managed effectively to achieve maximum value for money.

Overarching principles

2. A set of overarching principles govern the operation of this Protocol. These are:

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(1) All property owned or leased by KCC is held corporately (including KCC-owned schools, but not including Voluntary Aided, Foundation, Trust and Academy Schools).

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(2) The Director of Property (in consultation with the Cabinet Member for Corporate Support Services and Performance Management) is responsible for ensuring that the occupation of all KCC property by Directorates is in accordance with best management practice and in the interests of the Council as a whole, with the authority to direct the use, disposal or acquisition of any land or property within the Council's budgetary framework and decision-making process.

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(3) Directorates have discretion to manage the property they occupy in order to promote effective service delivery. However, this discretion operates subject to the corporate responsibilities of the Director of Property, who (in consultation with the Cabinet Member for Corporate Support Services and Performance Management) has the authority to intervene in property matters to protect KCC's overall interests.

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(4) Resolution of disputes on property matters is through the Cabinet Member for Corporate Support Services and Performance Management and then, if necessary, the Leader.

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(5) All property transactions should be referred to the Director of Property who will consult with the Cabinet Member for Corporate Support Services and Performance Management and seek the comments of all interested parties, including other relevant Cabinet Members, Directorates and Local Members, before the decision is taken to proceed. All decisions must be taken in accordance with the delegations set out in this Protocol and the decision making procedures set out in the County Council's Constitution.

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(6) This Protocol is organised in sections to reflect the lifecycle of property (acquisition – management in use – disposal) with additional requirements to support specific initiatives and exceptional circumstances.

ACQUISITIONS

3. Objective: To ensure that land and property requirements are appropriately identified and appraised; and that all acquisitions have the necessary authority and funding, including an assessment of the impact on revenue of funding from borrowing.

4. All acquisitions (freehold and leasehold) must be authorised by the Director of Property (following consultation with the Cabinet Member for Corporate Support Services and Performance Management, the Director of Finance, other relevant Cabinet Members, Directorates and Local Members) either in accordance with the delegations set out in paragraph 32, below, or the decision making procedures set out in the Council's Constitution.

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Non-Highways Acquisitions

5. For all non-highways acquisitions, the relevant Directorate will provide the Director of Property with:

- (1) A definition of the service requirement giving rise to the proposed acquisition
- (2) A full financial appraisal of options for meeting service delivery requirements (developed as appropriate with support from the Property Group and in accordance with the Project Appraisal Handbook)
- (3) An evaluation of the potential (if any) for joint use

6. The Cabinet Member for Corporate Support Services and Performance Management will be consulted on all proposed acquisitions and kept informed of their progress and will determine if s/he or an officer will give approval for the acquisition. The Cabinet Member for Corporate Support Services and Performance Management may at any stage direct that a decision be referred to him/her.

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7. Where the Cabinet Member for Corporate Support Services and Performance Management has determined that s/he will take the decision on a proposed acquisition, the matter will be dealt with in accordance with the appropriate provisions of this Protocol and decision making procedures set out in the Council's Constitution. Local Members and the Cabinet Scrutiny Committee will be sent a copy of the officer report at the same time as the Cabinet Member for Corporate Support Services and Performance Management, so that they may comment to the Cabinet Member for Corporate Support Services and Performance Management if they so wish.

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8. Subject to paragraph 12 below, the use of compulsory powers for acquisitions must be agreed by both the Cabinet Member for Corporate Support Services and Performance Management and any other relevant Cabinet Member(s).

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Highways Acquisitions

9. The Executive Director for Environment Highways & Waste, will, in the case of all highway acquisitions, seek Local Member views as part of the consultation process for highways and traffic schemes.

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10. Highways scheme design and cost (including land acquisition) shall be approved by the Cabinet Member of Environment, Highways & Waste and the Executive Director for Environment Highways & Waste (or officer authorised by him/her), in accordance with the Financial Procedure and processes.

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Deleted: Managing Director for Environment & Regeneration

11. Highways acquisitions may be made by the Director of Property in consultation with the Cabinet Member for Corporate Support Services and Performance Management provided the scheme is in an approved programme or falls within blight policies.

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12. All other highways acquisitions (i.e. land not incorporated in the highway) will be referred by the Director of Property to the Cabinet Member for Corporate Support Services and Performance Management, who will determine if s/he or an officer will give approval for the acquisition. Once the principle of acquisition of land is agreed, any decision whether or not to use compulsory powers will be decided by the Cabinet Member for Environment, Highways & Waste in accordance with the terms of this Protocol and the decision making procedures set out in the Constitution.

