



KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

AGENDA

Thursday, 27 January 2011, at 2.00 pm Ask for: **Andrew Tait**
in the Wantsum Room, Sessions Telephone: **01622 694342**
House, County Hall, Maidstone

Membership (9)

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

Liberal Democrat (1): Mrs T Dean

Labour (1) Mr L Christie

UNRESTRICTED ITEMS

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

1. Substitutes
2. Declarations of Interests by Members in items on the Agenda for this meeting.
3. Minutes - 19 November 2010 (Pages 1 - 6)
4. Member appointments following the Dover Town By-election (Pages 7 - 10)
5. Recorded voting at Planning Application Committee meetings **WITHDRAWN**
6. Petition Scheme review (Pages 11 - 24)
7. South East Coast Ambulance Service - Nomination for Council of Governors (Pages 25 - 26)
8. Other Items which the Chairman decides are Urgent

EXEMPT ITEMS

(at the time of going to Print there were no Exempt items. During any such items which may occur the meeting is likely NOT to be open to the public).

Peter Sass
Head of Democratic Services and Local Leadership

Wednesday, 19 January 2011

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

KENT COUNTY COUNCIL

SELECTION AND MEMBER SERVICES COMMITTEE

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

By: Director of Law and Governance

To: Selection and Member Services Committee – 27 January 2011

Subject: MEMBER APPOINTMENTS

Classification: Unrestricted

Summary: Invites the Committee:-

(a) to make recommendations to the Council on 17 February on the revised total number of Committee places; the allocation of those places between the political groups; and the allocation of places on certain other bodies in the light of the recent Dover Town By-Election.

FOR DECISION

Composition of the County Council

1. (1) As a result of the election of Mr G Cowan at the recent Dover Town by-election, the composition of the County Council is now as follows:

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

Committee Appointments

2. (1) In order to reconstitute the Council's Committees in accordance with the Committee structure as set out in the Constitution, the Committee is invited to make recommendations to the meeting of the County Council on 17 February 2011 on the number of Members to serve on each Committee and the allocation of Committee places between the political groups.

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

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

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

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

(3) The Table set out below shows the total number of seats that would need to change hands if the proportionality principle were to be applied to each Committee. In terms of overall proportionality, this would lead to the Labour Group receiving 6 more seats than its entitlement at the expense of the Conservative Group. Those Committees where the Labour Group would be entitled to gain a place are identified in bold type.

(4) The Liberal Democrat Group has currently 1 more seat than it is entitled to because places on the Flood Risk Management Committee were allocated according to a calculation for the Committee with no reference being made to overall proportionality. Technically, this seat should be given to the Conservative Group.

(5) Entitlement to places on Select Committees and Panels is unaffected by the by-election result.

(6) This table was prepared before the outcome of the Tonbridge and Romney Marsh by-elections was known. For the purposes of calculating proportionality, these seats remain in the gift of the political Group that hold the seat prior to the by-election.

Committee	Con	Lib Dem	Lab	Un-allocated/independent	Total	Non KCC
Cabinet Scrutiny Committee	11 (11.30)	1 (1.08)	1 (0.46)	1 (0.15)	13 + 1	*5
Adult Social Services Policy Overview Committee	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	
Children, Families and Education POSC Learning and Development	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	@ 11
Children, Families and Education POSC Resource and Infrastructure	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	@ 11
Children, Families and Education POSC Vulnerable Children and Partnership	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	@ 11
Communities POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Corporate Policy Overview Committee	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Environment Highways and Waste POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	

Regeneration and Economic Development POSC	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	
Health Overview and Scrutiny Committee	10 (10.42)	1 (1.00)	1 (0.43)	0 (0.14)	12	4 \$
Scrutiny Board	9 (8.69)	1 (0.83)	0 (0.36)	0 (0.12)	10	
Governance and Audit Committee	11 (11.30)	1 (1.08)	1 (0.46)	0 (0.15)	13	
Electoral & Boundary Review Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Personnel Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Planning Applications Committee	15 (14.77)	1 (1.41)	1 (0.61)	1 (0.20)	17+1	
Regulation Committee	14 (13.90)	1 (1.33)	1 (0.57)	1 (0.20)	16 +1	**
Selection and Member Services Committee	7 (7.82)	1 (0.75)	1 (0.31)	0 (0.11)	9	**
Superannuation Fund Committee	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	3 (1/1/1)#
Children's Champions Board	7 (6.95)	1 (0.66)	0 (0.29)	0 (0.10)	8	
Flood Risk Management Committee	6 (6.08)	1 (0.58)	0 (0.25)	0 (0.08)	7	
TOTAL	193	20	14	3	230	
Proportionate Share of Total	200 (199.88)	19 (19.17)	8 (8.21)	3 (2.74)	227 (+3)	
Difference to Proportionate share	-7	+1	+6	0		

