

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 Friday, 19 November 2010.

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

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

UNRESTRICTED ITEMS

19. Apologies and Substitutes

(Item)

Mr Sass reported apologies from Mr Chard (substituted by Mr Brazier); Mrs Hohler (substituted by Mr Cooke) and Mr Marsh.

20. Declarations of Interest

(Item)

There were no declarations of interest by Members in any item on the agenda.

21. Minutes - 7 October 2010

(Item 3)

Resolved: that the Minutes of the meeting held on 7 October 2010, be approved as a correct record and signed by the Chairman.

22. Proposed amendments to the Constitution

(Item 4)

- (1) The Committee considered a report from the Head of Democratic Services, which proposed a number of amendments to the Constitution.
- (2) The Committee was supportive of the proposed change to the Constitution in respect of the appointment of interim senior managers.
- (3) Mr Christie did not support the request to increase the length of the Leader's reply at the end of the debate on his oral report to the County Council.
- (4) In relation to the absence of a Member through illness, Mr Sass advised that he would be submitting a decision paper to Mr King in relation to the reallocation/redistribution of individual Member grants. In relation to the Members' highways grants money, Mr Sass advised that the 2-year trial

period was coming to an end in March 2011 and that Mr Hall (EHW) would be submitting a report to the County Council for a decision as to whether the scheme should continue. If it did, the revised scheme would be amended to deal with the issue of the reallocation/redistribution of highways grants money in the absence of a Member through illness or other reason. In relation to both of these grants streams, the Committee were of the view that any reallocation/redistribution should be contained within the relevant District/Borough Council area.

- (5) The Committee supported the proposed changes to the Terms of Reference of the Personnel Committee and the Personnel Management Rules, subject to a minor amendment. The Committee were also of the view that any Members serving on Personnel Appointments or Appeals Panels should be appropriately trained.
- (6) **Resolved:** that the County Council be recommended to approve the following amendments to the Constitution:

(i) Paragraph 11 (c) of Contract and Tenders Standing Orders (page 126 of the Constitution) be amended in order to deal with the reporting of interim manager appointments to Members of the Scrutiny Board as follows:

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

(ii) Paragraph 1.20 (5) of the Rules applying to Council meetings (page 63 of the Constitution) be amended so that the length of the Leader's reply to the opposition Leaders' speeches on his oral report be extended to 5 minutes;

(Mr Christie asked for his vote against this decision to be recorded)

(iii) Article 2 (2.3)(2)(m) (page 5 of the Constitution) be amended so that there is clarity about the reallocation of constituency work in the absence of a Member, as follows:

"...represent and support individual constituents in their dealings with the Council. In the absence of a Member for reasons of ill-health or otherwise, the Member concerned (or, if they are unwilling or unable to do that, the relevant Group Leader) should nominate another Member to act on behalf of the absent Member in relation to representing their constituents."

(iv) Sub paragraph (g) of the Terms of Reference of the Personnel Committee (page 26 of the Constitution) as detailed in paragraph 4 (4) of the report and the proposed addition to the Personnel Management Rules (page

50 of the Constitution) as detailed in paragraph 4 (5) of the report, to clarify the role of the Personnel Committee in hearing assimilation appeals from senior managers, as follows:

Sub paragraph (g) of the Personnel Committee Terms of Reference:

“through ad-hoc Sub Committees of Members (Panels), hearing and dealing with the final stage of unresolved grievances from Chief and Senior Officers and appeals by such officers against dismissal (including dismissal as a result of redundancy), assimilation (‘slotting-in’), transfer or downgrading”.

A new section in the Personnel Management Rules, to be inserted immediately after paragraph 18, as follows:

“Appeals against dismissal arising from redundancy, assimilation, transfer and downgrading

1. Any appeal against a decision not to 'slot' a senior manager to a post graded M or above, a redundancy, transfer or downgrading must be lodged with the Director for Personnel and Development within ten working days of written confirmation to the officer of the decision and must include a written statement of the grounds on which the appeal is made.

2. Appeals will be heard by the Personnel Committee, or a sub committee of that Committee. As far as is practical such hearings will be arranged within ten working days of an appeal being lodged. If the Appeal is heard by a Panel of members then the quorum of such meeting shall include a Cabinet Member.

23. Petition Scheme Review

(Item 5)

- (1) The Committee considered a report of the Head of Democratic Services and Local Leadership in relation to the Petition Scheme Review. Members were invited to express their views and make recommendations to the County Council with regard to aspects of the scheme that would benefit from being altered in the light of experience.

Website

- (2) Mrs Dean commented that the link from the kent.gov.uk home page to the e-petitions screen was still not as obvious as the Committee had asked for. Mr Sass stated that the e-petitions scheme was one click away from the home page, but accepted that this could be improved further and undertook to liaise with the web team to resolve this. In response to comments from Mrs Dean, Mr Sass also undertook to re-examine the wording of the e-petitions web page to ensure that this wasn't too daunting for the general public.