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MANAGEMENT & USE

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13. Objective: To ensure that property is used efficiently, effectively and economically with due regard to legislative requirements; and that when it is no longer required for operational purposes it is formally declared surplus, at which point its management reverts to the Director of Property, and the budgetary implications of this are identified and reported to the Cabinet Member for Corporate Support Services and Performance Management.

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14. The occupation and use of property by a Directorate is subject to the authority of the Director of Property (in consultation with the Cabinet Member for Corporate Support Services and Performance Management) to approve all material changes to property, including change of use, appropriations, granting/taking of interests, reversion to operational use, alterations or additions. Such changes must be reported to the Director of Finance for correct accounting treatment and apportionment of charges.

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Premises Management

15. The Director of Property has the authority to undertake reviews of the property portfolio, or parts of it, to determine if it is optimised in terms of its utilisation, cost and value and within this to challenge the retention or use of existing properties occupied by Directorates.

Building works

16. Major capital works for properties should be subject to a formal project appraisal and should be consistent with existing financial approval and procurement processes.

Health & Safety

17. Staff are required to ensure that in respect of all property matters all obligations under health and safety legislation and KCC health and safety policies are followed.

DISPOSALS

18. Objective: To ensure that land and property surplus to operational need is either reallocated to meet alternative needs or sold in line with statutory requirements and/or KCC policy.

19. Directorates will notify the Director of Property of:

- (1) Any property (or part) that is:

- (a) Vacant
- (b) Held against a future operational need
- (c) Not used for the principal purpose for which it is held
- (d) Likely to be surplus to requirements (with estimated time-scale)
- (2) Any operational issues associated with such property (e.g. longer term requirements)
- (3) Any statutory/process issues relevant to its disposal (e.g. established consultation processes, reference to the Secretary of State, etc)
- (4) The recipient of the capital receipt and its intended use, as agreed with the Cabinet Member for Corporate Support Services and Performance Management and the Director of Finance
- (5) Any other issues which need to be considered prior to disposal

20. The Director of Property may identify any property (or part) that s/he considers is, or could be made, surplus to operational requirements.

21. The Director of Property will consult with the Cabinet Member for Corporate Support Services and Performance Management on all disposals and inform him/her of the comments of Local Members. The Cabinet Member for Corporate Support Services and Performance Management will determine whether s/he or an officer will give approval for disposal in accordance with this Protocol and the decision making procedures set out in the Council's Constitution.

Treatment of Capital Receipts (Rules and Processes)

22 Capital receipts from disposals are deemed to be 'Earmarked Capital Receipts' or 'General Receipts'.

- (1) Earmarked Capital Receipts – are proceeds from the sale of an identified (named) site (or number of sites) to be used for the funding of a specific scheme (or number of schemes); where the schemes are intrinsically linked
- (2) General Receipts are where receipts are not intrinsically linked (generally non-operational and surplus land and property), and they are applied to the overall capital programme, including reducing the impact of revenue and reinvestment.
- (3) Treatment of all receipts needs to conform to the Financial Regulations and the Capital Procedures and Process.
- (4) The decision as to whether receipts are earmarked or general shall be taken by the Cabinet Member for Finance.

SPECIAL PROVISIONS

Kings Hill

23. All decisions relating to the acquisition, management and disposal of land or property in the sole ownership of KCC or occupied by KCC at Kings Hill shall be dealt

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Deleted: through the Enterprise Fund.

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Deleted: 23. . . Use of capital receipts are subject to the following rules:¶

(1) . Overspending on schemes dependent on receipts must be contained within the portfolio¶

(2) . Capital schemes dependent on receipts are included in the Capital Programme only after full vetting and valuation signed off by the Director of Property prior to consideration by PAG¶

(a) . All dependencies, assumptions and risks to be clearly identified by the project sponsor leading to prudent valuation adopted in project sign-off¶

(c) . Values cannot be guaranteed – dependent on market conditions and uncertainties of planning consents and Local Development Framework (LDF) allocations¶

(d) . Scheme assumptions re quantum, timing and phasing of receipts to be explicit. Receipts cannot be "counted" until sales complete¶

(e) . Monitoring will be undertaken by PAG with Property using a traffic light system to assess the level of risk around the receipts¶

(f) Market risk receipts emerging to be contained by the portfolio budget ¶

¶

24. . The process for planning for the realisation use of capital receipts will take a medium term approach (3 years minimum) to allow:¶