Sub-Committees	Con	LD	Lab	Ind/un-allocated	Non KCC	Total
Select Committees	7	1	0	0		8
Regulation Committee Panels (School-related Appeals (mainly Transport); Enforcement, Public Rights of Way, Marriage Premises, Village/Town Greens)	4	1	0	0		5

Advisory Boards	Con	LD	Lab	Ind/un-allocated	Non KCC	Total
Gypsy and Traveller Advisory Board	7	1	0	0		8

School Organisation Advisory Board	7	1	0	0		8
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(6) In order for the Labour Group to achieve its full entitlement of 8 seats, the Committee is requested agree that the Labour Group be invited to choose which three of the places identified in bold it wishes to take up.

(7) The Labour Group has requested that they be allowed to appoint Members to take up those additional positions to which they will become entitled immediately after the revised proportionality statement is determined at the County Council meeting on 17 February. In order to facilitate this, it is recommended that the Head of Democratic Services and Local Leadership be given delegated authority to make the appointments to the Committees once the Labour Group's wishes are confirmed.

Other Authorities, Joint Committees and Partnership Bodies

3. (1) The proportionality principles in the 1989 Act also apply to the appointments which the County Council makes to various other authorities, joint committees and partnership bodies. The entitlement to places is unaffected except for the Kent and Medway Fire and Rescue Authority where the Labour Group is now entitled to 1 seat at the expense of the Conservative Group.

Recommendations

4. (1) The Committee is asked to:-

(a) recommend the revised proportionality calculations to the County Council on 17 February, confirming that the Labour Group will be invited to fill an additional three Committee places to which the individual proportionality rules would entitle them;

(b) give delegated authority to the Head of Democratic Services and Local Leadership to make the appointments to the Committees immediately after 17 February, once the Labour Group's wishes are confirmed

(c) recommend to the Council on 17 February that the Labour Group receive an entitlement to take up a seat on the Kent and Medway Fire and Rescue Authority at the expense of the Conservative Group.

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

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

To: Selection and Member Services Committee
27 January 2011

Subject: **Petition Scheme – review**

Classification: Unrestricted

Summary: As agreed at the County Council on 16 December 2010, this Committee continues its ongoing review of the Petition Scheme.

1. Introduction

(1) At the meeting of the County Council on 16 December 2010 a number of amendments were made to the Petition Scheme (a copy of the updated Scheme is attached as **Appendix A**).

(2) It was agreed at County Council that there would be a report to this Committee giving the opportunity to review the Scheme and especially the petition debates on County matters relating to Borough/District Council areas.

2. Current Situation

(1) On 24 September 2010 the Department for Communities and Local Government (DCLG) sent a letter to all local authority Chief Executives informing them that the statutory guidance “Listening to communities: statutory guidance on the duty to respond to petitions” had been withdrawn.

(2) The Localism Bill, which was introduced to Parliament on 13 December 2010, proposed the repeal of the legal requirements relating to petitions which were introduced by the Local Democracy, Economic Development and Construction Act 2009. A list of these legal requirements is attached as **Appendix B**.

(3) A letter from the DCLG to all Chief Executives dated 16 December 2010 (copy attached as **Appendix C**) made it clear that the County Council is still legally bound to comply with the minimum requirements of the current legislation but stated that:

“In considering your approach to doing so, you will wish to have regard to both the Government’s commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending.”

3. E-Petitions

(1) Concern has been expressed by some Members about the ease of accessing the E-Petition Scheme. It is intended to demonstrate at the meeting how a member of the public would set up and sign an e-petition.

(2) The E-Petition Scheme is run from the modern.gov system which operates the Committee Management system. This system is used by a number of other local authorities including Brighton and Hove Council and Lambeth Council who have had e-petition schemes for over a year. This is a no cost option as it is included in the package. There are a number of other e-petition systems on the market but there would be a cost to procure another system.

(3) The concerns raised at the last meeting of the Committee on the ability to access the e-petitions page from the home page on kent.gov have been passed to the Central Web Manager in the Communications and Media Centre. She has stated that work is being undertaken to make the links in the "Do it on line" box on the home page more visible (the current way that this page works will form part of the demonstration at the meeting). It is anticipated that the improved home page design features will be released in February.

(4) The Communications and Media Centre intend to have a kent.gov home page feature on Petitions before every County Council meeting.

4. Petition debates on County matters relating to Borough/District Council areas

(1) At the meeting of the County Council it was agreed that this Committee should give further consideration to the balance between exposing petitions on County matters relating to Borough/District Council areas to meetings of the County Council and the efficiency of the business of that meeting.