Thresholds

- (3) The Committee was of a majority view that the petition thresholds should remain the same, i.e. 12,000 for a countywide matter and 1,000 for each

District/Borough Council area. Mrs Dean reiterated her previous comments that the petition thresholds should be halved.

Repeat Petitions

- (4) The Committee asked officers to give further thought to what constituted “a petition on the same subject within 6 months of a County Council petition debate” and consult Members accordingly prior to the review report being submitted to the County Council.

Variable thresholds for Petition debates

- (5) The Committee was of the view that the County Council remained the most appropriate forum for petition debates, but that in the future, Locality Boards might be the more appropriate forum for dealing with petitions relating to single District/Borough Council areas.

Guidance to Petitioners

- (6) Committee Members asked to be provided with a copy of any written guidance provided to petitioners over and above that set out in the petition scheme. Mr Sass undertook to do this.

Process for a County Council debate

- (7) The Committee accepted the proposals in relation to the proposed deadlines for the receipt of petitions and written statements from petitioners in relation to a County Council debate. Members were of the view that Group Leaders should be consulted before the Chairman makes a decision as to whether to consider a petition that reached the threshold for a County Council debate, but was received after the deadline. The Committee noted that the practise of a briefing note/position statement being circulated from the relevant Directorate in respect of each petition debate should continue.
- (8) The Committee agreed that the length of the petition debate at County Council should remain at 45 minutes and was inclusive of the Lead Petitioner, the local Member and the relevant Cabinet Member (in the event of the petition relating to an executive matter) all having a maximum of 5 minutes each, with all other speakers having a maximum of 3 minutes each. The Committee was also of the view that the petition debates should take place immediately after the lunch break and that, if necessary, the remaining agenda items should be re-ordered to accommodate this.

Limit on the number of debates at the County Council meeting

- (9) The Committee was of the view that there should be no limit on the number of petition debates that could be held at a County Council meeting, but that this should be kept under review.

Combining debates on similar subjects

- (10) The Committee was of the view that the Chairman of the County Council should have discretion to hold a combined debate on more than one petition if the subjects of the petitions were similar.

Policy Overview and Scrutiny Committees

- (11) The Committee agreed that any changes agreed in respect of County Council petition debates and the supporting process should be applied equally to petitions submitted to Policy Overview and Scrutiny Committees, as appropriate.

- (12) **Resolved:** that the County Council be invited to approve the following recommendations in relation to the Petition Scheme:

(a) no change be made to the threshold levels to trigger a debate at County Council but that this matter be kept under review by the Selection and Member Services Committee;

(b) County Council should remain as the most appropriate forum for petition debates for the time being, but that the matter be kept under review by the Selection and Member Services Committee;

(c) the definition to be used as to what constituted a “petition on the same subject” is: “a petition on the same decision/issue as one debated by the County Council within the previous six months”

(d) petitions for a County Council debate should be submitted to the Head of Democratic Services and Local Leadership fourteen days before the meeting but that the Chairman of the County Council should have discretion to accept petitions about urgent matters following consultation with the Group Leaders;

(e) the deadline for the receipt of the written statement should be brought forward to 5.00pm on the Monday of the week before the County Council meeting and there be a requirement for the Directorate to submit a brief position statement/briefing note to meet the same deadline, so that both pieces of information are available when the County Council agenda is despatched;

(f) the maximum time for a petition debate at County Council should remain at 45 minutes, which is regarded as being inclusive of the Lead Petitioner, Local Member and the relevant Cabinet Member (in the event of the petition relating to an executive matter) all having a maximum of 5 minutes each, with all other speakers having a maximum of 3 minutes each.

(g) no limit should be placed on the number of petition debates held at a single meeting of the County Council but that this matter be kept under review by the Selection and Member Services Committee;

(h) the Chairman of the County Council should have discretion to hold a combined debate on more than one petition if the subject matters are similar;

(i) petition debates should be placed on the agenda for the County Council immediately after the lunch break and that, if necessary, the Chairman of the County Council should re-order the remaining agenda items to accommodate this;

(j) the deadline for the receipt of petitions that call an officer to give evidence to a POSC, and the supporting statement, should be the same as for a County Council debate; and

(k) to include the requirement that the lead petitioner is given a copy of the recommendation(s) arising from a debate at the County Council or a Policy Overview and Scrutiny Committee.

24. Other Items that the Chairman decides are Urgent

(Item 6)

(1) The Chairman stated that there were no urgent items. However, Mr Christie asked for clarification of the application of the proportionality rules during a period where there were vacancies on the County Council and whether there was any provision in law for a temporary adjustment to proportionality when not all seats on the Council are filled. Mr Sass stated that he would seek an opinion from Mr Wild and advise all Members accordingly.