(1) . Property to be able to work on projects in good time prior to consideration by PAG. Larger, complex schemes can need 12-24 months lead-in¶

(2) . Property to agree strategy for disposal including timescale, planning, marketing, viewing arrangements, temporary occupation, minimising holding costs, surplus declarations etc as core components of project justification to PAG¶

(3) . Directorates must deliver vacant possession when required by project plan¶

(4) . Risk analysis to be included as part of project plan¶

with in accordance with this Protocol and the decision making procedures set out in the Council's Constitution by the Cabinet Member for Corporate Services and Performance Management with the advice of the Director of Property in consultation with the Cabinet Member for Regeneration and Economic Development.

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24. All decisions and duties, including attending the Partnership Board and other such meetings, relating to the joint venture partnership under the Kings Hill development agreement (and subsequent variations) shall be dealt with by the Cabinet Member for Regeneration and Economic Development in consultation with Cabinet Member for Environment, Highways and Waste with the advice of the Executive Director for Regeneration and Economic Development.

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Enterprise Fund

25. All transactions (acquisitions and disposals) undertaken through the Property Group 'Enterprise Fund' will be supported by a business case containing as a minimum:

Deleted: 25. . All decisions relating to the acquisition, management and disposal of land or property at Kings Hill shall be dealt with in accordance with this Protocol and the decision making procedures set out in the Council's Constitution by the Cabinet Member for Policy and Performance and the Managing Director of Environment & Regeneration.¶

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- (1) Details of the proposal
- (2) The rationale for making the investment (against the agreed investment criteria for the Enterprise Fund, which may be varied from time to time)
- (3) Specific objectives to be met
- (4) The cost or income to KCC (revenue and capital)
- (5) The opportunities to be gained
- (6) Any return on investment

26. All transactions coming within the Enterprise Fund balancing limit of £10m may be authorised jointly by the Director of Property and Director of Finance in consultation with the Cabinet Member for Corporate Support Services and Performance Management, the Chief Executive and the Leader (subject to the delegations contained in paragraph 32).

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27. All transactions which cause the Enterprise Fund to exceed its balancing limit of £10m will, following consultation with the Group Managing Director, and the Leader, be recommended by the Director of Property and Director of Finance for decision by the Cabinet Member for Corporate Support Services and Performance Management.

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Urgent Decisions

28. In exceptional circumstances, where an urgent decision is required on property matters, this will be taken by the Director of Property in accordance with the provisions of this Protocol and only after consultation with the Cabinet Member for Corporate Support Services and Performance Management, the Director of Finance and the Director of Law & Governance. If the matter is outside the delegations set out in paragraph 36, below, then the matter can only be authorised by the Cabinet Member for Corporate Support Services and Performance Management in accordance with the procedures for the taking of urgent decisions set out in the Council's Constitution.

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29. Any decisions made under the 'Urgent Decision' arrangements will be reported to the relevant Managing Director, Cabinet Members and Local Members.

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Financial Regulations

30. All of the protocols set out in Financial Regulations and Schemes of Delegation must be adhered to, except where this Property Management Protocol specifically provides for alternative levels of authorisation. No transaction should be approved unless specific budgetary provision is identified, except where the purchase is approved under the authority given in Paragraph 27, above.

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Reporting

31. The Director of Property will prepare each month a schedule of acquisitions and disposals dealt with by the Cabinet Member for Corporate Support Services and Performance Management or by him/herself, and send this to Democratic Services for publication.

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Delegation to Officers

32. Subject to the consultation provisions set out in this Protocol, the Director of Property is authorised to:

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(a) Determine and settle the acquisition or disposal of any land or property, or an interest in land or property where the consideration (including any associated works) does not exceed **£1,000,000** in any single transaction.

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(b) Determine and settle the terms of a lease (taken or granted) for any land or property, not exceeding a period of 20 years or where the consideration does not exceed **£100,000** per annum in any single transaction.

(c) As provided by arrangements made under Appendix 2 Part 4 of the Constitution for the Leader to discharge executive functions, the Group Managing Director may exercise any power delegated under this protocol to the Director of Property; and the Director of Property may delegate his/her powers in writing to more junior officers.

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Supporting Mechanisms

33. Whilst having no Constitutional or decision-making status, the management of property will be exercised through a variety of mechanisms which amplify and support this protocol. The key mechanisms and their purpose are summarised below:

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(a) **Property Board** chaired by the Group Managing Director, provides a forum to discuss and agree the strategic direction for property management and key property related initiatives. It provides a mechanism to assess whether this protocol is working in practice and to identify and resolve issues with regard to corporate and service responsibilities.