(2) It is suggested that such petitions would more appropriately be considered at a meeting of the appropriate Locality Board, with special provision made for matters that cover more than one Borough/District Council area. This is a matter that could be considered when the remit of these Boards are determined.

(3) At the last meeting of this Committee, the following two options for petitions relating Borough/District Council areas (which trigger the threshold of 1,000 signatures per area) were considered, but it was decided to take no action at this time:

- (a) To hold these debates at the next meeting of the appropriate Policy Overview and Scrutiny Committee (POSC). The advantage of having Borough/District area issues debated at POSCs rather than County Council would be that the members of the POSC would have developed a detailed knowledge of the subject which would assist them in debating the matter and making recommendations. Cabinet Members attend POSCs, which are

open to the public and webcast. Currently POSCs only meet 5 times a year and these meetings are not spread evenly throughout the year.

- (b) To refer any petition that reaches the threshold for a county matter relating to a District/Borough area and which relates to an Executive matter to be discussed at Cabinet. The advantage of this option is that petitions reaching the relevant threshold will be responded to formally in a more timely fashion because of the frequency of the Cabinet meetings. If this particular option were chosen, it might be also be appropriate to consider whether a formal amendment to the Scheme was required to allow local Members to attend and speak on petitions at Cabinet meetings.

- (4) It should be noted that if Members wish to propose any amendments to the Petition Scheme these will require approval by the County Council.

5. Recommendation

That the Selection and Member Services Committee:

- (a) note the provision with in the Localism Bill to remove the statutory requirements relating to Petitions.
- (b) consider whether the remit of Locality Boards should include referring petitions that reach a certain threshold to them for debate and recommendation.
- (b) consider whether they wish to make any recommendations to the County Council to amend the Petition Scheme in relation to petition debates on county matters relating to Borough/District Council areas in the meantime.

Contact:

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(01622) 694002*

Background documents - Nil

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Petition Scheme

1. What are the guidelines for submitting a petition?

- (a) Petitions submitted to the County Council must include:
- (i) a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the County Council to take.
 - (ii) 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
 - (iii) 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).
- (b) 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.
- (c) * In deciding if a petition is vexatious the guidance used for the Freedom of Information act the starting point will be:
- “Deciding whether a 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”**
- (d) 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.
- (e) Petitions for a County Council debate should be submitted to the Head of Democratic Services & Local Leadership at least 14 days before the next available meeting. The Chairman shall have discretion to accept petitions on urgent matters after that deadline following consultation with the political Group Leaders.
- (f) 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.

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

- (a) 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.
- (b) 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.
- (c) If the petition applies to a planning application, 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.
- (d) 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.

3. How will the County Council respond to petitions?

- (a) 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:
 - (i) taking the action requested in the petition
 - (ii) considering the petition at a Council meeting
 - (iii) holding an inquiry into the matter
 - (iv) undertaking research into the matter
 - (v) holding a public meeting
 - (vi) holding a consultation
 - (vii) holding a meeting with petitioners
 - (viii) referring the petition for consideration by one of the Council's overview and scrutiny committees* or in the case of cross cutting issues the Head of Democratic Services and Local Leadership in consultation with the Chairman and Spokesmen of the Scrutiny Board will determine which overview and scrutiny committee will consider the petition
 - (ix) calling a referendum
 - (x) writing to the petition organiser setting out our views about the request in the petition

- (b) * 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.
- (c) The County Council will tell you what it intends to do with the petition within 20 days of receipt of the paper petition or the close of an e-petition.
- (d) 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 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.
- (e) 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.

4 Full County Council debates

- (a) If your petition relates to a county-wide matter and contains at least 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 your petition covers a County Council matter that relates to a specific District Council area it will require at least 1,000 signatures for it to be debated by the County Council. If this matter relates to more than one District Council area then at least a 1,000 signatures per District Council area will be required for the matter to be debated by the County Council.
- (b) 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.
- (c) 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 by 5:00pm on the Monday of the week before the County Council meeting. The relevant Directorate should also submit a brief position statement/briefing note by the same deadline;
- (d) 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. The total time for a petition debate will be 45 minutes. If the lead petitioner, or their named representative, does not attend the County Council meeting then the petition will be considered in their absence.

- (e) 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 the relevant Cabinet Member or committee.
- (f) Where the issue is one on which the County Council's Executive is required to make the final decision, the County Council will decide whether to make recommendations to inform that decision.
- (g) The petition organiser will receive written confirmation of the Council's decision, which will also be published on our website.
- (h) The County Council will not debate a petition on the same decision/issue as one debated by the County Council within the previous six months.

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

- (a) 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.
- (b) 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.
- (c) 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.
- (d) The lead petitioners or their named representative:
 - (i) 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 by 5:00pm on the Monday of the week before the Overview & Scrutiny meeting;
 - (ii) 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;

- (iii) 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;
- (iv) will receive written confirmation of the Overview & Scrutiny Committee's decision, which will also be published on our website

6 E-petitions

- (a) The Council welcomes e-petitions which are created and submitted through our website. 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.
- (b) 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)
- (c) 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.