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(b) **Project Advisory Group (PAG)** considers capital projects and significant changes to capital projects and ensures that proper planning and processes have been followed and risk assessments undertaken in line with the Council's Constitution, the project appraisal handbook and associated financial procedures. It makes recommendations to the Leader for schemes to be included in KCC's capital programme.

(c) **Property Group Business Plan** prepared in accordance with KCC's planning guidelines identifies the main priorities of the Property Group and includes as an annex a schedule of properties for disposal. This provides delegated authority to proceed with disposals in line with the provisions of this protocol.

(d) **Medium Term Financial Plan** sets out KCCs spending priorities and/or financial allocations over the medium term. All capital schemes are subject to the appraisal and decision making processes around the Capital Programme and the Medium Term Financial Plan.

Information to the Council and Scrutiny

34. The Director of Property will prepare each month a schedule of property transactions dealt with by the Cabinet Member for Corporate Support Services and Performance Management or him/herself, and send this to Head of Democratic Services for publication.

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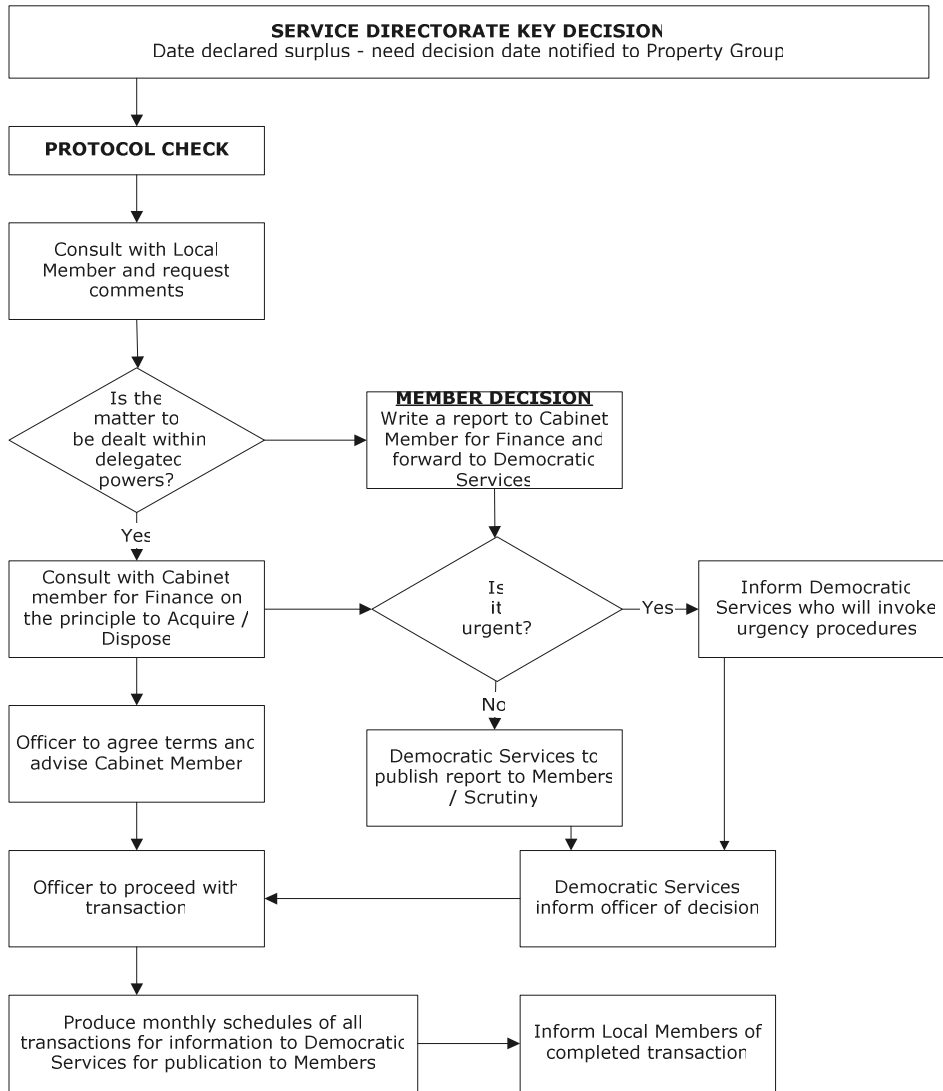
35. Transactions proposed to be authorised by the Cabinet Member for Corporate Support Services and Performance Management are subject to the normal processes of publication and scrutiny for Cabinet Member decisions.