7 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.

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

- (a) 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.

- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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

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

Local Democracy, Economic Development and Construction Act 2009

Summary of legislative requirements

- The County Council must establish a scheme for handling petitions (excluding petitions relating to planning matters).
- The scheme, and any subsequent amendments to it, must be approved by the County Council and published on the County Council's website.
- Anyone who lives, works or studies in the County Council's area can sign a petition.
- Petitions must be acknowledged and the lead petitioner told how the County Council responds to the Petition.
- The ways in which the County Council can respond to a petition must include the following:
 - Taking the action requested in the petition
 - Considering the petition at a meeting of the authority
 - Holding an inquiry
 - Holding a public meeting
 - Carrying out research
 - A written response setting out the authorities views
 - Referring the petition to an overview and scrutiny committee
 - Petitions that have a certain number of signatures (number to be decided by the County Council) will trigger a debate at the County Council meeting.
 - Petitions that have a certain number of signatures (number to be decided by the County Council) will require a senior local government officer to give evidence at an Overview and Scrutiny Committee
- If requested by a lead petitioner arrangements must be made for an Overview and Scrutiny Committee to review the adequacy of the steps taken to response to the petition.
- To have an e-petition scheme by 15 December 2010.

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Claire Cooper
Deputy Director, Community Action Division

**Department for Communities and Local
Government**
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Eland House
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London SW1E 5DU

www.communities.gov.uk

16 December 2010

Dear Chief Executive

Changes to petitions requirements

I wrote to you on 24 September informing you of the withdrawal of the statutory guidance on the duty to respond to petitions under the Local Democracy, Economic Development and Construction Act 2009. This has provided more discretion for you to decide how you approach petitions locally.

In that letter, I also explained that the petitions requirements in Chapter 2, Part 1 of the Local Democracy, Economic Development and Construction Act 2009 remained in force unless or until repealed by fresh primary legislation. We now have the legislative opportunity to seek to remove these requirements through the Localism Bill which was introduced to Parliament on 13 December.

The requirements of the petitions legislation remain in force as their repeal is debated during the passage of the Localism Bill, and local authorities are required to meet these. In considering your approach to doing so, you will wish to have regard to both the Government's commitment to remove unnecessary prescription for local authorities and the priority of cutting out all wasteful spending.

If you have any queries concerning this letter, please contact Emily Bliss on 030344 42022 or e-mail emily.bliss@communities.gsi.gov.uk.

A handwritten signature in black ink, appearing to read "Claire Cooper", is positioned above the printed name.

CLAIRE COOPER

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By: Julie Rook, Chairman
Paul Wickenden, Overview Scrutiny and Localism Manager

To: Selection and Member Services Committee – 27 January 2011

Subject: South East Coast Ambulance Service – Nomination for Council of
Governors

Introduction

1. (1) The South East Ambulance Service is hoping to achieve Foundation Trust Status by the Spring.

(2) As part of this process the South East Coast Ambulance Service has decided that now is the right time to establish in shadow form the Council of Governors.

(3) Kent County Council was approached verbally just before the closing date for nominations to consider putting forward a nominee to represent all the Local Authorities within the South East Coast Ambulance Service boundary.

Council of Governors

2 (1) The Council of Governors will comprise of 24 Governors 8 of whom are appointed from the partner organisations of the Service. One of these eight will be a local authority Governor drawn from the Local Authorities across the South East Ambulance Service area. Governors are expected to be in post for one term – 3 years.

(2) In addition to engaging with Members and ensuring their voice is heard governors will have statutory duties to:-

- (a) Appoint and, if necessary, remove Chairman and non executive Directors;
- (b) Set the pay levels and conditions of employment for the non executive Directors;
- (c) Approve the appointment of the Chief Executive of the Council;
- (d) Receive the Trusts Annual Report and Accounts;
- (e) Appoint or remove the Trusts auditors

(3) Nominees cannot be a Member who serves on the Health Overview and Scrutiny Committee or is a Governor or a Director of another NHS Foundation Trust or NHS Trust.

(4) Following consultation with the Chairman of this Committee Mr Mark Dance was put forward as the nominee.

(5) I am pleased to inform the Committee that the nomination of Mr Dance was successful and Mr Dance has been appointed the sole representative of

the Local authorities within the South East Coast Ambulance service Area on the Shadow Council of Governors.

Recommendation

3. The Committee are asked to -

- (a) note the action taken following consultation with the Chairman in putting Mr Dance forward for the local authority nomination; and
- (b) note that Mr Dances nomination was successful