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Revised June 2010,

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1. Governance and Audit Committee

13 Members

Conservative: 12; Liberal Democrat: 1.

The purpose of this Committee is to:

1. ensure the Council's financial affairs are properly and efficiently conducted, and
2. review assurance as to the adequacy of the risk management and governance framework and the associated control environment.

On behalf of the Council this Committee will ensure the following outcomes:

- (a) Risk Management and Internal Control systems are in place that are adequate for purpose and effectively and efficiently operated.
- (b) The Council's Corporate Governance framework meets recommended practice (currently set out in the CIPFA/SOLACE Good Governance Framework), is embedded across the whole Council and is operating throughout the year with no significant lapses.
- (c) The Council's Internal Audit function is independent of the activities it audits, is effective, has sufficient experience and expertise and the scope of the work to be carried out is appropriate.
- (d) The appointment and remuneration of External Auditors is approved in accordance with relevant legislation and guidance, and the function is independent and objective.
- (e) The External Audit process is effective, taking into account relevant professional and regulatory requirements, and is undertaken in liaison with Internal Audit.
- (f) The Council's financial statements (including the Pension Fund Accounts) comply with relevant legislation and guidance and the associated financial reporting processes are effective.
- (g) Any public statements in relation to the Council's financial performance are accurate and the financial judgements contained within those statements are sound.
- (h) Accounting policies are appropriately applied across the Council.
- (i) The Council has a robust counter-fraud culture backed by well designed and implemented controls and procedures which define the roles of management and Internal Audit.

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By: Director of Law and Governance
To: Selection and Member Services Committee – 2 July 2010
Subject: MEMBERS ALLOWANCES 2009/10
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 2009 to 31 March 2010, 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 2009 - 31 MARCH 2010

COUNCIL MEMBER	Mileage	Fares and other authorised payments	Subsistence & Accomodation	Total Expenses	Carers Allowance	Basic	SRA	Total Allowances	Total Allowances + Expenses
	£	£	£	£	£	£	£	£	£
Mrs A D Allen	2599.29	15.80		2615.09		12766.64	7622.30	20388.94	23004.03
Ms C Angell *	144.00			144.00		2266.67	952.11	3218.78	3362.78
Mr M J Angell	2707.96	155.80	49.50	2913.26		12766.64	11867.73	24634.37	27547.63
Mr A R Bassam *	128.80			128.80		2266.67		2266.67	2395.47
Mr R W Bayford	671.20			671.20		10533.31		10533.31	11204.51
Mr T J Birkett*		66.50		66.50		2266.67	952.11	3218.78	3285.28
Mr A Bliss*	104.80			104.80		2266.67		2266.67	2371.47
Mr A Bowles	1540.40	80.80		1621.20		12766.64	11867.73	24634.37	26255.57
Mr D L Brazier	3347.06	283.00		3630.06		12766.64	11867.73	24634.37	28264.43
Mr R E Brookbank	848.94	146.90		995.84		10533.31		10533.31	11529.15
Mr J R Bullock MBE						12766.64		12766.64	12766.64
Mr R B Burgess	1060.37			1060.37		12766.64		12766.64	13827.01
Mr C J Capon		999.60		999.60		12766.64	7622.30	20388.94	21388.54
Ms S Carey	2908.80	92.26		3001.06		12766.64	10189.00	22955.64	25956.70
Mr P B Carter	1751.68	-191.48		1560.20		12766.64	41593.92	54360.56	55920.76
Mr N J D Chard	3479.20	377.85	161.74	4018.79		12766.64	27035.99	39802.63	43821.42
Mr A R Chell		-103.00		-103.00		12766.64	375.83	13142.47	13039.47
Mr I Chittenden	202.63			202.63		12766.64		12766.64	12969.27
Mr L Christie	1081.20	3.60		1084.80		12766.64		12766.64	13851.44
Ms P T Cole	779.45			779.45		10533.31		10533.31	11312.76
Mr N J Coller	1896.55			1896.55		10533.31		10533.31	12429.86
Mr G Cooke	667.20		182.61	849.81		10533.31	10189.00	20722.31	21572.12
Mr B R Cope	1562.80	3.00		1565.80		12766.64	1678.73	14445.37	16011.17
Mr G Cowen*	87.98			87.98		2266.67		2266.67	2354.65
Mr H J Craske						10533.31		10533.31	10533.31
Ms C J Cribbon*	56.40			56.40		2266.67		2266.67	2323.07
Mr A D Crowther	1842.40			1842.40		12766.64		12766.64	14609.04
Mr J M Cubbitt	552.40			552.40		10533.31		10533.31	11085.71
Mr J Curwood*	49.61			49.61		2266.67		2266.67	2316.28
Mrs V J Dagger	489.27			489.27		12766.64		12766.64	13255.91
Mr D S Daley						12766.64		12766.64	12766.64
Mr M C Dance	1910.00	37.90		1947.90		12766.64	10903.42	23670.06	25617.96
Mr J A Davies	2531.18	98.39	227.15	2856.72		12766.64	12260.23	25026.87	27883.59
Mrs T Dean	511.60	26.05	195.65	733.30		12766.64	16981.64	29748.28	30481.58
Dr M R Eddy*	951.26	-28.70		922.56		2266.67	3872.22	6138.89	7061.45
Mr K A Ferrin MBE	676.28			676.28		12766.64	6376.97	19143.61	19819.89
Mr C G Findlay*	60.61	12.30		72.91		2266.67	1703.78	3970.45	4043.36
Mr M J Fittock*	306.71			306.71		2266.67	1703.78	3970.45	4277.16
Mr J B O Fullarton*						2266.67		2266.67	2266.67
Mr R Frayne	466.69	28.40		495.09		10533.31		10533.31	11028.40
Mr T Gates	890.71			890.71		12766.64		12766.64	13657.35
Mr G K Gibbens	2416.93	1701.70	60.87	4179.50		12766.64	27035.99	39802.63	43982.13
Mr R Gough	2159.30	298.67		2457.97		12766.64	22076.14	34842.78	37300.75
Ms E Green	951.60			951.60		12766.64	952.11	13718.75	14670.35
Ms A Harrison*	154.24			154.24		2266.67	952.11	3218.78	3373.02

COUNCIL MEMBER	Mileage	Fares and other authorised payments	Subsistence & Accomodation	Total Expenses	Carers Allowance	Basic	SRA	Total Allowances	Total Allowances + Expenses
	£	£	£	£	£	£	£	£	£
Mr M J Harrison	2875.11	38.40		2913.51		12766.64	7622.30	20388.94	23302.45
Mr C Hart*						2266.67		2266.67	2266.67
Mr W A Hayton	2007.75			2007.75		12766.64	5943.57	18710.21	20717.96
Mr C Hibberd	3114.92	219.20		3334.12		12766.64	7622.30	20388.94	23723.06
Mr P M Hill OBE	3881.10	506.19	149.86	4537.15		12766.64	27035.99	39802.63	44339.78
Mr D A Hirst	1384.80			1384.80		12766.64		12766.64	14151.44
Mrs S V Hohler	3077.22	488.96	56.88	3623.06		12766.64	23754.87	36521.51	40144.57
Mr P J Homewood	174.53			174.53		10533.31		10533.31	10707.84
Mr G A Home						12766.64	5943.57	18710.21	18710.21
Mr E E C Hotson	398.00			398.00		12766.64	7622.30	20388.94	20786.94
Mr M J Jarvis	1011.50			1011.50		10533.31		10533.31	11544.81
Mr I T N Jones*	100.00			100.00		2266.67		2266.67	2366.67
Mr A J King	1210.74	70.80		1281.54		12766.64	27035.99	39802.63	41084.17
Mr R E King	1669.20	42.33		1711.53		12766.64	9990.04	22756.68	24468.21
Mr J D Kirby	1610.46			1610.46		10533.31		10533.31	12143.77
Mr J A Kite		122.50		122.50		10533.31		10533.31	10655.81
Mr S J G Koowaree	808.00			808.00		12766.64	1678.73	14445.37	15253.37
Mr P W A Lake	1442.26	124.55	8.60	1575.41		12766.64	9100.57	21867.21	23442.62
Mrs J Law	940.13			940.13		12766.64		12766.64	13706.77
Mr R J Lees	130.92			130.92		10533.31		10533.31	10664.23
Mr J F London	1094.28			1094.28		12766.64		12766.64	13860.92
Mr R L Long	1189.54	50.00		1239.54		12766.64	7622.30	20388.94	21628.48
Mr K G Lynes	4200.82	196.50	121.74	4519.06		12766.64	27035.99	39802.63	44321.69
Mr T A Maddsion*	335.24	4.40		339.64		2266.67	1703.78	3970.45	4310.09
Mr R F Manning	1922.57	0.00		1922.57		12766.64	7622.30	20388.94	22311.51
Mr S C Manion	1263.42	258.74	72.50	1594.66		10533.31		10533.31	12127.97
Mr R A Marsh	3516.00	83.50		3599.50	1916.59	12766.64	27035.99	41719.22	45318.72
Mr J I Muckle*						2266.67		2266.67	2266.67
Mrs M Newell*	85.20			85.20		2266.67		2266.67	2351.87
Mr W V Newman*	162.00			162.00		2266.67		2266.67	2428.67
Mr M J Northey	3249.67	150.29	189.00	3588.96		12766.64	9754.34	22520.98	26109.94
Mr J M Ozog						10533.31		10533.31	10533.31
Mr R J E Parker*						2266.67	1503.34	3770.01	3770.01
Mr R Parry	2526.07	97.25		2623.32		12766.64	1678.73	14445.37	17068.69
Mr R A Pascoe	1853.86			1853.86		12766.64	1678.73	14445.37	16299.23
Mr A R Poole*	622.15			622.15		2266.67		2266.67	2888.82
Mr T Prater						10533.31		10533.31	10533.31
Mr K H Pugh	594.80			594.80		10533.31		10533.31	11128.11
Mr W L Richardson	1844.58			1844.58		10533.31		10533.31	12377.89
Mr L B Ridings	6577.63	81.40		6659.03		12766.64	15148.85	27915.49	34574.52
Mr M B Robertson	327.60			327.60		10533.31		10533.31	10860.91
Dr T R Robinson*	190.10	4.00		194.10		2266.67	1703.78	3970.45	4164.55
Ms J Rook	3038.55	185.00		3223.55		10533.31	10189.00	20722.31	23945.86
Ms E Rowbotham*	0.00			0.00		2266.67		2266.67	2266.67
Mr G Rowe*	19.72			19.72		2266.67		2266.67	2286.39
Mr A S Sandhu	936.80	461.50		1398.30		10533.31	10189.00	20722.31	22120.61
Mr J E Scholes						12766.64	7622.30	20388.94	20388.94
Mr J D Simmonds	3649.66			3649.66		12766.64	23754.87	36521.51	40171.17
Ms B Simpson*						2266.67		2266.67	2266.67
Mr C P Smith	766.00	5.00		771.00		10533.31		10533.31	11304.31
Mr C J Smith	3342.24	121.95		3464.19		10533.31	4156.19	14689.50	18153.69
Mr D Smyth*	16.40	85.20		101.60		2266.67	1703.78	3970.45	4072.05

COUNCIL MEMBER	Mileage	Fares and other authorised payments	Subsistence & Accomodation	Total Expenses	Carers Allowance	Basic	SRA	Total Allowances	Total Allowances + Expenses
	£	£	£	£	£	£	£	£	£
Mr M V Snelling	934.79	3.00		937.79		12766.64	1678.73	14445.37	15383.16
Mrs P A V Stockell	1291.53	122.75		1414.28		12766.64	7622.30	20388.94	21803.22
Mr B Sweetland	1450.87	61.60		1512.47		10533.31	10189.00	20722.31	22234.78
Mr R Tolputt	2326.33	61.18		2387.51		12766.64		12766.64	15154.15
Mr R Truelove*						2266.67	952.11	3218.78	3218.78
Ms E Tweed	1320.65	131.55		1452.20		12766.64	7622.30	20388.94	21841.14
Mr M J Vye	1071.36	46.20		1117.56		12766.64	9150.69	21917.33	23034.89
Mr J N Wedgbury	359.20			359.20		10533.31		10533.31	10892.51
Mr C Wells	1854.80	201.00		2055.80	36.00	12766.64		12802.64	14858.44
Mr M J Whiting	211.35			211.35		10533.31		10533.31	10744.66
Ms J Whittle	525.60	29.10	0.00	554.70	3288.80	10533.31	10189.00	24011.11	24565.81
Mr M A Wickham	1124.00	77.53		1201.53		10533.31	10189.00	20722.31	21923.84
Mr A T Willicombe	535.52			535.52		10533.31		10533.31	11068.83
Mr B P Wood*						2266.67		2266.67	2266.67
Mr F Wood-Brignall*	253.20			253.20		2266.67		2266.67	2519.87
* Those Members who left the County Council in June 2009 are identified with an asterisk									
TOTAL	126968.24	8236.91	1476.10	136681.25	5241.39	1071097.95	599679.50	1676018.84	1812700.09

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

To: Selection and Member Services Committee – Friday, 2 July
2010

Subject: THE JOHN TOWNSEND TRUST

Classification Unrestricted

FOR DECISION

Introduction

1. Kent County Council has already appointed Mr Chris Wells as its representative on the Royal School for Deaf Children Margate.
2. Enclosed at **Appendix 1** is a letter from the Chief Executive of the John Townsend Trust informing the County Council of a new scheme which was sealed by the Charity Commission in December 2008. Under this scheme, the Royal School for Deaf Children was renamed the John Townsend Foundation. A new charity named The John Townsend Trust was formed to be the Trustee of the Foundation.
3. The Trust is a company is limited by guarantee and has now taken over all the operations of the Foundation. It is described as “the lead identity for our future activities.”

Representation

4. The Trust has asked that Mr Wells’ appointment as KCC representative on the Royal School for Deaf Children Margate should now take the form of a co-opted representative on The John Townsend Trust, rather than as a Director. He would therefore have no liability for the Company (which the Trust has become). This would allow him to continue to fulfil his role of contributing to the Trust’s work – albeit without voting rights.

RECOMMENDATIONS:

5. The Committee is asked to agree Mr Wells’ appointment as a non-voting co-opted representative on The John Townsend Trust.

Peter Sass: Head of Democratic Services and Local Leadership

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

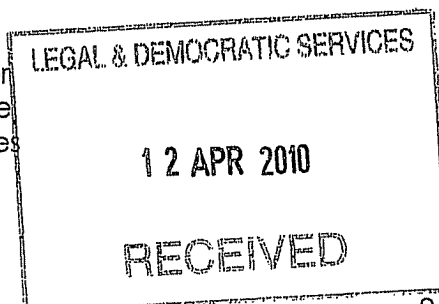
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The John Townsend Trust

Royal School for Deaf Children Margate
 (Patron: Her Royal Highness the Countess of Wessex)
 Westgate College for Deaf People
 Community Living Services
 Monkshill Farm

Mr G Wild LL.B, Dip.LG, Solicitor
 Director of Law & Governance
 Legal and Democratic Services
 Kent County Council
 Sessions House
 County Hall
 Maidstone
 Kent ME14 1XQ



9 April 2010

Dear Mr Wild

You have nominated Councillor Chris Wells to represent you on our Board. The John Townsend Trust would like to appoint him as the co-opted representative for Kent County Council on our Board as opposed to making him a Director. This is because we are technically a Company.

As a co-opted representative, Chris would not be a Director registered with the Companies House, nor would he have voting rights. He would however be able to support and contribute to the strategic direction of the Trust and provide guidance.

The John Townsend Trust operates under a scheme which was sealed by the Charity Commission in December 2008. This scheme was set up in order to allow us to restructure the Royal School for Deaf Children Margate in order to widen our objects. Through this new scheme the existing trustees of the Royal School for Deaf Children Margate became the holding trustee of the lands of the charity and the charity was renamed The John Townsend Foundation after our founder. At the same time a new charity, The John Townsend Trust was formed to be the Trustee of the Foundation. The Trust is a company limited by guarantee and from 1st August 2009 it took over all the operations of the Foundation and is the lead identity for our future activities. The working titles of the Trust continue to be the Royal School for Deaf Children Margate, Westgate College for Deaf People and Monkshill Farm. The statutory body created in 1862, the Royal School for Deaf Children Margate, continues as holding Trustee for the lands of the Charity under the new Charity Commission scheme.

The Foundation provides education, care, therapy, medical support and independence training for deaf children and young people from the age of 4 upwards.

Victoria Road, Margate, Kent CT9 1NB Telephone/Textphone: (01843) 227561 Facsimile: (01843) 227637
 School email: enquiries@royalschoolfordeaf.kent.sch.uk School website: www.rsdcm.org.uk
 College email: enquiries@westgate-college.org.uk College website: www.westgate-college.org.uk
 Working Names within The John Townsend Trust are:
 The Royal School for Deaf Children Margate (Patron: Her Royal Highness The Countess of Wessex),
 Westgate College for Deaf People, Monkshill Farm



INVESTOR IN PEOPLE

The John Townsend Trust is a Registered Charity Number 1127209. DfES Approved: 886 7017

The John Townsend Trust



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